

LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 11th June, 2019
Time of Commencement: 6.30 pm

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| Present:- | Councillor Mark Olszewski – in the Chair |
| Councillors | Miss J Cooper, J. Cooper, S. Dymond, G. Heesom, Hutton, T. Kearon, K. Robinson, S. Sweeney, J. Walklate, J Waring, G Williams, J Williams and R. Wright |
| Officers | David Adams - Executive Director Operational Services, Nesta Barker - Head of Environmental Health Services, Matthew Burton - Licensing Administration Team Manager, Geoff Durham - Mayor's Secretary / Member Support Officer, Steve Gee - Operations Manager, Phil Jones - Head of Communications and Anne-Marie Pollard - Solicitor |

1. **PART 1 - LICENSING**

2. **APOLOGIES**

Apologies were received from Councillors' Parker and Gary White.

3. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no Declarations of Interest stated in respect of Licensing matters.

4. **MINUTES OF PREVIOUS MEETING**

Resolved: That, subject to Councillor Walklate being recorded as in attendance, the Minutes of the meeting held on 30 April, 2019 be agreed as a correct record.

5. **URGENT BUSINESS IN RELATION TO LICENSING MATTERS**

There was no urgent business in respect of Licensing matters.

6. **PART 2 - PUBLIC PROTECTION (OPEN)**

7. **DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no Declarations of Interest stated in respect of Public Protection matters.

8. **TWO SPEAKERS (ONE HACKNEY AND 1 PRIVATE HIRE)**

Two speakers, one representing Hackney Carriage and one representing Private Hire were invited to address the Committee.

Mr Tariq Mahmood, the Chairman of the Hackney Carriage Association stated that although work on the Policy commenced in August, 2017 no members of the

Taxi Association or Trade were consulted. They were first contacted in October, 2018 when it was out for consultation.

Mr Mahmood said that they had only had five meetings with the Council during the consultation period and they had tried their best to negotiate but, as their concerns were not addressed they took industrial action. Further, the officer's recommendations reflect that the Trade's recommendations and proposals were not taken seriously.

Mr Mahmood referred to the car age policy, comparing it to that of Stoke on Trent City Council who allow up to 7 year old vehicles to be registered the first time. It was also felt that the 40,000 miles on the clock reference was not acceptable. The changes to Grandfather rights and penalty points were also unacceptable.

Mr Shiraz Yakoob, representing the Private Hire drivers stated that the drivers felt strongly about the Policy and that they had not been involved from the early stages. Drivers felt as though they were being victimised. There were a lot of people who depended upon the Trade and the drivers needed to be able to sustain the service.

The Trade had given the Policy a great deal of thought and had tried to come to a reasonable compromise.

Mr Yakoob said that it made no sense not being able to operate from over the border. Further, the current Policy allowed them to offer competitive rates.

The drivers want to keep the service local and want to work with the Council to improve standards.

With regard to the English test, it was agreed that there should be a minimum level of understanding. However, asking all drivers to take a language/knowledge test was not necessary.

9. **TAXI POLICY REPORT**

Consideration was given to a report introduced by the Council's Head of Environmental Health Services, Mrs Nesta Barker on the Taxi and Private Hire Licensing Policy 2019-2022 asking Members to review the consultations received in respect of the draft taxi policy and to discuss and agree any amendments to the proposed new Taxi and Private Hire Licensing Policy following the consultation period.

Members' attention was drawn to paragraphs 2.10 and 2.11 of the report which gave a breakdown of responses received during the consultation period.

The report contained twenty seven decisions for Members to agree upon:

Decision 1 – English speaking and writing requirement for drivers

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Councillor Kearon asked why there had to be a 'written' English Test for drivers?

The Council's Licensing Administration Team Manager, Mr Matthew Burton explained that this was for the purpose of writing receipts or insurance details.

Councillor Robinson thanked the representatives for coming along. He stated that he regularly used taxis and on occasion, drivers had struggled to write a receipt. In addition, there were a small minority of drivers who came to the Public Protection Sub-Committee meetings who were unable to speak English and it was the council's responsibility to protect the public.

Moved by Councillor Robinson and seconded by Councillor Hutton.

Resolved: That, all new applicants and current licence holders must be able to converse orally and in writing in English to a standard that would reasonably be expected of a person undertaking the role of a taxi driver

Decision 2 – English speaking and writing requirement for drivers (Standards)
Relevant Sections in original draft proposal:
Section 3.2 and Appendix C

Councillor Sweeney referred Members to paragraph 2.17 of the report stating that this was coming to all Council's and not just to Newcastle.

Councillor John Williams agreed that drivers must represent themselves but asked if they could still bring someone along for morale support.

Mr Burton confirmed that drivers could bring someone along for support.

Councillor Kearon queried if the written requirement was job specific was there an expectation that this also referred to language skills.

Mr Burton confirmed this, stating that it would be a lower level standard that was required, allowing drivers to carry out their role.

Moved by Councillor Robinson and seconded by Councillor John Cooper.

Resolved: That elements of the application procedure and criteria are used to determine whether an individual meets the required standards e.g. at the appointment interview the individual must represent themselves and be able to answer questions asked of him/her, and the proposed knowledge test could contain open questions that require a written response.

Decision 3 – English speaking and writing requirement for drivers (Checks) -
Relevant Sections in original draft proposal:
Section 3.2 and Appendix C

This decision was now no longer applicable.

Decision 4 – Knowledge Test for Drivers

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Councillor Sweeney proposed that the test should remain the same but should only be for new drivers (Counter Proposal 2c). This was seconded by Councillor Kearon.

Councillor Kearon asked, if a driver failed the test at Newcastle and then acquired a licence with a neighbouring Authority – what was the point of the test?

Mr Burton stated that the Deregulation Act, 2015 allows ‘cross-bordering’ so a number of operators had a licence with different Authorities and could therefore sub-contract.

Councillor Kearon responded, if a new driver failed the test three times at Newcastle, they could go to a neighbouring authority who could then sub-contract them to Newcastle.

Councillor Heesom queried where Newcastle would stand with regard to enforcement in such an occurrence.

Mr Burton confirmed that Newcastle would not have any authority over the driver unless it was a plying for hire offence. The issuing Authority would have to deal with other issues.

Moved by Councillor Sweeney and seconded by Councillor Kearon.

Resolved: (i) That, all new applicants are required to pass the Council’s written test before the Council will grant them a driver’s licence. The test will be carried out in English. In addition, all existing driver must successfully complete the Council’s in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council’s vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability awareness
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections

must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.

- (ii) That only new drivers should have to meet the requirement. However existing drivers may be required to pass the new knowledge test should concerns be raised relating to any of the subjects areas covered by the proposed test.

Decision 5 – Driver Requirements for Medical certificates

Relevant Sections in original draft proposal:

Section 3.2 and Appendix C

Councillor Kearon asked if this requirement was introduced, were there any potential financial implications for the drivers?

Mr Burton confirmed that there would be in that the doctors charged for medicals.

Councillor Kearon queried whether this was a Department for Transport (DfT) recommendation that was likely to become a requirement.

It was confirmed that this was included in the DfT Best Practice Guidance.

Councillor Robinson felt that this was excessive when a driver had to notify the DVLA of any serious long term illnesses.

The medical standards were different for 'ordinary' drivers and Public Service Vehicles.

Moved by Councillor John Williams and seconded by Councillor Hutton.

Resolved: All applications must - Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months; and

All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council.

Decision 6 – Hackney Carriage Vehicle Licensing Criteria – Age of Vehicles

Relevant Sections in original draft proposal:

Section 3.3 and Appendix E

Councillor Sweeney queried the criteria in that the policy states that all new vehicles should be less than four year's old. It also states that the mileage should be no more than 40,000. Did this mean it should be one criteria or the other?

This was confirmed although the vehicle could not be over the maximum age limit (if using the 40,000 miles criteria).

Councillor Sweeney also queried the Grandfather rights.

Mr Burton explained that where the Policy stated that all Hackney's must be wheelchair accessible, under grandfather rights, this would be exempt to the drivers who had a saloon car prior to the policy enforcing this. Such drivers could replace their vehicle with a similar one when it came to the end of its 'life'.

Councillor Hutton asked for clarification of the Grandfather rights.

Mr Burton stated that the officers proposal was different to what the Trade wanted. The Trade had requested that the rights be transferrable with the licence.

Councillor Robinson asked whether neighbouring Policies had been examined. He felt that this would penalise the drivers who kept their cars in excellent condition. Mr Burton confirmed that other Policies had been looked at.

The Council's Operations Manager, Mr Steve Gee stated that there was always a cut off point for vehicles, whether it be its age, mileage or maintenance cost.

Councillor Robinson moved Counter Proposal 2a which was seconded by Councillor Dymond. A vote was taken and this was carried.

At this point in the meeting. the drivers caused a disruption and began to vacate the room. The meeting was adjourned at 8.05pm for five minutes.

It was ascertained that the Trade had 'misunderstood' the recommendation and once this had been cleared up, the drivers returned to their seats. They apologised for their misunderstanding.

The meeting reconvened at 8.10pm

Mr Burton clarified Counter Proposal 2a which had been agreed by Members and advised that as this proposal had been accepted, the 'Grandfather rights' had to be agreed upon, by opting for either Counter Proposal 2b or 3b.

Councillor Gill Williams moved option 3b, this was seconded by Councillor Heesom.

Resolved: (i) To adopt the same age/vehicle licensing policy at Stoke

City Council currently use. That is that vehicles must be less than 7 years old when first licensed. When the vehicles become 10 years old they require safety/MOT tests at 6 monthly intervals and there is no maximum age. All new Hackney Carriages must be wheelchair accessible but owners of currently licensed saloon/hatchback/estate vehicles may replace the vehicle with one of a similar body type.

- (ii) Owners of 'saloon taxis' vehicles to retain their grandfather rights to replace the vehicle. The replacement vehicle can be a saloon/hatchback/estate. Those rights cease if the vehicle is transferred to another proprietor/s and the vehicle will cease to be licensed when it reaches the maximum age limit.

Decision 7 – Private Hire Vehicle Licensing Criteria – Age of Vehicles

Relevant Sections in original draft proposal:

Section 3.4 and Appendix H

Moved by Councillor Kearon and seconded by Councillor John Williams.

Resolved: That the Council adopt the same age/vehicle licensing policy at Stoke City Council currently use. That is that vehicles must be less than 7 years old when first licensed. When the vehicles become 10 years old they require safety/MOT tests at 6 monthly intervals and there is no maximum age.

Decision 8 – Vehicle testing requirements

Relevant Sections in original draft proposal:

Sections 3.3 and 3.4

Councillor Kearon supported this and queried whether a joint test was being looked at, as it was referred to in one of the Counter Proposals.

Mr Gee stated that the feasibility of this was being looked at but there were pros and cons which it would be worth talking over with representatives of the Trade.

Moved by Councillor Kearon and seconded by Councillor Robinson.

Resolved: That all vehicles undergo a mechanical safety test twice per year. Once by way of a MOT test at a DVSA authorised vehicle testing station. The second test (the NULBC taxi safety test) to be carried out by the Council Garage, or authorised alternative.

Decision 9 – Hackney Carriage and Private Hire Vehicle Proprietor Requirements

Relevant Sections in original draft proposal:

Sections 3.3 and 3.4

Moved by Councillor John Cooper and seconded by Councillor Sweeney.

Resolved: That vehicle owners should be required to submit a Basic

Disclosure certificate but not for the Council's Knowledge Test.

Decision 10 – Private Hire Operator Base Location

Relevant Sections in original draft proposal:

Section 3.5

Councillor Sweeney felt that there was no reason to not have a base within the Stoke on Trent area.

Councillor Sweeney therefore moved recommendations 3a and 3b. This was seconded by Councillor John Cooper.

- Resolved:**
- (i) That, Private Hire Operators that hold a licence with the authority and operate their business from premises located outside of the Borough, at the time of policy implementation, be allowed to continue being licensed to operate from that premises providing that they renew their licence prior to it expiring. After the implementation date new licences will only be issued to operators whose prospective premises are located with the Borough.
 - (ii) That an additional condition be included on Private Hire Operator licence conditions that stipulates that the Operator must allow Police Officers and authorised officers of the Council access to the business address, at any time the business is in operation, for the purpose of carrying out inspections and obtaining copies of relevant records.

Decision 11 – Light Transmission through rear passenger window requirements

Relevant Sections in original draft proposal:

Appendices E and H

Moved by Councillor John Cooper and seconded by Councillor Hutton.

- Resolved:** That vehicles have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986.

Decision 12 – Motoring Convictions Guidelines

Relevant Sections in original draft proposal:

Appendix J

Moved by Councillor Heesom and seconded by Councillor Julie Cooper

- Resolved:** That the following Guidelines be agreed:

Motoring convictions

- Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

- Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence.

- A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. The 7 year period remains in place even when penalty points expire and are removed from the DVLA licence.

Decision 13 – Penalty Points System

Relevant Sections in original draft proposal:
Section 4.4 and Appendix L

Moved by Councillor Gill Williams and seconded by Councillor John Williams

Resolved: That the penalty points system be removed entirely and replaced with a '3 strikes and out' system. Action would only be taken against a person/company if they received 3 warnings within a rolling 3 year period. After 3 warnings the individual's licence would automatically be referred to the Public Protection Sub-Committee, however action may be taken sooner if deemed appropriate in the circumstances.

Decision 14 – Door Livery to be displayed on Private Hire Vehicles

Relevant Sections in original draft proposal:
Appendix G

Moved by Councillor Sweeney and seconded by Councillor Heesom

- Resolved:**
- (i) That each private hire vehicle, unless granted an exemption by the Council, must display door livery. The form, location and wording must be approved by the Council. It must have the name and telephone number of the operator and the words "private hire" or "office bookings only" on the livery. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words "for hire", the word "taxi" or any derivative thereof.
 - (ii) That (i) above be amended to state that the operator telephone number being displayed is optional.

Decision 15 – Door Livery to be displayed on Hackney Carriage Vehicles

Relevant Sections in original draft proposal:
Appendix D

Moved by Councillor John Cooper and seconded by Councillor Hutton

- Resolved:**
- (i) Door Signs – That, where the owner chooses to adopt door signs the form, location and wording must be approved by the Council. It must have the name and telephone number of the operator or proprietor. It may have one of "for hire" or "taxi" but must not have the words "private hire" on the livery. All parts of the sign must be clearly legible from a reasonable distance
 - (ii) That (i) above be amended to state that the operator telephone number being displayed is optional.

Decision 16 – Licensed drivers working for Private Hire Operators

Relevant Sections in original draft proposal:

Section 3.2 and Appendix B

Moved by Councillor John Williams and seconded by Councillor Sweeney.

Resolved: That the driver must provide a copy of the driver licence issued to them by the Council to their operator when they have made themselves available for private hire work for that operator. They must also give them a copy of their DVLA driver's licence.

Decision 17 – Hackney Carriage and Private Hire Vehicle Specifications – Written off Vehicles

Relevant Sections in original draft proposal:

Sections 3.3-3.4 and Appendices E and H

Moved by Councillor John Williams and seconded by Councillor Heesom

Resolved: That, vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes.

Decision 18 – Hackney Carriage and Private Hire Vehicle Conditions – Vehicle Idling

Relevant Sections in original draft proposal:

Appendices D and G

Councillor John Cooper stated that this was a common sense approach to help with air pollution.

Councillor John Williams queried whether heaters in cars could operate without the engine running.

Mr Burton advised that if it was a cold day these were mitigating circumstances.

Moved by Councillor John Cooper and seconded by Councillor Sweeney.

Resolved: That, when licensed vehicles are parked on the highway or in a public place during the course of their duties that the engine must be kept from idling at any time, unless there is a mitigating reason to. Drivers must turn off the engine when requested by an Authorised Officer of the Council.

Decision 19 – Driver Code of Conduct and Vehicle Conditions – Transportation of animals

Relevant Sections in original draft proposal:

Appendices B, D and G

Councillor Hutton advised the Trade that, with the exception of assistance dogs, if someone wished to board a taxi but refused to 'restrain' their pet, the drivers could refuse entry.

Drivers would have to carry assistance dogs unless they hold a Medical Exemption Certificate.

Moved by Councillor Hutton and seconded by Councillor Jill Waring.

Resolved: The driver may carry any animal belonging to a passenger at his/her own discretion and it is the responsibility of the driver to ensure that the animal is suitably restrained in order that it will not cause a distraction, or cause injury to you or themselves if you have to stop quickly. **N.B.** if you are carrying an animal in the front of the vehicle, your vehicle has an airbag and it is not lying in the footwell you must notify the owner.

Decision 20 – Private Hire Operator Conditions – Vehicle Maintenance Records

Relevant Sections in original draft proposal:

Section 3.5 and Appendix I

Moved by Councillor Heesom and seconded by Councillor Julie Cooper

Resolved: To remove the requirement on operators. It is the vehicle owner that is best placed to keep a record of the vehicles maintenance, which is included in the proposed vehicle conditions, and that it would be too onerous and disproportionate to require an Operator who may not own that vehicle to keep those records and make those checks.

Decision 21 – Driver Code of Conduct and Vehicle Conditions – Carrying and Stopping for Passengers with assistance dogs

Relevant Sections in original draft proposal:

Appendices B, D and G

Moved by Councillor John Cooper and seconded by Councillor June Walklate

Resolved:

- (i) Paragraph ... does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers)
- (ii) That (i) above be amended to state that when a driver is plying for hire/attending a booked fare a driver must stop for that passenger. Failure to do so would be considered as an illegal refusal.

Decision 22 – Hackney Carriage and Private Hire Vehicle Licensing Criteria – Electric Vehicles with Range Extenders
Relevant Sections in original draft proposal:
Section 3.3 - 3.4 and Appendices E and H

Councillor Gill Williams asked what a range extender was.

Mr Burton explained that it was an electronic device which increased battery life which therefore resulted in the car travelling extra miles.

Moved by Councillor Hutton and seconded by Councillor Jill Waring.

Resolved: That should an applicant wish to licence an Electric Vehicle then it will be permitted for those vehicles to have been fitted with a range extender approved by the manufacturer and fitted by a suitably qualified professional.

Decision 23 – Penalty Points System – Additional misdemeanour items - Only relevant if Option 1 from Decision 13 above is decided (i.e. to retain the proposed Penalty Points Scheme
Relevant Sections in original draft proposal:
Section 4.4 and Appendix L

This was no longer required, based on previous decisions.

Decision 24 – Driver Code of Conduct – Working Hours
Relevant Sections in original draft proposal:
Appendix B

Councillor John Cooper asked what would be classed as ‘excessive’.

Mr Burton advised that drivers should be working for no more than ten hours and a 30 minute break should be taken after 5 hours or 45 minute break after working 8.5 hours, unless it was the end of the working day.

Councillor John Williams stated that it was difficult to regulate driver’s hours and that the operators should ensure that their drivers were not doing excessive amounts.

Moved by Councillor John Cooper and seconded by Councillor Sweeney.

Resolved: That a code be included stating that a driver must ensure that they are properly rested between shifts, and do not work an excessive number of hours in accordance with the existing GB Domestic Drivers Hours Rules for Passenger-carrying Vehicles.

Decision 25 – Private Hire Operator Conditions - Various
Relevant Sections in original draft proposal:
Section 3.5 and Appendix I

Moved by Councillor Hutton and seconded by Sweeney.

Resolved: That conditions 2, 5, 10, 11 and 15 be removed or amended, as below:

- Condition 2 – Amend to say that an operator can inform the Council after they add a vehicle to their fleet within a 72 hour period;
- Condition 5 – Remove the condition;
- Conditions 10 and 11 – Amend to state the type of complaints that are to be reported, give a timeframe for reporting and what details are required;
- Condition 15 – Remove the requirement to keep details of their drivers' medical expiry dates.

Decision 26 – Driver Conduct – Transporting Children

Relevant Sections in original draft proposal:

Section 3.2, Appendices B and K

Moved by Councillor Heesom and seconded by Councillor Robinson.

1. **Resolved:** (i) Drivers must inform parents/carers that the decision to

permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children. Failure to use a child car seat or similar designed apparatus where available, will enable the driver to refuse the carriage of that child/young person.

However once in the vehicle it is the driver's responsibility to ensure that passengers under 14 years old are correctly restrained.

Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the

age of fourteen years.

A vulnerable passenger must not be transported in the front passenger seat of the vehicle.

- (ii) That the sections in (i) above be amended to reflect that a driver working under a Staffordshire County Council, or other relevant body, contract for carrying vulnerable persons can not refuse to carry children and may if appropriate carry them in the front passenger compartment of the vehicle.

Decision 27 – Wording amendments and clarification

Relevant Sections in original draft proposal:

All sections and Appendices

Moved by Councillor Hutton and seconded by Councillor Julie Cooper.

Throughout the consultation period it has become apparent that, through consultee responses and from Officers discussion and review, certain sections of the draft policy would benefit from minor typographical amendments to assist with the interpretation and administration of those sections. Officers consider that the points listed below would benefit from the described amendment, but that amendment would not result in a change to the original intention of each section, merely to assist with the understanding of it:

Resolved: That the following amendments be made:

- a. To clarify that where there is a reference to Electric Vehicles it should include other 'Zero Emission' capable vehicles E.g. Hydrogen fuel cells and any future technology. This is to future proof the content of the policy and given greater options to prospective vehicle purchasers.
- b. To replicate section 3.3.3 into the Private Hire Vehicle section at 3.4:
All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council. Under s.167 Equality Act 2010 the Council may create a list of all licensed Wheelchair Accessible Vehicles, placing the below duties on the driver:
 - *to carry the passenger while in the wheelchair;*
 - *not to make any additional charge for doing so;*
 - *if the passenger chooses to sit in a passenger seat, to carry the wheelchair;*
 - *to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;*

- *to give the passenger such mobility assistance as is reasonably required.*
- c. At section 6.0, Policy Consultation – add the consultees that the policy was sent to but weren't stated as having done so in the original draft.
- d. At Appendix B, code 4 – clarify at what point of receiving a Fixed Penalty Notice the Council consider to be the conviction date. E.g. the date on which they accept the liability by paying the penalty charge.
- e. In sections 3.3, 3.4 and Appendices E and H clarify that a vehicle licence does not lapse on the anniversary of it being registered, it lapses at the next expiry date of the licence following the anniversary. E.g. if the vehicle licence is renewed when it is 6yrs and 8 months old, and the maximum age of that type of vehicle is 7 years, then a licence will still be issued for a year and the vehicle would cease to be suitable for licensing at the end of that licence.
- f. At section 5.4, Hackney Carriage Tariffs – add a paragraph that explains the legal requirements of when a meter must be used.
- g. At Appendices D and G, condition 7 – clarify that trailers can be towed on the way to and from a booking, as well as during the booking itself.
- h. At Appendix B, code 38 and Appendices D and G, conditions 38 and 36 respectively – make it clear that drivers must carry assistance dogs free of charge. Use positive language that is negative e.g. 'must not'.
- i. At Appendix C, paragraph 38 – Add that drivers issued with medical exemptions by the Council will receive a tactile exemption card in order that visually impaired customers can confirm the validity of the exemption.
- j. Amend all references of 'Disability Awareness Training' to 'Disability Equality Training'.
- k. At section 3.1.6, relationship between School contracts and DBS requirements – add a link to the school contracts team details and their DBS requirements.
- l. At section 3.2.4 and 3.2.5, driver specifications - clarify that we will accept CSE/Safeguarding training issued by Staffordshire County Council. It already says this in Appendix C.
- m. At sections 3.3.7 and 3.4.6 change the reference from 'vehicle owner' to 'vehicle keeper'.
- n. At sections 3.3.16 and 3.4.13 – confirm that LOLER certificates need to be obtained every 6 months.
- o. At sections 3.3.27 and 3.4.25 – add a link to the ICO's guidance on CCTV fitted in licensed vehicles.

- p. At Appendix B, code 2 – clarify that a driver must notify us of any medical condition, illness, injury etc that means they fall outside of the Group II standards.
- q. At Appendix E, paras 5.4 and Appendix H, para 26– Confirm that it is best practice to have passengers travelling in wheelchairs facing forward
- r. At Appendix E, paras 5.7 and Appendix H, para 29– Confirm that the lifting device needs to go through the LOLER testing regime.
- s. All typographical errors, such as misspelled words and incorrect paragraph numbering that require amendment.

The Chair thanked the officers for their input, particularly Matt Burton and Nesta Barker. In addition, the Trade and other consulted organisations were thanked. The Chair hoped that the decisions made had demonstrated that the Council had listened.

A report would be brought back to this Committee in its final form prior to the implementation date.

Councillor Sweeney thanked officers and the Trade.

Members gave their thanks to all involved.

Mr Tariq Mahmood thanked everyone who had been involved.

10. **PART 3 - PUBLIC PROTECTION (CLOSED)**

11. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

12. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

Resolved: That the Minutes be received.

13. **URGENT BUSINESS**

There was no urgent business in respect of Public Protection matters.

COUNCILLOR MARK OLSZEWSKI
Chair

Meeting concluded at 9.05 pm