

Present: Councillor Colin Brotherton (Chairman), Councillor Paul Gleeson (Vice-Chairman), Councillors Richard Austin, Stephen Raven, Jonathan Noble, Yvonne Stevens and Stephen Woodliffe

Officers –

Principal Licensing and Land Charges Officer and Senior Democratic Services Officer

**14 MINUTES**

The minutes of the meeting held on 13<sup>th</sup> June 2017 were agreed as a correct record and signed by the Chairman.

**15 APOLOGIES**

There were apologies for absence from Councillors David Brown, Maureen Dennis, James Edwards, Felicity Ransome and Judith Skinner.

**16 DECLARATION OF INTERESTS**

No declarations of interests were made.

**17 SAFEGUARDING TRAINING**

The Principal Licensing and Land Charges Officer presented a report, which sought the Committee's support for the intention to suspend the licences of those drivers who had not submitted certificates to evidence the mandatory safeguarding training had been completed, using authority delegated to officers in Part 3(a) of the Council's Constitution.

On 28 June 2016, the Committee had adopted a revised Application Policy and Relevance of Convictions Guidelines in relation to Hackney Carriage and Private Hire Vehicle Drivers and Private Hire Operators.

The revised policy included a requirement that applicants completed the Licensing Authority's Safeguarding Awareness Training. Initially, existing drivers were required to undertake the training at the time their licence renewal was due. However, in consultation with the Solicitor to the Council, following two cases of child safeguarding issues in Boston which led to the revocation of the drivers' licences, it was considered necessary to meet the Council's safeguarding obligations, that the training to be undertaken without further delay.

Drivers were advised in writing of the requirement to undertake the training by 31 August 2017 and that a recommendation would be made to the Regulatory & Appeals Committee that the licences of drivers who had failed to complete the training be suspended until this requirement was met.

At the time the report was published, 33 licensed drivers had failed to submit certificates to evidence that the training had been satisfactorily completed. That number was now 30. There was also an additional four licences that were already suspended, mainly on medical grounds, and these too would also have to complete the safeguarding training

but as their licences were currently suspended, they could not be suspended for a second time.

The licences could be suspended under the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 using the grounds of “any other reasonable cause”. In Part 3a of the Constitution there was an officer delegation to the Solicitor to the Council to suspend Hackney Carriage and Private Hire Vehicle Driver Licences. The Solicitor to the Council had further delegated this authority to the Principal Licensing & Land Charges Officer.

Whilst drivers were regularly referred to the Regulatory & Appeals Sub-Committee for consideration of their case, there were cases where it would be more appropriate to deal with the matter using authority delegated to officers and it was suggested that this was one of those cases for several reasons, including the number and similarity of cases, and also that the drivers had been given the opportunity to put forward any grounds to be considered prior to their licence being suspended and had been made aware that if they have not completed the training then suspension of their licence would be considered.

These suspensions would not take effect until after the 21 day appeal period or, if appealed, until after the appeal was disposed of. Providing the training was undertaken during the appeal period, no driver would be disadvantaged by a licence suspension.

It was recommended that the Committee supported the intention of officers to use delegated authority to suspend the licences of those drivers who had not submitted training certificates.

Members raised various questions. In response, it was explained that the training was free of charge and involved two online courses; one being of approximately 5 minutes duration with no test; the other approximately one hour with a test. Drivers were advised to take advantage of the assistance on offer at the library if they were not IT-literate; once logged on, it was simple to proceed through the course. All drivers had completed a comprehension test and there were none who could not read or write; however, had there been any who could not do so, officers would have happily assisted by going through the training verbally.

Drivers who had said they were no longer driving had been advised to return their badges; if they did not do so their licences could be suspended. Drivers worked closely together and news spread quickly amongst them, so it was difficult to say why some had not completed the training. It could be the case that some drivers had changed address and simply not received the letters, though it was a requirement of the licence to advise the Council of a change of address. However, some were difficult to engage with and some might simply not be reading the letters. If the Committee was minded to delegate authority to officers to suspend the licences, officers would telephone the remaining drivers after the 21 day appeal period.

In response to concern as to how suspensions could be policed, it was explained that larger companies could be contacted to advise them of the suspension of their drivers. Those who were independent and self-employed could be contacted individually to be requested to come in and hand over their badges; being asked to do so might prompt more to undertake the training. Also, the County Council would be contacted about the

drivers who had school contracts; these contracts were lucrative and the risk of losing them might encourage more to undertake the training.

The training did not involve criminal record checks; these were completed on renewal. Approximately 200-220 drivers had so far completed the training. Badges were meant to be worn by the drivers, but were often hung from a vehicle's internal mirror, which was acceptable as it allowed passengers to view the driver's name and number.

The first letter advising drivers of the training had been issued to all taxi companies over a period of time in June 2017. Before sending the second letter on 23<sup>rd</sup> August, all companies were contacted and advised one or more of their drivers had not undertaken the training and more had undertaken it as a result.

Details of the right of appeal were clearly set out in the suspension notice and contained within the guidance that all drivers had. It was approximately £400 to appeal to the magistrate's court.

During debate, Members voiced agreement with the officer's recommendations. They recognised the Council's duty of care to the public to ensure that drivers were safe, particularly in view of failings of various bodies, including the taxi licensing authority in Rotherham, with respect to child and vulnerable adult safeguarding. Suspension could be reversed once a driver completed the training.

One Member expressed the view that the letters to the drivers did not set out the situation in strong enough terms in the initial paragraph and that some could find the training difficult. However, the other Members agreed the letters had been explicit and the Principal Licensing and Land Charges Officer advised the Committee that no drivers had reported any difficulty completing it and were well aware that the licensing team would help them.

Members were advised that drivers had been advised about the obligation to undertake the training when it was first agreed. As two licences had been revoked due to safeguarding incidents, the Council would be open to criticism if there was a further incident and these steps had not been taken.

Drivers who continued to drive following suspension would lose their licences. Drivers be prosecuted under the Local Government (Miscellaneous Provisions) Act 1976 or the Police and Town Clause of the 1847 Act. There was a set period of time within which licences would not be reissued.

The Principal Licensing and Land Charges Officer added that Members would be updated on progress with the matter by e-mail.

**RESOLVED: That the intention be supported that the licences of those drivers who have not submitted certificates to evidence the mandatory safeguarding training has been completed be suspended using authority delegated to officers in Part 3(a) of the Council's Constitution.**

## **18 EQUALITY ACT 2010 - WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

The Principal Licensing and Land Charges Officer presented a report, which asked the Committee to adopt a revised wheelchair accessible vehicle specification for hackney carriage and private hire vehicles.

It was recommended that the revised specification, attached at Appendix B, be adopted with the inclusion of an amendment to specify a 3-point seat belt system and an additional condition for ramps to be indelibly marked with vehicle registration numbers. The Committee was also asked to note that the Principal Licensing and Land Charges Officer would carry out the outstanding previously delegated tasks listed at paragraph 3.1 of the report.

Provisions of the Equality Act 2010, in respect of wheelchair accessible hackney carriages and private hire vehicles, commenced on 6 April 2017. The provisions allowed a licensing authority to create a list of “designated vehicles” which were capable of carrying passengers in wheelchairs (section 167) and then required drivers of those vehicles to provide mobility assistance (section 165).

On 13 June 2017, the Committee had resolved to introduce a list of wheelchair accessible vehicles; approved draft amendments to the specification for wheelchair accessible vehicles; and adopted a procedure for applying driver exemptions from carrying a passenger in a wheelchair.

The Committee also delegated a number of tasks to the Principal Licensing Officer, which had been undertaken, including:

- Notifying proprietors of identified vehicles and advising them that the authority proposed to include their vehicle on the authority’s list of designated vehicles.
- Consulting vehicle proprietors and other relevant parties on the amendments to the specification for wheelchair accessible vehicles.

The Committee was now requested to adopt the revised wheelchair accessible specification, with suggested amendments, one being a result of consultation, and note that the outstanding tasks, delegated to the Principal Licensing and Land Charges Officer, would be undertaken.

All of the borough’s vehicles had 3-point seat belts, but it was considered prudent to make this explicit in the policy. If the Committee was minded to adopt it, it was recommended that the condition regarding securing passengers be amended to say a “3-point seat belt system”.

A further change, which would not be problematic and would be at no cost to the trade, was to add a condition to require ramps to be indelibly marked with the vehicle’s registration number to ensure that they could not be moved from one vehicle to another. In addition, the condition would state that they did not have grandfather rights. It was noted that registration numbers rather than plate numbers should be used, as these

could change if a vehicle went from a being hackney carriage to a private hire licence or vice versa.

Members asked various questions. In response, the Principal Licensing and Land Charges Officer explained that the requirement to mark ramps was necessary because the Council's policy stated that all Hackney Carriage vehicles of more than four passengers must be wheelchair accessible and if a vehicle did not have a ramp then it was not wheelchair accessible. It would not cost proprietors anything. They had to have a ramp for each vehicle and this would make it easier to administer if the ramps were marked. It would be possible to use indelible ink.

The Principal Licensing and Land Charges Officer confirmed that there could be an accident if the wrong ramp was used. Ramps were often universal, but the way one attached to a vehicle was specific to that ramp. The Council's wheelchair was used to enable taxi drivers to demonstrate that they knew how to strap people in and ensure that the wheelchair fit into the vehicle.

A Member commented that the strictest guidelines had to be applied for safety; the wheelchairs had to fit in and the public had to be protected and ramps had to be dedicated to that vehicle.

The Principal Licensing and Land Charges Officer described the well-known system for anchoring wheelchairs and explained that the wheelchair and the person were secured separately from each other.

**RESOLVED:**

- 1. That the revised wheelchair accessible vehicle specification attached at Appendix B be adopted with the recommended amendment, outlined at paragraph 2.3 of the report, that the requirement for securing an occupant in a wheelchair be amended to a 3-point seat belt system, and an additional condition to the effect that ramps be indelibly marked with the vehicle's registration number with no grandfather rights.**
- 2. That it be noted that the Principal Licensing & Land Charges Officer will carry out the outstanding previously delegated tasks listed at paragraph 3.1 of the report.**

The Meeting ended at 2.50 pm