

## **LICENSING COMMITTEE**

**20 November 2017**

Present: Councillor J Fahmy (Chair)  
Councillor A Dychton (Vice-Chair)  
Councillors S Bolton, J Connal, K Hastrick, M Hofman, P Jeffree,  
Ahsan Khan, B Mauthoor, M Mills, M Parker and R Smith

Officers: Environmental Health and Licensing Section Head  
Environmental Health Manager (Business)  
Business Compliance Officer  
Senior Solicitor (CN)  
Committee and Scrutiny Officer

### **5 Apologies for absence/ committee membership**

Apologies for absence were received from Councillors Crout, Saffery and Scudder.

### **6 Disclosure of interests (if any)**

There were no disclosures of interest.

### **7 Minutes**

The minutes of the meeting held on the 26 June 2017 were submitted and signed.

### **8 Disability Access Project final report and further recommendations**

The committee received a report of the Head of Community and Environmental Services asking councillors to note the outcome of each of the 29 project aims and to formally close the Disability Access Project.

The Business Compliance Officer highlighted elements of the report. He advised that the vast majority of the 29 recommendations had been completed. It was proposed that the Disability Access Project should be closed and the outstanding matters transferred to the new Accessible Transport Project. It had not been possible to carry out some of the actions and the details were included in the

update. He explained about discussions with the hospital; the hospital was concerned about vehicles waiting too long around the hospital site.

In response to a question about compensating or subsidising drivers for their training and other requirements put forward by the council, the Environmental Health and Licensing Section Head explained that delivering the licensing function was cost neutral. The council was not allowed to make any profit from income derived from hackney carriage licensing fees. Councillors would have to decide through the budget process if they wished to fund the councillor's suggestion from council tax income.

Following a question about reviewing the new project, the Business Compliance Officer commented that councillors would need to propose when they wished to receive an update on progress. He suggested the most reasonable time would be in 2019, in line with the timescales for the outstanding matters in the Disability Access Report.

The Environmental Health and Licensing Section Head stressed that officers were not asking the committee to agree to any extensions to the deadlines. She advised that officers would begin to gather required information and put forward the best options for Watford. Consultations would be carried out as required.

The chair moved the officer's recommendations.

RESOLVED –

1. that the outcome of each of the 29 project aims be noted.
2. that the Disability Access Project be formally closed.
3. that the further recommendations shown below be incorporated into the Accessible Transport Project –
  - that a separate vehicle licence condition project is commenced and it considers the issue of door signs as part of the wider considerations.
  - that the licensing team explores the possibility, financially and legally, for the continued testing of drivers to be undertaken by a small group of passengers trained to a professional standard. This group to gather the necessary evidence to allow the authority to take meaningful enforcement action against drivers and operators who fail to ensure they offer services equally to all.

- that the guidelines on the issuing of licences be reviewed to determine if there is scope to include consideration of non-criminal discrimination in determining a driver's and/or operator's fitness and propriety.
- that the above points form the main aims of a new Accessible Transport Project.

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### **Private Hire operator conditions**

The committee received a report of the Head of Community and Environmental Services asking members to consider new conditions for inclusion in the general Private Hire Operator conditions.

The Business Compliance Officer informed the committee that the suggestion to add to the Private Hire Operators Conditions had arisen from the Disability Access Project. He noted that operators usually had a basic disclosure check, drivers were required to have an enhanced check and currently the controllers were not required to have any check carried out. Following various incidents and investigations it had become apparent that checks ought to be carried out on all staff, including the controllers. Dame Louise Casey's report attached as Appendix 4 to the report provided examples of incidents that her investigation had been informed about.

The Business Compliance Officer highlighted the proposed new conditions that officers had suggested should be added to the Private Hire Operator conditions. However, following the publication of the agenda, officers had reconsidered the wording for conditions 17 and 19. It was proposed that they should be reworded as follows –

“17. The Licensee to provide proof of their attendance at a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.

19. The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.”

The Business Compliance Officer stated that training courses could cover all three areas rather than individual courses for each subject. Condition 23 had been suggested to ensure that those customers who had to use larger vehicles were not charged disproportionately. Operators needed to make reasonable

adjustments. Officers had sought detailed legal advice on the issue of charging more for larger vehicles.

Some members were concerned about the wording of proposed condition 23. They felt the wording was too 'loose' and would be difficult to enforce. They questioned how many would be required for very small companies. It was suggested that it may be more appropriate to specify a certain proportion of the company's fleet should be capable of carrying wheelchair users.

The Business Compliance Officer responded that each case would be considered separately on its own merits. The aim was to prevent the operator charging the wheelchair user based on the size of the vehicle. He suggested that if the committee was not happy with the suggested wording, they could defer that particular condition and try to find alternative wording.

Councillors said that they were happy with the principle of the condition but were concerned about its strength if enforcement was required. It was suggested that further information should be included in the guidance provided to operators. However it was felt the condition should be included.

The Environmental Health Manager (Business) reminded the committee that private hire operators were not bound only by the conditions; they also had to comply with legislation, for example the Equalities Act 2010. The Environmental Health and Licensing Section Head added that it was already illegal to overcharge. If the committee were minded to impose a set proportion of the fleet needed to be accessible for wheelchair users, a deadline would need to be set and it would have a more economic impact on the operators.

Members then raised the subject of training, approved courses and costs. The Business Compliance Officer informed the committee that there were a number of training providers, including the council. The new conditions were not retrospective. They would only be applied to new or renewed licences. He advised that the council currently charged between £35 and £40 per driver for the Disability Awareness training. The addition of the safeguarding aspect would add approximately a further £10 to the charge.

In response to questions about online training, the Business Compliance Officer stated that an online course was being developed. However, it had been found that face to face training had been more effective on this subject. It was possible that a combination of online and face to face training may be introduced. It was necessary to note that this may not reduce the overall cost of the course.

Following a councillor's comment about hackney carriage charges, the Business Compliance Officer informed the committee that tariff cards should be displayed

in all hackney carriage vehicles. The map on the reverse of the card showed distances between certain points and the potential charge for that journey. The card had been based on tariff two. Private hire companies should still provide a quote for a journey at the start or information on how the fare would be calculated, for example a meter or tariff card would be consulted.

It was agreed that the tariff card would be circulated to the committee. Officers also agreed to see if they could develop something for the website which provided information about each of the tariffs.

RESOLVED –

that the new conditions shown below be approved for inclusion in the general Private Hire Operator conditions –

- 1.2 The Licensee shall ensure any controller or other member of staff likely to be on duty alone shall have full training in order to access and provide details of these bookings immediately if required to do so by an authorised officer or police constable for the purposes of investigating offences.
- (16) The Licensee will provide proof of their attendance at disability awareness training to include specific training on the Equalities Act 2010 and the relevance and impact of this to service providers.
- (17) The Licensee to provide proof of their attendance at a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.
- (18) The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have provided a basic criminal record check from the Disclosure and Barring Service.
- (19) The Licensee will ensure that all staff acting and/or employed as controllers or who have contact in any way on a regular basis with members of the public have attended a recognised course or courses on current and emerging safe-guarding risks to include at least: Recognising and reporting the signs of Child Sexual Exploitation, Modern Slavery and Extremism.

- (23) The Licensee will ensure that adequate vehicles are available to carry passengers in wheelchairs for no extra charge over any other vehicle type where to charge more would amount to discrimination.

Chair

The Meeting started at 7.30 pm  
and finished at 8.40 pm