

## LICENSING PANEL

TUESDAY, 8 OCTOBER 2019

PRESENT: Councillors Phil Haseler (Chairman), Gurpreet Bhangra, David Cannon, John Baldwin, Mandy Brar, Karen Davies, Jon Davey, Gerry Clark, Julian Sharpe and Helen Taylor

Officers: Greg Nelson and David Scott

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bowden, Hill and Hilton.

### DECLARATIONS OF INTEREST

**Cllr Brar** – Declared a personal interest as she is a licensee in the Royal Borough.

### MINUTES OF THE LAST MEETING

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 2 April 2019 be approved.**

Greg Nelson, Trading Standards and Licensing Lead, gave Members an update following the last meeting of the Licensing Panel regarding the increase of tariffs for all Hackney Carriage journeys starting at the Royal Ascot event by 50%.

The Trading Standards and Licensing Lead confirmed that the trial was for tariff 2 and the feedback he had received from drivers had been positive and the increase in tariff had helped them during Royal Ascot week. The Trading Standards and Licensing Lead added he had received no feedback from members of the public either negative or positive. He requested Members make the trial permanent during Ascot week only, with the new tariff increases starting in 2020.

Councillor Baldwin asked if there was any other data to look at apart from the feedback received. David Scott, Head of Communities stated the public raised no objections and the cost of a taxi was a relatively minor expense compared to the whole day at Ascot. The Trading Standards and Licensing Lead explained that the increase in tariff would only apply to journeys within the Borough, not outside of the Borough. The Council had received some complaints about flat rate fees set by drivers for journeys going outside of the Borough which the Licensing Team were investigating.

Councillor Davey commented that it was difficult to drive into and out of Ascot during Ascot week so it was fair enough to increase the tariff. Councillor Sharpe stated the Borough's taxi's charged per yard in the past; a couple of years ago, the Borough adjusted prices so they were in line with other towns such as Epsom and Harrogate where they held large racing events. However, for specific race events such as Royal Ascot, it was only fair to increase the tariff as the drivers were sitting for longer in traffic and it took so long to navigate the length of the High Street.

The Trading Standards and Licensing Lead confirmed the tariff increase was advertised in the local paper and no feedback had been received.

Councillor Brar proposed to support the Trading Standards and Licensing Lead's recommendation to implement the tariff increase during Royal Ascot Week and Councillor Davey seconded the Motion. A named vote took place and the Motion was carried.

**RESOLVED: That the Licensing Panel agree to make permanent the use of Tariff 2 for taxis operating from the official rank at Ascot Racecourse during the Royal Ascot event only.**

## MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE

There were no meetings of the Licensing and Public Space Protection Order Sub Committees since 21 May 2019. Therefore, there were no minutes to be approved.

### TERMS OF REFERENCE

**RESOLVED UNANIMOUSLY: That the Licensing Panel noted and confirmed the noted the Terms of Reference with one change to the Membership number to be amended to 11 Members of the Panel.**

## CHANGES TO PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER APPLICATION REQUIREMENTS IN RESPECT OF THE CERTIFICATE OF FITNESS

Greg Nelson, Trading Standards and Licensing Lead introduced the report and highlighted the following key points:

- The medical fitness to drive and operate a RBWM licenced private hire vehicle (PHV) or Hackney Carriage (HC) was an essential and long standing requirement.
- The means of establishing an applicant's medical fitness is set out in the RBWM Private Hire Driver Policy & Conditions and the HC Driver Policy & Conditions ("the Policies") respectively. Both of the Policies stated that licence applicants must provide a Certificate of Fitness signed and stamped by the applicant's General Practitioner (GP).
- The requirement applied both to new licence applicants and to existing drivers renewing their licence.
- It had been brought to the attention of the Trading Standards and Licensing Lead by a number of applicants that some GPs were no longer willing to sign and stamp a Certificate of Fitness due to workloads and other pressures.
- That meant that an applicant in that situation could not comply with the requirements of the Policies and therefore, strictly speaking, should not be able to obtain a RBWM licence even if they could obtain a Certificate of Fitness from another appropriate medical doctor.
- A simple means of addressing the problem would be to change the respective PHC and HC Policy and Conditions to allow an applicant to have their Certificate of Fitness signed and stamped either by their GP or by another appropriate doctor.
- That would provide some flexibility for the applicants and remove potential delays in the licensing process, whilst ensuring that the essential requirement that their medical fitness to hold a licence is properly established and maintained.
- The person signing off the Certificate of Fitness would need to be a medical practitioner and would need access to a drivers medical history where appropriate.

Councillor Cannon stated he had some concerns over the definition of appropriate medical practitioner and asked if the new system would be made up of a panel of doctors; the whole point of drivers using their GP is that they know their patients. The Trading Standards and Licensing Lead responded that he had spent some time looking at the wording of the Policy and stated it needed to be an appropriate medical doctor and that if there were any concerns regarding a particular applicant, the medical records would be requested; flexibility would be

given to the Licensing Officer. Councillor Clark commented it must be a doctor listed with the GMC or other official body. The Policy should state that the medical practitioner should be a UK qualified practicing doctor. The Trading Standards and Licensing Lead confirmed he was happy to amend the wording to state a driver should obtain a Certificate of Fitness from a UK registered practising doctor.

Councillor Baldwin asked for any evidence of the scale of the problem and the need for the change of policy. The Trading Standards and Licensing Lead responded that there had only been a small number of drivers that had experienced issues getting their Certificate of Fitness signed off by their GPs but, the number was increasing year on year, due to increasing workloads of doctors, GPs were less inclined to sign Certificates and were only wanting to deal with patients and their ailments so the changes to the Policy prevented problems and stresses for drivers later on. David Scott, Head of Communities added that even though it was currently a small problem, it was increasing and some drivers were being put in a difficult position.

The Trading Standards and Licensing Lead said he had looked at neighbouring authorities and there was a slight difference in wording to their Policies; some said Certificates of Fitness needed to be signed by the applicants GP and others said medical practitioner. Councillor Cannon commented he had been approached by two drivers who had had some serious issues getting their Certificates signed off so he was happy with the new amendments to the Policy. Councillor Bhangra said he knew drivers had to pay for the service in other areas. Councillor Brar queried whether the Council could ask GPs to run a service for drivers. The Trading Standards and Licensing Lead responded the changes to the Policy left it up to the drivers to find an appropriate service. Councillor Clark added the service existed and as long as the doctor was registered, they would be able to sign a Certificate of Fitness.

**RESOLVED UNANIMOUSLY: That the Licensing Panel noted the report and:**

- i. Agreed to change the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to allow a Certificate of Fitness to be signed either by the applicant's GP or by another UK registered appropriate medical practitioner.**

## CHANGES TO DRIVING LICENCE CHECKS FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

Greg Nelson, Trading Standards and Licensing Lead introduced the report to Members and highlighted the following key points:

- The requirement to see and verify an applicant's full UK driving licence before they can be issued with a RBWM private hire vehicle (PHV) or hackney carriage (HC) driver's licence was a fundamental and long standing requirement.
- The check ensured that the applicant had a full UK, NI or European driving licence for at least two years, as was required by the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions ("the Policies"). It also checked the status of the licence, that is, whether it bears any endorsements or convictions which would have a bearing on whether or not to issue the applicant with a RBWM PHV or HC driver's licence.
- Up until now, applicants for a RBWM PHV or HC driver's licence had paid £7.50 to a company which carried out licence checks, the results of which were presented to RBWM Licensing Officers.
- The company that had provided the service, Intelligent Data Systems Ltd (IDS), had served notice that it would no longer provide the service from 19 October 2019. The Borough therefore, needed to provide an alternative means of driving licence checking and verification and amend the Policies accordingly.
- IDS had suggested another commercial supplier for the service which would be at a similar cost to the applicants. However officers believed that there was another

- alternative which would reduce the cost to the applicant to zero, and would not take up any more officer/administrator time.
- The alternative would require the applicant to access their driving licence data via the [www.gov.uk](http://www.gov.uk) website and show the information provided to a RBWM officer at their application appointment.
  - If the applicant did not have access to the internet, they could ask a RBWM officer to access the website and obtain the required information at their application appointment.
  - Applicants would also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of their hackney carriage, private hire or combined licence.
  - The Trading Standards and Licensing Lead confirmed drivers did not need to provide a print out of their data, they could show a licensing officer the data electronically from their mobile device.
  - Licensing officers would obtain authorisation to access a drivers licence for the duration of their RBWM driver's licence.

Councillor Clark stated the Council could charge drivers for the activity. Councillor Sharpe added the Borough was taking on the additional activity of checking licences so it seemed sensible to charge them for it. He did not see why the Council should waive the charges as an external company would charge. The Trading Standards and Licensing Lead said he would be the first to say that due to extra work being carried out by officers, extra resources would be required to cover it but, the driver would hand over a piece of paper or, show the data on his phone screen to prove who he was so the additional activity was negligible and did not warrant charging a fee. Councillor Sharpe stated officers would be checking approximately 500 licences per year so that would add up to a lot of additional activity to be carried out. Councillor Davey stated the new process was quicker than what was currently in place and it was a government service free to use. it would probably cost more to administer the fee that it would to carry out the check.

Councillor Cannon stated the Borough and it's officers were the regulator and not the friend of the drivers; he felt officers workloads would be slightly reduced by the new system proposals so it did not justify the charge. The Trading Standards and Licensing Lead explained to Members that the Borough needed to think about costs for drivers as the application process was a very costly exercise for drivers. He agreed that the Council were the driver's regulators but, it also needed to be as supportive as it could be.

Councillor Baldwin stated the deadline for needing the new system being in place was the 19 October 2019 and queried if by moving the checks in house, if the Council would be taking on any legal liability. The Trading Standards and Licensing Lead stated that the drivers had to be fit and proper and the checks would ensure that. Councillor Baldwin expressed some concern that the new system would potentially increase the likelihood of impersonation. The Trading Standards and Licensing Lead confirmed that it would not make any difference. The Borough had a disproportionate number of taxi drivers so, getting them to use an online app made it quicker and more cost effective for the Borough when carrying out checks. There had been incidents in the past of impersonation so, the officers always required to see the driver in person at the time of application. The changes to the system would not make any difference to that.

Councillor Davey said he had spoken to a taxi driver who had said he earned the same money today as a taxi drive as he did 15 years ago, but his costs had rocketed. Councillor Davey felt it was right not to charge the driver's for the service. Councillor Cannon agreed and did not consider it an appropriate way to increase receiving fees from drivers. The Trading Standards and Licensing Lead confirmed that if down the line officers saw their workloads increase and costs go up, they would bring a report back to Panel to request and increase in application fees to cover those costs.

**RESOLVED UNANIMOUSLY: That the Licensing Panel noted the report and:**

- i. **Agreed to change the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to reflect the new driving licence checking procedure.**

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be 21 January 2020.

The meeting, which began at 6.00 pm, finished at 7.00 pm

CHAIRMAN.....

DATE.....