

## LICENSING PANEL

TUESDAY, 27 FEBRUARY 2018

PRESENT: Councillors Carwyn Cox (Chairman), David Hilton, Maureen Hunt, Sayonara Luxton, Asghar Majeed, Marion Mills, Derek Sharp and Derek Wilson

Also in attendance: Councillor Jesse Grey

Officers: Sarah Conquest, Steve Johnson, Shilpa Manek, Greg Nelson and David Scott

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alexander, Bhatti, Bicknell, Bowden and Muir. Councillor Mills was substituting.

### DECLARATIONS OF INTEREST

No declarations of interest were received.

### MINUTES

The minutes for the meeting on 4 April 2017 were Unanimously Agreed by the Panel.

Councillor Hilton asked if the one year penalty point system trial had completed. Greg Nelson explained that so far 29 sets of penalty points had been issues, two were under appeal. There would be an update at the next meeting in April 2018. Councillor Hilton commented that one year may not be enough to see the difference.

The Chairman informed the Panel that a report would be presented at the next meeting where the Panel could take a decision to extend or not.

**ACTION: Greg Nelson to present report on the penalty points at the next meeting.**

### CHILD SEXUAL EXPLOITATION (CSE) TRAINING FOR TAXI AND PRIVATE HIRE DRIVERS AND OPERATORS

Greg Nelson, Trading Standards & Licensing Lead, informed the Panel about the CSE training for taxi and private hire drivers and operators. The training was mandatory and was being introduced by local authorities neighbouring RBWM and around the country.

The training would be a wider safeguarding training on the meaning of CSE, how to spot potential victims, how to report it, and how to deal with other types of exploitation of vulnerable people. Those who had completed the training would be able to keep safe those who were less able to look after themselves.

The safeguarding training was relevant to areas such as RBWM even though there had been no evidence or suggestion whatsoever that RBWM licenced drivers or operators had been or were involved in any types of terrible abuse that went on in Rotherham and other areas.

The was because the training would raise awareness within the hackney and private hire trades of the vital lessons learnt from the Rotherham and Oxford inquiries, train drivers and operators how to identify and report issues of concern that they come across in the course of their work, which will be a huge help to those responsible for safeguarding young and

vulnerable people and ensure that the drivers, as individuals, avoid behaviour that might, even inadvertently, lead to inappropriate relationships with children or other vulnerable people.

It is believed that RBWM should now introduce a programme of mandatory safeguarding training for our hackney and private hire drivers and operators. This would provide consistency of approach amongst local authorities, reduce the likelihood that RBWM was seen as an easier local authority at which to get a licence, ensure that our drivers had high operational standards, and, most importantly, provide the highest possible levels of protection for children and other vulnerable people.

The introduction of mandatory safeguarding training for existing RBWM licenced drivers and new applicants would require a change to the RBWM Hackney Carriage & Private Hire Driver & Vehicle Policies and Conditions and so would need to be approved and agreed by the Licensing Panel. It would also need to go out to consultation to hackney and private hire drivers and operators.

We see safeguarding training for our taxi and PHV drivers and operators as a really positive initiative.

Greg Nelson asked five question to the Panel:

**Q1 – Does the Licensing Panel support the introduction of compulsory safeguarding training for existing RBWM licenced taxi and PHV drivers and operators, and for new licence applicants?**

Work had been carried out with colleagues from other Berkshire local authorities to try and identify the most effective way of providing safeguarding training. A joint approach was envisaged but this had not proved possible. One stumbling block in RBWM was the sheer number of licenced drivers and operators that we would have to provide the training for (approximately 1700 people). Training could be provided in a number of different ways, for example

small classes for up to 20 people, presentations for 50 to 75 people or an on-line training module for individuals.

- **The Panel was Unanimously in support the introduction of compulsory safeguarding training for existing RBWM licenced taxi and PHV drivers and operators, and for new licence applicants.**

**Q2 – Does the Licensing Panel agree that the options for training, along with the associated benefits and drawbacks of each option, should be brought to a future Licensing Panel so a decision can be made on which one to adopt?**

Another issue to consider is whether there should be a test at the end of the training.

Oxfordshire's licensing authorities include a test element in their safeguarding training.

Reading Borough Council's safeguarding training involves presentations to around 50 drivers per session without a test at the end. Similarly Slough Borough Council's training does not include a test.

Bracknell Forest Borough Council is including a test in their safeguarding training. They take the view that a test helps to focus the mind of attendees and is the only way to ensure that each individual has understood, and be in a position to implement the training and advice provided.

Whilst including a test will make the implementation of safeguarding training even more of a challenge in RBWM, because of the number of drivers and operators involved, RBWM officers recommend that a test is included in the training provided.

Indeed, we would argue that it is because RBWM has such a large number of licenced drivers and operators that a test is essential because this would ensure that the highest standards of public safety are being applied to the highest number of drivers. We also do not want to be seen as a soft touch authority at which to get a licence.

- **The Panel Unanimously Agreed that the options for training, along with the associated benefits and drawbacks of each option, should be brought to a future Licensing Panel so a decision can be made on which one to adopt.**

**ACTION: A report to be brought to the next Panel in April 2018.**

**Q3 – Does the Licensing Panel support the inclusion of a test element in compulsory safeguarding training?**

However the training is presented, there will be a cost to cover the trainer's fees, room hire, paperwork and training materials, administration and so on. There was no money to cover this in existing budgets.

It was not known at this time what these costs would be but Bracknell Forest were looking to charge a cost-recovery-only fee of £20 per person. RBWM officers would recommend that we would take a similar approach.

- **The Panel Unanimously Supported the inclusion of a test element in compulsory safeguarding training.**

**Q4 – Does the Licensing Panel agree that a charge should be made for compulsory safeguarding training, on a cost-recovery-only basis?**

There were other vehicles involved in transporting children and young persons, for example home-to-school and other similar transport activities.

- **The Panel Unanimously Agreed to debate this at the next meeting when the report was being discussed.**

**Q5 – Should all transport providers who carry children and young persons be included in compulsory safeguarding training?**

As and when a training system is introduced we will look to see whether other safeguarding issues can be included, such as disability awareness, the carrying of use of wheelchair users and the carrying of assistance dogs.

- **The Panel Unanimously Agreed that we should look at the licensing industry and include an advisory for other departments and providers of services.**

## EQUALITY ACT 2010 - TAXIS AND PRIVATE HIRE VEHICLES

Greg Nelson, Trading Standards & Licensing Lead, informed the Panel about the Equality Act 2010, Taxis and Private Hire Vehicles.

In April 2017, sections 165-167 of the Equality Act 2010 came fully into force. They would deal with the duties on the drivers of wheelchair accessible hackney carriages and PHVs to assist passengers who used wheelchairs.

Section 165 placed duties on drivers of designated wheelchair accessible hackney carriages taxis and PHVs.

“Designated” vehicles were those listed by the licensing authority under section 167 (see ‘Lists of wheelchair accessible vehicles’, below) and they would have the following duties;

- to carry the passenger whilst in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chose to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger was carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as was reasonably required.

Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they were satisfied that it is appropriate to do so on medical grounds or because the driver’s physical condition made it impossible or unreasonably difficult for him or her to comply with the duties.

Section 167 allows licensing authorities to maintain a list of “designated vehicles”, that was, a list of wheelchair accessible hackneys and PHVs licenced in their area. The consequence of being on this list was that the driver must undertake the duties in section 165.

Once the list of designated drivers had been finalised it would be published on-line.

The introduction of the list of designated vehicles under s167 would require a change to the RBWM Hackney Carriage and Private Hire Driver & Vehicle Policies and Conditions.

As such it would need to be approved and agreed by the Licensing Panel. It would also need to go out to consultation to hackney and private hire drivers and operators.

Statutory guidance on sections 165-167 of the Equality Act 2010 had been published by the Department of Transport and would be followed in introducing a list of designated vehicles in RBWM.

It was intended to bring this matter to a future Licensing Panel for full discussion and approval so this was for information only at this time, but I would welcome any initial thoughts or questions.

The Panel discussed the Equality Act 2010 and the main point of concern was how a passenger would be alerted to whether a driver was exempt or not.

The Panel would discuss this issue at a future meeting.

## OTHER CURRENT LICENSING ISSUES

Greg Nelson, Trading Standards & Licensing Lead, informed the Panel about one other issue, the Taxi ranks in Ascot High Street. We had been asked by representatives of the RBWM

licenced hackney carriage drivers to try and provide official taxi ranks in Ascot High Street so they had a place to rank whilst servicing the various pubs and clubs at night.

I had met with colleagues from Parking in Ascot High Street and identified around 15 parking spaces which were currently designated as short stay parking bays, but which could be amended to be dual purpose bays, that is, short stay during the day and early evening, and taxi ranks between, for example, 22.00 to 05.00

A proposal for this change was now being drawn up. It would be subject to consultation with ward members, the trade and other interested parties

Greg Nelson would keep the Panel informed of developments.

Councillor Derek Wilson asked if it was in the remit of the Licensing Panel to look into trading standards issues such as selling on the streets to minors. David Scott informed the Panel at the constitution was currently being reviewed and the terms of reference for this Panel could be reviewed. The Chairman agreed that this was a great opportunity to look at the terms of reference as the constitution was not very clear.

**ACTION: David Scott to look into reviewing the terms of reference of the Licencing Panel**

Councillor Luxton asked about the Pedler's license, this was issued by the police in England and Wales to street sellers and with this they could sell on the streets.

Councillor Majeed asked about if the council was looking into acid attacks and was informed that there was no national legislation at present and the governments was currently looking at this.

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be Tuesday 10 April 2018.

The meeting, which began at 6.00 pm, finished at 7.30 pm

CHAIRMAN.....

DATE.....