



TAXI AND GENERAL COMMITTEE

MINUTES OF THE MEETING HELD IN THE SIRHOWY ROOM, PENALLTA HOUSE ON THURSDAY, 13TH JULY 2017 AT 10.15 A.M.

PRESENT:

Councillor D.W.R. Preece - Chair

Councillors:

J. Bevan, W. David, M. Davies, K. Etheridge, Ms J. Gale, D.C. Harse, Mrs D. Price, J. Ridgewell, R. Whiting, L.G. Whittle, W. Williams

Together with:

M. McSherry (Licensing Manager), T. Rawson (Solicitor), S. Mock (Solicitor), R. Barrett (Committee Services Officer), J. Tyler (Administrative Assistant)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Bevan, M.P. James, and J. Simmonds (Vice Chair).

2. DECLARATIONS OF INTEREST

During the course of the meeting, Councillor K. Etheridge declared an interest in respect of Agenda Item No. 4 (Implementation of Equality Act 2010 in respect of Wheelchair Accessible Vehicles). Details are minuted with the respective item.

3. PROPOSED PROCEDURE FOR EMERGENCY REVOCATION OF TAXI DRIVER LICENCES

The Licensing Manager presented the report, which recommended a procedure for the urgent suspension or revocation of hackney carriage/private hire vehicle drivers licences where information is received of a serious nature that may affect public health and safety.

It was explained that the Authority must satisfy itself that applicants and holders of hackney carriage/private hire vehicle drivers licences are a fit and proper person. Under the current policy, licensed drivers whose suitability is called into question are referred to a Taxi and General Sub Committee hearing, where Members determine suitability and can apply additional conditions, suspend or revoke licences. Although the system works well, there are occasions where urgent action may be required which in the interest of public safety cannot be delayed whilst due process is followed to arrange a Sub Committee hearing.

The report therefore recommended the implementation of an emergency Rapid Response Procedure where swift action can be taken in limited and very serious circumstances. It proposed that an Officers' emergency meeting be convened in these cases to consider

whether action should be taken in respect of a driver's licence. Determination of the matter would be delegated to the Head of Public Protection or the Trading Standards, Licensing and Registrars Manager, who would be supported by Officers from the Licensing Section and Legal Services (where appropriate), with Members of the Taxi and General Committee being informed of the meeting outcome.

A Member raised concerns regarding the impact of this procedure on licensed drivers whose suitability is called into question, in that they could potentially have their licence revoked and the serious matter may later prove to be unfounded, which would result in them having to re-apply for their licence. The Committee were assured that this emergency procedure would only be invoked in serious circumstances where there are concerns that public safety may be at risk.

Officers acknowledged that whilst this new procedure may inconvenience some drivers, it is felt to be an appropriate course of action on the balance of probabilities and in view of the Council's duty to protect the public. It was explained that due to the High Court ruling in respect of *Singh v Cardiff Council*, local authorities no longer have the option of suspending the driver's licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 in order for the matter to be considered at a later date. Members were also advised that the licence application fee includes all processing costs (and is not a pro-rata fee), and that if only a short period of time elapses between the revocation and new application, it may be possible to transfer the driver's existing DVLA, DBS and medical checks to the new application.

Members queried the potential impact of delegating emergency matters to senior Officers and the extent of the Taxi and General Committee's accountability in such cases, given that they were being asked to ratify the new Rapid Response Procedure. They also queried the need for this new procedure and whether there had been any previous cases where licence revocations for serious matters had been appealed to the magistrates' court. Officers explained that the Council's Constitution already delegates certain decisions to the Head of Public Protection and reiterated that the Rapid Response Procedure would only apply in the most serious circumstances requiring emergency action. Members were advised that this process already exists within other authorities and that the need has been identified for it to be introduced into Caerphilly as a precautionary safeguarding measure. It was explained that should a licence be revoked, then the driver has the immediate right of appeal to a Magistrate's Court, and that it would be the decision being appealed (and not the procedure itself).

Discussion took place on whether the Chair and Vice-Chair of the Licensing and Gambling Committee should be involved in the new procedure. Officers explained that during the report consultation process, it had been established that these Members might not be available at short notice if there is a need to convene an emergency meeting, and had therefore not been included in the proposals.

A Member proposed an addition to the Rapid Response Procedure appended to the report, in that subject to availability, the Chair and Vice-Chair of the Licensing and Gambling Committee be included in any Officer emergency meetings to consider serious issues relating to licenced drivers.

An amendment was moved and seconded that the original recommendation be supported, in that the Rapid Response Procedure detailed in Appendix 1 of the report be approved.

A vote took place on the first proposal and by a show of hands (and in noting there were 10 against), it was declared lost. As such, the original report recommendation was agreed by the majority present and it was

RESOLVED that the proposed Rapid Response Procedure detailed in Appendix 1 of the report be approved.

4. IMPLEMENTATION OF EQUALITY ACT 2010 IN RESPECT OF WHEELCHAIR ACCESSIBLE VEHICLES

Councillors K. Etheridge declared a personal and prejudicial interest (as a family member is a wheelchair user) and left the meeting during consideration of the item.

The report advised Members of the commencement of sections of the Equality Act 2010 relating to licensed wheelchair-accessible vehicles, and sought approval to implement the relevant sections of the Act.

It was explained that Sections 165, 166 and 167 of the Equality Act 2010 requires licensing authorities to determine whether they wish to maintain a list of designated wheelchair-accessible vehicles. Where a licensing authority implements such a list, duties are placed on the drivers of these designated vehicles to provide assistance to wheelchair users who are travelling in the vehicle. Further details of these duties were contained within the report. Officers explained that subject to Members' approval, a list of licenced designated wheelchair-accessible vehicles would be published on the Council's website. This list will also advise wheelchair users to check when booking a taxi that the vehicle can accommodate their particular type of wheelchair. Existing proprietors will be contacted to see whether they wish for their vehicle to be included on the list, and new vehicles will be examined at the time of application to check if they are wheelchair-accessible.

Reference was made to the exemption criteria and procedures for those drivers who could not comply with the duties set out in the Act on medical or physical condition grounds. Having been advised that a policy on this matter was also listed on the agenda for consideration at the meeting, Members were asked to disregard 10.1(b) of the report recommendation (which recommended preparation of this policy).

A Member queried whether there should be a requirement for wheelchairs and their users to be safely secured within the vehicles. Officers outlined the impracticalities that this could present, given the diversity of wheelchair-accessible vehicles and wheelchair access requirements. It was suggested to Members that this is a matter that could be examined further, once a designated list of vehicles has been established. In response to a Member's query, it also was confirmed that there is currently no extra charge to carry a wheelchair in the case of hackney carriage fares (although this may not be the case for private hire vehicles).

Having considered the report fully, it was moved and seconded that the following recommendation be approved. By a show of hands, this was unanimously agreed.

RESOLVED that the requirements of sections 165, 166 and 167 of the Equality Act 2010 be implemented with immediate effect.

5. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER MEDICAL EXEMPTION POLICY

Consideration was given to the report, which sought approval for the implementation of a policy in respect of exempting hackney carriage and private hire vehicle drivers from legal requirements on medical grounds.

Officers explained that the Equality Act 2010 (Sections 168-171) specifically requires drivers to carry guide dogs (and other assistance dogs) at no extra cost and to allow the dog to remain with its owner. Individual drivers may apply to the Council for an exemption certificate where they have specific medical conditions either in the short or longer term. Exemptions are not permitted on religious or cultural beliefs. Assistance dog owners have a responsibility to ensure that the dog is clearly identifiable as an assistance dog through the use of appropriate harnesses and/or identification cards.

Section 165 of the Act also requires drivers of licensed wheelchair-accessible vehicles to carry passengers in wheelchairs and provide assistance to those passengers. These requirements do not apply to drivers who have a valid exemption certificate (issued under Section 166 of the Act) and display a valid exemption notice in the prescribed manner. Councils can exempt drivers where it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties.

Members were referred to the proposed Drivers Exemption Policy which was appended to the report and sets out the legal obligations and the procedures to be followed in respect of any requests for exemptions received from licensed drivers.

Following discussion on the content of the report, it was moved and seconded that the following recommendation be approved. By a show of hands, this was unanimously agreed.

RESOLVED that the Drivers Exemption Policy as appended to the report be implemented with immediate effect.

6. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY REVISION

The report proposed that the policies and conditions applicable to hackney carriages and private hire vehicles be reviewed and recommended that all stakeholders are consulted on the development of a revised and updated policy.

Officers explained that current policies and conditions in respect of hackney carriages and private hire vehicles do not reflect up to date vehicle developments and technologies. The report sets out a range of issues which impact on the public, the taxi trade and national strategies and proposed a full review of the current requirements in respect of licensing vehicles as taxis and private hire vehicles.

Members were advised that the vehicle specification currently referred to as 'conditions of application', was developed several years ago and although subject to minor amendments has not been subjected to a full review to ensure that it is appropriate and up to date to reflect modern trends and developments. A draft Hackney Carriage and Private Hire Vehicle Policy and Conditions 2017 was therefore appended to the report, which sets out options for Members' consideration in respect of a number of issues, and is intended as a starting point for consultation and discussion with stakeholders.

Officers summarised the issues requiring review as outlined in the report, including licence conditions, passenger accessibility/seating capacity, wheelchair accessible vehicles, vehicle age restrictions, taxi meter types, vehicle emissions, window tints, advertising, CCTV in vehicles, private hire vehicles door signage, and the current vehicle inspection standard. Members noted a particular need to review passenger accessibility/seating capacity arrangements, arising from a large number of vehicles brought to the Taxi and General Sub Committee on this matter over the last 18 months (the majority of which were granted a licence).

Following discussion on the content of the report, it was moved and seconded that the following recommendation be approved. By a show of hands, this was unanimously agreed.

RESOLVED that a consultation exercise be undertaken on the content of the draft Hackney Carriage and Private Hire Vehicle Policy, and further reports outlining the responses received be submitted to the Taxi and General Committee at a later date for consideration.

The meeting closed at 11.19 a.m.