

**CANNOCK CHASE DISTRICT COUNCIL**

**HACKNEY CARRIAGE & PRIVATE HIRE LIAISON GROUP**

**Notes of the Meeting held at 11.00am on Wednesday 24 October 2018**  
**Cannock Room, Civic Centre, Beecroft Road, Cannock, Staffordshire, WS11 1BG**

**Members of the Liaison Group (Councillors)**

Cllr Carl Bennett, Portfolio Leader for Crime & Community Partnerships (Group Chair)\*

**Members of the Liaison Group (officer)**

David Prosser-Davies: CCDC\*

Sean O'Meara : CCDC\*

Scot Kearney : CCDC\*

**Representative of the Hackney Carriage/Private Hire Trade**

Terrance Hurley\*

Steven Toy\*

Kendal Tranter\*

Martin Hammond\*\*\*

Steven Holroyd\*\*\*

Omar Ali (Observer)\*\*

Victor Simonczyk\*

Patricia Taylor\*

George Simonczyk\*\*\*

Harry Griffiths\*\*\*

(\* Present (\*\* Apology (\*\*\*) Not Present / No Apology

**Welcome & Apologies**

Cllr Bennett welcomed everybody to the meeting and apologies were accepted.

**Minutes of the last meeting**

The notes of the previous meeting were confirmed as an accurate record.

**Matters arising**

There were no matters arising.

**HCPHLG Constitution**

It was agreed that after a re-nomination of the Trade representatives, those who had not responded to a invitation to renew their membership of the HCPHLG should be removed from the list of members. Cllr Bennett commented that the group was starting to undertake a wider more detailed role and therefore, although the newly constituted group would be smaller, it would be possible for others people to be invited to attend a meeting where it was appropriate to do so.

### **Gateshead v Henderson (unlawful plying for hire)**

Mr Toy informed the group that this case relates to a PH driver being summonsed for plying for hire and was a confirmation that PH drivers could be challenged by enforcement officers for doing so. Mr O'Meara was aware of the Case but said that there were other cases of similar circumstances (*Reading BC v Ali*) and that each incident would be taken on a case by case basis.

Mr O'Meara said that CCDC licensing officers regularly challenge PH drivers from out of town. Particular attention was given to drivers who were acting suspiciously or were parked in the town centre environment. Cllr Bennett asked for copies of both cases mentioned.

Mr Toy noted the comments and said that he was of the opinion that the relationship between the trade and the Council, was one of the best, if not the best, in the Country.

### **Operating and the Deregulation Act**

Mr Toy informed the group that he believed that PH vehicles who were standing with intent in an area other than the one in which they were licensed, is an offence under the Local Government ( Miscellaneous Provisions) Act 1976. It was agreed that although this may be true, it might be difficult to prove intent.

Mr Toy asked that the CCDC LU look to work with others to help ensure greater enforcement of licensed vehicles across a wider area. Mr O'Meara advised that this is already done on occasion.

### **Guidance on determining suitability of applicants and licensees in the hackney and private hire trades. Institute of Licensing (IoL), April 2018.**

Mr O'Meara advised the group that this guidance had been issued by the IoL and its intention was to benefit all those who engage with the taxi trade. He said that there are elements of the document which CCDC might chose to introduce into the taxi policy during an update next year. Mr O'Meara said that there were 2 elements of the policy which might require some discussion. One is the introduction of what the document calls a "Bright Line" and the second is that some of the timescales given within it may seem lengthy.

Mr Toy said that such a policy might seem to take away Councillors discretion in determining applications. Mr O'Meara said that although it may seem that way, it was unlawful for a policy to fetter discretion and the introduction of such a policy was intended to create clarity of thought and encourage councillors to give good reasons for departing from the bright line policy.

It was agreed that the matter be referred back to the HCPH LG in the new year.

### **Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system. DfT, Task & Finish Group**

Mr O'Meara advised the group that the document had been produced and although many of the recommendations relate to the need for a change of legislation and/or Government policy, some of the recommendations might make their way into the Council's updated taxi policy in the new year.

Cllr Bennett asked that the Licensing Unit make a list of the relevant recommendations and that the HCPH LG, through Mr Toy, should add to that list if they wished to do so (see list below).

### **Date of next Meeting**

The next meeting will be at 11.00am on Wednesday 12 December 2018.

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:  
STEPS TOWARDS A SAFER AND MORE ROBUST SYSTEM**

**LIST OF RECOMMENDATIONS FOR DISCUSSION AND  
WHICH MAY BE INCLUDED IN CCDC UPDATED HCPH POLICY 2019**

**Recommendation 6**

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

**Recommendation 7**

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

**Recommendation 9**

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

**Recommendation 12**

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

**Recommendation 17**

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

**Recommendation 18**

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

**Recommendation 20**

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

### **Recommendation 23**

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals.

Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database

### **Recommendation 25**

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding / child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

### **Recommendation 26**

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

### **Recommendation 28**

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

### **Recommendation 29**

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

### **Recommendation 30**

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

### **Recommendation 31**

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

### **Recommendation 32**

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

### **Recommendation 33**

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

### **Recommendation 34**

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.