

LICENSING PANEL

Tuesday 13 February 2024

Present: Councillors Mandy Brar (Chair), Kashmir Singh (Vice-Chair), Clive Baskerville, Neil Knowles, Jack Douglas, Siân Martin, Genevieve Gosling, John Story and Mark Wilson

Also in attendance: Councillor Simon Werner

Also in attendance virtually: Councillor Gurch Singh

Officers: Oran Norris-Browne, Greg Nelson and Amanda Gregory

Apologies for Absence

No apologies for absence were received.

Declarations of Interest

No declarations of interest were made.

Minutes

AGREED: That the minutes of the meeting held on Monday 16 October 2023 were a true and accurate record.

Minutes of Licensing and Public Space Protection Order Sub Committees

The Licensing Panel noted the minutes of the Licensing and Public Space Protection Order Sub-Committees.

Hackney Carriage Livery

Greg Nelson, Trading Standards & Licensing Manager, introduced the first report to the Licensing Panel. He said that the report primarily concerned the livery that RBWM hackney carriages were required to be painted with. He noted that at the last meeting the Panel had also asked for research to be carried out on the availability and cost of electric and hybrid hackney carriages and other vehicles, and whether the models available complied with requirements for wheelchair accessibility. This information was set out at Appendix B of the report.

Greg Nelson then said that as agreed at the last Panel meeting, a public consultation had been carried out on the livery that RBWM licenced hackney carriages were required to be painted with, whether this livery should be kept as it was or changed in some way. In addition to this, whether changes could be tied in with the introduction of hybrid and electric hackney carriages, when that change was eventually made in the coming years. The public consultation had now been completed, which saw 320 responses, with the full results being available in Appendix C of the report. The results showed that there was a high level (89.1%) of recognition of the livery, and that a clear majority of respondents, 64.8%, thought that the livery should remain as it was. When taking into account the respondents who were not an RBWM licenced hackney carriage or private hire driver, the percentage of respondents who thought that the livery should remain as it was, increased to 87%. The benefits that respondents gave for keeping the livery were very positive and highlighted the ease of recognition of the vehicle as a licenced vehicle, the extra safety and confidence that this

brought, and the positive brand marketing that it provided for the borough. He did note that there were of course some neutral views and some that were also negative.

Greg Nelson then said that a petition signed by 80 hackney carriage drivers had also been received asking that the current RBWM hackney carriage livery be removed. This petition, which was Appendix D of the report, set out the drivers' reasons for this and suggested an alternative livery in the form of magnetic signage. He said that officers were in favour of maintaining the livery as it was for operational reasons and were very much against the use of magnetic signage for the reasons set out in Table 2 of the report. Any changes to the livery would lead to a cost in removing the current livery and a cost in changing the colour of the hackney carriage, which would have to be burdened by the driver, along with the application of any new livery, or the purchasing of magnetic signage.

The Chair then invited both Mr Sabir and Mr Yasin to address the Licensing Panel as registered speakers, each separately for 3 minutes.

Councillor Werner then addressed the Panel as the Cabinet Member for Public Protection by saying that all taxis needed to be recognisable, safe, and classy. He said that looking at the responses to the consultation, it showed that taxis should still have the borough crest on them and be recognisable to residents. He appealed to the Panel to remove the purple bonnet but bring in a more up-to-date and modern look to the hackney carriages.

Councillor Douglas said that public safety needed to be put first, however the reduction in the cost and burden of drivers, whilst also modernising the design should be looked at.

Councillor Gosling asked if stick on colours could be considered as an option for taxi drivers, who could then use their car as a regular vehicle, instead for use as a taxi permanently.

Councillor Wilson said that some form of livery was important but said that a change in what was currently used should be looked at. He wondered if a phased transition could potentially be looked at, so once a new car was obtained then the new livery would then need to be obtained.

Councillor Knowles said that the current livery was a dated look and that it also damaged the re-sale version of the vehicle too. He wondered if it would be possible to potentially have a stick-on sign on both the passenger and driver doors. A contact sticker could be used rather than a magnetic sign, which could be taken off too easily.

Councillor Story said that it must be noted that the consultation results showed that the current livery should stay. However, he did feel as though it was something that could certainly be looked at adjusting. He wished for the Panel to be able to see this final design first though.

Councillor K Singh said that it was important to protect both the public and also the driver's livelihoods, which was a fine balance. He believed that the idea of magnetic signage would not be feasible and would be very difficult to police, as outlined within the report. There was also a big issue with when a driver wished to use the same vehicle for private-hire and also as a hackney carriage, as the livery was permanent and there was no distinguishment for them between the two.

Councillor Douglas wished to then defend the responses to the consultation, as despite the numbers, it was important to note that it was available to all residents to participate. He also then touched on Electric Vehicles (EV) and said that there should not be a difference between the two as this would complicate things.

Councillor Story asked Greg Nelson what the thinking was behind potentially having a different livery for EV's and regular hackney carriages. Greg Nelson replied by saying that the idea was for a clear distinguishment in order to push the EV movement, however he took on board the Panel's feelings towards confusing residents.

Councillor Wilson asked if there was scope for the Panel to propose a recommendation that was different to the one that had been put forward in the report. Greg Nelson confirmed that there was, as long as it was within reason.

Councillor Martin agreed with that way forward and said that some key factors of safety ought to be incorporated and agreed that magnetic signage was not ideal.

Councillor K Singh asked about the grants and if they were from central government. Greg Nelson confirmed this and stated that the grant was for £7,000.

Greg Nelson said that the livery requirements were solely for hackney carriage vehicles within the borough. In terms of magnetic liveries, officers were very against this due to the practical issues that this would cause, in addition to the resources that would be needed to police it. He also said that it was very important to keep residents safe and he implored the Panel to not adopt magnetic signage as there would be nothing to stop unregistered drivers using these and putting residents at risk.

Councillor Brar put forward a slightly amended motion to what had been recommended by officers. This recommendation was to delegate authority to the Assistant Director of Housing & Public Protection, the Cabinet Member for Public Protection, and the Chair of the Licensing Panel to amend the current RBWM hackney carriage livery to ease the burden on drivers, whilst still ensuring the cars are recognisable, by keeping the crest, creating a more up market design and whilst protecting the public. Councillor Martin seconded this motion.

Councillor Wilson then asked if consideration could be made for the optimum mechanism for the phasing in of the new agreed hackney carriage livery and sought for it to be added into the motion. Both Councillors Brar and Martin agreed to this.

Oran Norris-Browne, Principal Democratic Services Officer, wished to clarify what the amended motion was and asked Councillor Wilson to restate his point on the mechanism for phasing in the new agreed livery, so that it could be correctly documented. The motion was then read in full, prior to a named vote then being taken.

Hackney Carriage Livery (Motion)	
Councillor Mandy Brar	For
Councillor Kashmir Singh	For
Councillor Clive Baskerville	For
Councillor Neil Knowles	For
Councillor Jack Douglas	For
Councillor Siân Martin	For
Councillor Genevieve Gosling	Against
Councillor John Story	Against
Councillor Mark Wilson	For
Carried	

AGREED: That the Licensing Panel:

- i) **Noted the information provided on the availability and costs of hackney carriage vehicles and,**
- ii) **Agreed to delegate authority to the Assistant Director of Housing & Public Protection in consultation with the Cabinet Member for Public Protection and the Chair of the Licensing Panel to amend the current RBWM hackney carriage livery to ease the burden on drivers, whilst still ensuring the cars are recognisable, by keeping the crest, creating a more up market design, protecting the public and to consider the optimum mechanism for the phasing in of the new agreed hackney carriage livery.**

DBS Checks on RBWM Licenced Drivers

Greg Nelson began by reminding the Panel what had been agreed at the last meeting. A consultation had since been completed and the full results of this were set out within the report. The results showed that a large majority of respondents, 81.9%, said they knew of no compelling reasons as to why RBWM should not implement the six-monthly checks. There were also no RBWM operational or policy reasons as to why RBWM should not implement these six-monthly checks. Greg Nelson then stated the two ways in which these checks could be carried out, as stated within the report. He said that making use of the “DBS Update Service Status Checks” facility provided by the third-party company was the preferred option as it would by far be the most efficient and effective way of implementing the six-monthly DBS checks. He said that it was also recommended that this be paid for by the individual drivers, with the costs then being read out.

Greg Nelson said that the cost of the “DBS Update Service Status Checks” facility was £6 + VAT per driver per year. He said that this would mean that the DBS costs to an individual driver would be as follows:

- an initial £59 to sign up to the online DBS service via the third-party company.
- £13 per year (including the first year) for the Disclosure and Barring Service (DBS) Update Service, and
- £6 + VAT (£7.20) per year for the “DBS Update Service Status Checks” facility provided by the third-party company.

Greg Nelson then said that it was important to note that the £6 + VAT (£7.20) per driver per year would be waived by the third-party company for the first year. It would then be recharged to RBWM. The intention was to recover this by increasing the hackney carriage and private hire drivers’ licence charges from 1 April 2025 to cover the fee. Therefore, in the first year, drivers would pay £72 (£59 + £13), and then in all subsequent years they would then pay £20.20 (£13 + £7.20), subject to any future inflationary price increases. He said that this would be a considerable saving compared with having to provide a DBS (£59) every six months.

Greg Nelson said that all drivers would benefit from the reduction in paperwork and the efficiencies that came with the automated system, particularly when renewing their licence. In effect, once they had signed up to the online services, there was no more that they would have to do in respect of their DBS during the lifetime of their hackney carriage or private hire driver licence other than renew and pay for the DBS Update Service annually. He added that it would of course take some time for drivers to understand and get used to the new system and some leeway would certainly be given for initial and innocent non-compliance. However there needed to be consequences for drivers who did not comply after advice and assistance was given, so it was proposed that penalty points be introduced for non-compliance, as set out in Appendix C of the report.

The Chair then invited Mr Jaffri to address the Licensing Panel as a registered speaker for 3 minutes.

Councillor Knowles said that his profession was similar to the subject matter, so he had knowledge on this. He said that due to GDPR rules, if a third-party did a sweep, it would simply say that the DBS was no longer supported. The authority would then need to ensure that the individual gets another DBS check. He asked if an addendum could be added to the policy further down so that it was a requirement for a driver to submit a new DBS when this was the case. He also said that the police used to notify authorities of any changes to a DBS, however this was no longer the case and now the authorities would have to carry out checks themselves, to see if any changes had been made to a person’s DBS.

Greg Nelson thanked Councillor Knowles for his comments and said that the third-party company were fully accredited by the Disclosure & Barring Service up and down the country. He then outlined what the process would be when a change would occur with a DBS, by saying that officers would look at the change when notified and if necessary, take action

accordingly if it made officers question the driver being a fit and proper person. Councillor Knowles replied by saying that the onus legally was on the borough and not the third-party. Both were confident on what they had stated, however Greg Nelson said that he would look into what Councillor Knowles had said.

Councillor Douglas asked what the significance was for DBS checks every 6 months. Greg Nelson said that this was the statutory requirement and that the system in question offered the ability to check every 2 weeks. The recommendation was made in order to comply with the standards.

Councillor Story strongly recommended that communications be made to residents, to make them aware that regular DBS checks were being carried out to ensure that residents were being kept safe. He then asked for some clarity on the penalty points process.

Greg Nelson then explained that it was an existing policy that RBWM had in place for many years. 3, 6 or 12 points could be given for certain infringements, with some minor ones being things like the way they speak to passengers or parking in a disabled bay for example. If 12 points were accumulated over a 12-month period, then a decision would have to be made as to whether the driver was still fit and proper to hold a license. After 12 months, any points accumulated would be removed. Moving forward with the recommendation before the Panel, if a driver was to not adhere to rules around DBSs, then points would be issued.

Councillor Baskerville asked about the costs to the drivers and how the figures were worked out compared to the national average. Greg Nelson said the cost difference was very minimal, if not even just a neutral level. The charges set by the third-party company were the same nationally and also the time it took the drivers to administer paperwork, would also be reduced. The Chair then asked for some clarity on the cost, which Greg Nelson then provided, as set out within the report.

Councillor Knowles said that he was supportive of the recommendation as it made things easier for both the officer and also the drivers. Past history had shown that DBS certificates had needed to be applied for 4 or 5 months before their expiration, in order to ensure that they were ready in time. In the long run, it also made it cheaper for the drivers.

Councillor Douglas said that the hackney carriage badge was a symbol of trust and that the recommendation that was being looked at, really cemented this.

Councillor Wilson said that it was important to have one singular process for the drivers to abide by, to avoid any confusion between private-hire and hackney carriage.

Councillor Knowles proposed the recommendation that had been put forward by officers. This was seconded by Councillor K Singh.

A named vote was taken.

DBS Checks on RBWM Licenced Drivers (Motion)	
Councillor Mandy Brar	Abstain
Councillor Kashmir Singh	For
Councillor Clive Baskerville	For
Councillor Neil Knowles	For
Councillor Jack Douglas	For
Councillor Siân Martin	For
Councillor Genevieve Gosling	For
Councillor John Story	For
Councillor Mark Wilson	For
Carried	

AGREED: That the Licensing Panel noted the report and:

- i) Agreed to amend RBWM policies such that all RBWM licenced hackney carriage and private hire drivers enable the Licensing team to check their DBS for new information every six months with effect from 01 April 2024**
- ii) That this was achieved as set out in Table 1, below,**
- iii) That the charges for this were paid for by the individual drivers, and**
- iv) That penalty points be introduced for failure to comply with these requirements.**

RBWM Gambling Act 2005 Statement of Principles - Three-Yearly Review

Greg Nelson introduced the last of the reports to the Panel, which concerned a statutory three yearly review of the borough's policy under the Gambling Act 2005. This was a legal requirement of all licensing authorities so was something that had to be done, but as a courtesy to the Panel, he wanted to inform them of this happening and to explain the background and methods. If necessary, any updated policy would be brought to the next Licensing Panel meeting for endorsement before it went to Full Council later in the year for approval.

Councillor Story asked for an example of what could potentially be changed. Greg Nelson replied by saying that in the past, work had gone into looking at the protection of young persons from gambling for example. However, there had been less consideration given to vulnerable adults, which colleagues in adult services assisted with adding into the policy. This was only 3 years ago, hence why not many changes were envisaged due to him believing that the borough had a robust policy in place.

Councillor Knowles wished to propose the recommendation that was listed within the report. Councillor K Singh seconded this.

A named vote was taken.

RBWM Gambling Act 2005 Statement of Principles - Three-Yearly Review (Motion)	
Councillor Mandy Brar	For
Councillor Kashmir Singh	For
Councillor Clive Baskerville	For
Councillor Neil Knowles	For
Councillor Jack Douglas	For
Councillor Siân Martin	For
Councillor Genevieve Gosling	For
Councillor John Story	For
Councillor Mark Wilson	For
Carried	

AGREED: That Licensing Panel noted the report and:

- i) Agreed that a consultation should be carried out to review the current RBWM Gambling Act 2005 Statement of Principles and,**
- ii) Agreed that the results of that consultation be brought to a future Licensing Panel for endorsement before going to Full Council for adoption as RBWM policy.**

The meeting, which began at 6.00 pm, finished at 7.45 pm

Chair.....

Date.....