

## LICENSING PANEL

TUESDAY, 3 JULY 2018

PRESENT: Councillors Malcolm Alexander, John Bowden, Maureen Hunt, Sayonara Luxton, Asghar Majeed, Wesley Richards, Julian Sharpe and Derek Wilson

Officers: Shilpa Manek, Greg Nelson and David Scott

Members voted that Councillor Luxton be Chairman for the meeting.

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bhatti, Burbage, Cox, Hill and Hilton. Councillor Sharp was going to be attending later.

### DECLARATIONS OF INTEREST

No declarations of interest were received.

### MINUTES

The Panel Unanimously Agreed that the minutes of the last meeting on 10 April 2018 were a true and accurate record.

### THE EQUALITY ACT 2010

David Scott introduced the report and informed the Panel of both recommendations.

Councillor Hunt read out the email sent from Lisa Hughes as Vice Chairman for the Access Advisory Forum:

Dear Councillor Hunt

It was good to see you at Tuesday's Planning Inspector's Hearings and I thought the lady representing the Hurley and Walthams neighbourhood planning group got the salient points across very well.

As you and I discovered, the Local Access Forum and Licensing Panel have a scheduling clash next Tuesday evening. I mentioned to you that I had wanted to sit in the Public Gallery at the Licensing Panel (in my role as vice-chair of the Access Advisory Forum) as one of the agenda items concerns Taxis and People with Disabilities.

#### **The background**

Some parts of the Equality Act 2010 did not come into effect until 6th April 2017. The clauses relate to disabled people being treated fairly by taxi/PHV drivers and companies – not refusing a fare because of the passenger's disability, not charging more to a wheelchair user, not refusing to carry a guide dog unless the driver has a valid medical exemption certificate.

For these clauses to come into effect local licensing authorities needed to change their taxi / PHV licensing agreements, which required some preliminary activities. Statutory guidance was produced by central government well before April 2017.

We discovered in January 2018 that RBWM had not made the necessary change to Taxi/ PHV licence agreements and so wrote to the RBWM licensing team on 1<sup>st</sup> Feb 2018. It took some chasing to get any response and we were told it would be raised at the March 2018 Licensing Panel. It then took

more chasing to find out the panel's response and how changes would be progressed - we were dismayed that there was no timescale for those changes

At the same time we came across a Freedom of Information response from RBWM, dated 21 Apr 2017, about this very matter – the council indicated that licensing changes would be completed by **June 2017.**

More than 15 months after they could have been legally protected, wheelchair users in the borough are still being charged more than other people and we have also been told about occasions where taxi drivers see that the hirer is using a wheelchair and drive off.

We really hope not only that the Licensing Panel will support the necessary changes to bring these clauses into effect for a vulnerable and disadvantaged group of residents, but also that the changes will be made swiftly.

Best regards

Lisa Hughes

vice-chair RBWM Access Advisory Forum  
member RBWM Local Access Forum

Greg Nelson informed the Panel that it was the intention of the Licensing Team to enforce this last year but due to operational reasons it wasn't taken forward but has been now. The delay was regretted but wanted to move forward now.

The timetable of the implementation was discussed and the Panel felt that it should be implemented sooner. Greg Nelson informed the Panel that there was a lot of stress on the Licensing Team at present but would try and implement sooner.

Other points discussed included:

- Wheelchairs fitting in to taxi's at taxi ranks and there being a contact telephone number that could be called if no assessable taxi present at rank and to request one.
- A designated list of assessable taxi's would be available on the website.
- It was confirmed that the meter only started to charge once the wheelchair was in the vehicle and the vehicle had started its journey and would stop when the vehicle stopped at the destination. No additional charges should be applied.
- Councillor Bowden asked how many licensed vehicles there were in the borough and was informed by Greg Nelson that there were 1300 licensed vehicles and 1500 licensed drivers. Councillor Bowden suggested that a letter should be Sent to all licensed drivers giving them 28 days to respond, especially as the consultation carried out only received one positive comment. This indicated that there were no real concerns. Councillor Wilson suggested targeting old vehicles first but this was not possible as the borough had no powers to require them to change their vehicle.
- Councillor Wilson informed the Panel that a visually impaired resident with a guide dog had difficulty to get an accessible taxi, was there a facility available or could we prove a number in braille for residents to contact and request an accessible vehicle. The Panel were informed that all vehicles were supposed to take dogs, this was already in our policy and further information was on the website. Councillor Wilson suggested putting the vehicle number on the front of the vehicle as well as the back but was advised that there was no requirement for this.
- The Panel were reminded that there were 176 Hackney Carriage vehicles, of which 107 were accessible vehicles. There were no requirements for public hire vehicles to be accessible. Councillor Bowden suggested targeting the remaining 69 Hackney Carriage vehicles.

The Panel Unanimously Agreed the Officers recommendations.

## THE USE AND EFFECTIVENESS OF PENALTY POINTS

Greg Nelson introduced the report. The report consisted of two recommendations that the Panel were to discuss. Greg Nelson informed the Panel that the trial had been very effective and penalty points had not been issued twice to the same driver. Drivers had the right to appeal against the points and currently the appeal would be heard by a panel of three members. To date, there have been two appeals and on both occasions, the appellants did not attend, the appeals were dismissed and the points were upheld. The team seek legal advice and were informed that the driver would have a right to appeal, however, there was no legal statement on what stance the appeal panel could take. Greg Nelson asked the Panel if we should keep it as it was now or delegate to a senior officer in the council to take the decision.

Councillor Sharpe discussed the cost to the community and the cost to the council to implement. Councillor Sharpe highlighted that the penalty was small. Councillor Sharpe asked the Panel should the council spend all the money and time or move to a more efficient way or working. Councillor Sharpe was concerned that we were dealing with our own drivers but there was no guarantee the Uber was dealing with their drivers. Greg Nelson informed the Panel that we passed on all information to Uber. Uber had been very helpful to us. Uber suspended access to the app so the driver could not work until the matter was investigated. Councillor Sharpe suggested we move to the new system unless the driver has twelve points, then it should be heard by a Panel.

Councillor Majeed proposed that we should continue as we were and a panel should hear all appeals or give the driver the choice. Councillor Wilson seconded the suggestion.

A named vote was carried out. Six members (Alexander, Richards, Bowden, Luxton, Sharpe and Hunt) voted against the motion that was proposed by Councillor Majeed and Councillor Majeed and Wilson both voted in favour for the motion.

The Panel Unanimously Agreed that:

**i) Members agreed that the penalty point infringements introduced in April 2017 for a one year trial period are added to the respective hackney carriage and private hire policies permanently.**

**ii) Members agreed to consider amending the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions respectively such that appeals against the imposition of penalty points are heard by a Senior Officer of RBWM instead of an Appeals Panel made up of elected Members from the Licensing Panel.**

**iii) Members agreed to delegate the implementation of the above point ii to the Head of Service and the Lead Member for Environmental Services (including Parking and Flooding).**

## SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS

Greg Nelson presented the report on Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators.

The recommended option was to choose Personnel Check Ltd as this was a high quality 'off the shelf' product which was used by a number of Berkshire LAs and other LAs around the country.

Greg Nelson informed the Panel that the trade had already been consulted and the report was mindful of the responses.

Uber drivers were discussed and the Panel wanted to know if they were trained for safeguarding. There were no requirements of the safeguarding training for Uber drivers, the PCO had its own rules. The Panel felt that it should be publicised to our residents, once the training was complete that our drivers were trained for the protection of our residents and drivers.

**ACTION: A letter to be sent to Uber from the Lead Member of Environmental Services advising them of what the borough was doing with regards to Safeguarding training.**

Councillor Majeed highlighted the need of the training being provided in different languages. Greg Nelson confirmed that this would be addressed by Personal Checks Ltd.

The Panel Unanimously Agreed the recommendations in the report.

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be on 2 October 2018.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

The meeting, which began at 6.15 pm, finished at 7.35 pm

CHAIRMAN.....

DATE.....