



LICENSING COMMITTEE

COUNCIL CHAMBER 1, MELTON MOWBRAY

14:00

9<sup>TH</sup> NOVEMBER 2015

COUNCILLORS PRESENT:-

J Wyatt (C), D Wright, P Cumbers, A Pearson

OFFICERS PRESENT

Regulatory Services Manager (PR) Legal Services Officer (HG),

Committee Clerk (DW)

Meeting commences at 14:00

**L1 Apologies**

Apologies were received by

- Councillor Bagley
- Councillor Holmes
- Councillor Illingworth

**L2 Declarations of Interest**

None, but Cllr Cumbers would like it noted that she always uses the same taxi company ABM regularly

**L3 Officers Report**

Pat Reid, Regulatory Services Manager, introduced the item by explaining that this was an opportunity for the committee to comment upon proposed changes to the Hackney Carriage and Private Hire Licensing Policy before it is reported to REEA Committee in January 2016.

REEA ,as the policy making committee, will consider any comments before agreeing the final version to be published for consultation after their January 2016 meeting.

It is good practice to periodically review and update policies. Noted that while the current version is quite recent it has been superseded by the Deregulation Act. It is also an opportunity to amend the document to take account of any issues which has arisen in the use of the policy.

The proposed changes to the policy are due to :

- Need to take account of the Deregulation Act and 3/5 year licences
- Need to address child sex exploitation ,following Rotherham case etc.
- Issues to be addressed - Flexibility with DBS and provision of disabled access
- Clarify operation of Executive Vehicles
- A few other minor points

It is noted that a policy cannot be expected to cover every eventuality, but it should provide clear guidance in the most significant and obvious situations. I will not cover all areas but the key ones are

- Changes to the DBS requirement, we will accept any new and valid DBS regardless of who processed it
- Changes to wording with regard to disability access, to ensure we are clear about how vehicles should function in relation to those with a disability
- Change references to executive vehicles, as we want a mix in our fleet to create clear exemptions for executive vehicles

#### **L4 Councillors Questions to Officers**

**Councillor Wyatt**, What are we doing about child exploitation?

- **PR**, We intend to make all drivers undertake training, at the moment with an external provider
- Most other providers have already put in a requirement for training
- As safety is one of our core requirements we believe we should introduce one as well
- **Cllr Wyatt**, What other requirements do we have
- **PR**, We have a requirement for regular DBS checks
- In respect of children school run drivers also have an additional adult in the vehicle
- **Cllr Wyatt**, Does the County Council have rules
- **PR**, Yes as part of their contracts

**Councillor Cumbers**, Vehicles shouldn't have darkened windows

- They are not necessary
- Increases safety of passengers if there not darkened
- **Cllr Pearson**, Darkened windows do have some advantages in certain circumstances

**Councillor Pearson**, A DBS isn't the end of checks

- They are important but are part of a bigger process
- Training can be good, but this is not always the case
- Training should be paid for by drivers and the council shouldn't subsidise it
- Process should be a thorough as possible to ensure drivers who will be good for the public
- **Cllr Wyatt**, We have to flexible about the process, some rules are unfair if too rigid
- **PR**, The process including training and DBS isn't fool proof
- Trying to regulate so business can thrive

- Yet also protect the public as our overriding objective is safety
- **Cllr Pearson**, I just want to make sure the process doesn't give a false sense of security

**Councillor Cumbers**, I'm glad this came to this committee first rather than straight to REA

**Councillor Pearson**, 1.3 Confidentiality of passengers, what do we do about the requirement to call things in that that they believe to be a criminal offence

- **Cllr Wyatt**, That is just information about a person and when and where they are going
- **HS**, There is a difference between requirement to respect confidentiality and report laws
- **Cllr Pearson**, Are you 100% sure about snooping so we can't be sued
- **HS**, When it comes to the council investigating potential offences the council is limited to what it can and cant do
- For instance sending in someone undercover requires permission from a magistrates court
- This doesn't include information brought to us or the police by members of the public
- **Cllr Cumbers**, What does this have to do with our objectives
- **HS**, This would be part of our authorities objectives, for instance if we take taxi logs that we subsequently don't pass on

**Councillor Cumbers**, Can we change Age Concern to Age UK

- **Cllr Wright**, Who do we consult
- **PR**, We will consult all those listed and others if the need arises
- **Cllr Wright**, When will they be consulted
- **PR**, When this document passes REA, so hopefully in January after that meeting
- **Cllr Cumbers**, As we don't have a town council can I suggest the town area committee is consulted
- **PR**, Yes that should be fine

**Councillor Pearson**, 2.6 Diesel cars can be seen as dirty or problematic, for environmental purposes do differentiate between different vehicles

- **Cllr Wyatt**, the figures for diesel cars are not available yet
- **PR**, Our policies do not differentiate between petrol and diesel cars, it only differentiates between LPG, compressed gas, and hybrids

**Councillor Pearson**, I've heard we've had problems about drivers not admitting guide dogs

- **PR**, We do have 1 or 2 exemptions, which they only get if they can prove an allergy through a doctor's note
- **Cllr Cumbers**, Is there a sign on the cab to differentiate a driver who cannot take dogs
- **PR**, No not that I'm aware of
- **HS**, Disability is a protected class so they would be in breach of that if they refused

**Councillor Wyatt**, Are all our drivers combined Hackney Carriage and Private Hire

- **PR**, Yes
- **Cllr Wyatt**, Do we still have the new drivers knowledge test
- **PR**, Yes

**Councillor Cumbers**, 3.7 it strikes me that dementia is not considered as a disability

- I know of a case of a taxi driver telling a dementia passenger she shouldn't be allowed out
- **PR**, Would you like that to put in as an addition
- **Cllr Pearson**, Dementia is a growing problem and should be included as a disability

- **Cllr Wyatt**, It shouldn't make a difference to the conduct of drivers if its included or not
- **PR**, We will try and incorporate it but it might be difficult to enforce

**Councillor Wyatt**, Are we issuing all Operator Licences at 5 years

- **PR**, Yes but we can do shorter at their request or if we have a reason to do so

**Councillor Pearson**, It is discriminatory to say women can't wear a short dress

- **Cllr Cumbers**, I agree
- **Cllr Pearson**, Its sexist, men wear shorts
- **Cllr Cumbers**, I struggle to understand why it is there and I find it offensive
- **PR**, Appendix B.1, strike out dress code in relation to short skirt
- **Cllr Cumbers**, Its putting the onus of the female drivers when its not on them
- **Cllr Wyatt**, Drivers should still conform to standard form of dress
- **Cllr Cumbers**, Need to be careful to apply common sense
- **PR**, Ensuring drivers are comfortable, look smart and their dress and tattoos don't offend people. This is our general guidance to drivers.

**Councillor Cumbers**, Can we request any changes to the Policies

- **PR**, You have changes that officers are suggesting however if this committee wishes to change anything else it's also at the members discretion

**Councillor Wyatt**, Do we get many complaints

- **PR**, We get a range of complaints from both the public and other drivers
- **Cllr Wyatt**, do we get them in our complaints booklet
- **PR**, No

**Councillor Wright**, Is the figure for vehicle exemptions a national figure

- **PR**, Yes, Its how much the vehicle was bought for
- We used to have a list of vehicles, but that was not very useful. Now it's just a prestigious vehicle valued over that amount

**Councillor Wyatt**, It says vehicles that are no less than 1250cc, new vehicles are now much better

- We do understand that is not the best measure and we are happy to update this requirement

**Councillor Pearson**, 14, We recently had a complaint about the disabled facilities of a taxi.

- He took his own step so are we saying he can have a lose step. Where does it say it must be fixed to the vehicle?
- **PR**, I took the step as being part of the vehicle
- **Cllr, Pearson**, Ramps and electronic steps can be stored within the vehicle, can you look at that
- **Cllr Cumbers**, Disability access comes in different forms we shouldn't be too restrictive
- **Cllr Pearson**, Agreed, we don't want to restrict access. If they do use a safe step we don't want to stop that
- **Cllr Cumbers**, "Suitable restraint of wheelchair in taxi", can that be reworded
- **PR**, Yes I can look in to that

**Councillor Cumbers**, 15, This implies they can use their own repairs, before the garage. Can they change their own tyre?

- **Cllr Wyatt**, They can't charge for a fare if they have to make repairs
- **PR**, There are three types of repair, a new normal tyre, a mini tyre and fluid injection

- They are allowed to make repairs to finish the fare and then drive to the garage

**Councillor Cumbers,** What is the requirement with child seats in vehicles

- Does this apply to taxis
- **HS,** Guidance from the government website says that under 3's don't have to be in a child seat

**Councillor Cumbers,** I can't see any reasons for taxi windows to be tinted when they are carrying vulnerable passengers

- **Cllr Wyatt** All cars have a degree of tinted windows
- **Cllr Cumbers,** We don't want any tinted windows
- **Cllr Pearson,** All standard windows have some tinted for UV purposes
- **Cllr Cumbers,** We don't want any extra tinting

**Councillor Cumbers,** Any rule that applies to children should also apply to vulnerable adults

- **All Cllrs,** Agreed

**Councillor Pearson,** What is the new points system for drivers

- **PR,** It runs separately from the governments point system
- It is our way to asses if drivers are abiding by our policies

**Councillor Pearson,** Who is responsible for insurance

- **PR,** It is either the driver or the operator

**Councillor Pearson,** We did agree earlier that any training cost should be borne by the drivers and not the council

- **Cllr Cumbers,** We have they be careful. They provide a service and there income isn't much, life isn't easy for them.
- If were asking drivers to go to an independent person. If we could train a person internally for a lower cost to drivers
- **PR,** We can take that in to account, we can work with other providers if possible
- **Cllr Pearson,** We as a council are trying to save money and we have to be careful if we end up subsidising drivers
- **PR,** Policy is we should be doing this, but we will look in to how we provide it

**Councillor Cumbers,** There are now other animals being trained so we should change the wording to assistant animals

- **PR,** The purpose of the policy is to take account of most thing
- It cant cover every eventuality and it should be up to drivers to think if it's appropriate or not

**Councillor Cumbers,** The requirement to not use hand held phone shouldn't be there as it's a legal requirement

- Is a caution the same as a police caution
- **HS,** Yes

**Councillor Pearson,** There is no longer a tax disc requirement, how do we know if they have one

- **HS,** Anybody can search it online
- **Cllr Cumbers,** I've never seen a fire extinguisher in a taxi
- **PR,** They have to have one in the vehicle it doesn't have to be seen

**Motion**, That the policy be approved with agreed changes to go forward to REA  
**Proposed, Councillor Wright**  
**Seconded, Councillor Pearson**

**Vote, Unanimous in favour**

**P5 Any other urgent business**

None

Meeting Ends at 15:20