

CANNOCK CHASE DISTRICT COUNCIL

HACKNEY CARRIAGE & PRIVATE HIRE LIAISON GROUP

Notes of the Meeting held at 11.00am on Wednesday 6 February 2019
Esperance Room, Civic Centre, Becroft Road, Cannock, Staffordshire, WS11 1BG

Members of the Liaison Group (Councillors)

Cllr Carl Bennett, Portfolio Leader for Crime & Community Partnerships (Group Chair)*

Members of the Liaison Group (officer)

David Prosser-Davies: CCDC*

Sean O'Meara : CCDC*

Scot Kearney : CCDC**

Representative of the Hackney Carriage/Private Hire Trade

Terrance Hurley*

Steven Toy*

Kendal Tranter*

Victor Simonczyk*

Patricia Taylor**

(* Present (** Apology (***) Not Present / No Apology

Welcome & Apologies

Cllr Bennett welcomed everybody to the meeting and apologies were accepted.

Minutes of the last meeting

The notes of the previous meeting were confirmed as an accurate record.

Matters arising

There were no matters arising.

2019/20 licence fees

Mr Prosser-Davies advised the group that there were to be no increase in licence fees for 2019/2020.

Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy.

Mr O'Meara informed the group that the Council was considering updating its Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy. This would entail both a general update of the policy and the potential for bringing up to date more complex areas such as the potential benefit to drivers and the wider public of CCTV and wheelchair accessible vehicles (WAV'S)

Item 6 on the agenda, Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system DfT, Task & Finish Group was discussed at the same time and it was agreed that that several of the recommendations might also be suitable for inclusion within an updated policy. It was noted that the implementation of some of the recommendations were dependent upon government changes to legislation.

The agreed recommendations for inclusion were: No's 7,9,12,18, 20,23, 25, 26,28, 29,30, 31, 32, 33, &34.

Cllr Bennett said that he believes that recommendation 23 should be compulsory. The list of recommendations is attached to the rear of these notes.

Operating and the Deregulation Act

Mr O'Meara informed the group that the courts had failed to convict an Uber driver in Reading who was alleged to be plying for hire by virtue of the fact that he was available for hire on the Uber mobile phone app.

CCDC takes a similar position in respect of private hire vehicles from other areas who find their way to our District. The determination as to whether such vehicles are plying or standing for hire is considered by the Council to be a matter of fact, not necessarily a matter of the driver's intention.

Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system DfT, Task & Finish Group

See section on Hackney Carriage/Private Hire Driver, Vehicle & Operator Licensing Policy above.

Recent DBS issues

Mr O'Meara advised the group that licensed drivers were experiencing difficulties with the DBS Online Update Service. This results in the subscription failing and the drivers incurring the additional cost of re-subscribing.

Mr Toy suggested that the DBS should consider direct debits from the drivers bank account. Currently the money is taken from a credit or debit card, and not straight from the bank account.

Cannock Taxi Rank

Mr O'Meara informed the group that the Licensing Unit was dealing with a number of complaints about licensed drivers who are misusing the taxi rank or using other inappropriate areas to stand for hire. There is also a suggestion that a small number of drivers are winding their windows down and touting for business. Concern has been raised that touting is unlawful and that failing to rank appropriately may lead to conflict.

Vehicle Emissions

Mr O'Meara made the group aware that government had recently laid Regulations which require local authorities to provide them with information about our licensed vehicles. This includes the make & model of the vehicle as well as the registration number. The information is required in order to assist with the government with its Air Quality Strategy.

Conditionality

Mr O'Meara informed the group that HMRC were making arrangements for a tax registration check linked to the licence renewal application process. Local authorities will have to ensure that licence holders are registered for tax and will not be able to grant licences where no evidence of tax registration is available.

Date of next Meeting

The next meeting to be confirmed.

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
STEPS TOWARDS A SAFER AND MORE ROBUST SYSTEM
LIST OF RECOMMENDATIONS FOR DISCUSSION AND
WHICH MAY BE INCLUDED IN CCDC UPDATED HCPH POLICY 2019**

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as

appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding / child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

Recommendation 29

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.