



# Notice of a public meeting of Gambling, Licensing & Regulatory Committee

To: Councillors Douglas (Chair), Funnell (Vice-Chair), Crisp,

Gillies, Hayes, Hunter, Looker, Mason, Mercer, Orrell,

Pavlovic, Reid, Richardson, Taylor and Wells

Date: Monday, 13 November 2017

**Time:** 4.00 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

### 1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

# **2. Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 4 September 2017.

# 3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00pm on Friday 10 November 2017.** 

# **Filming or Recording Meetings**

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be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <a href="http://www.york.gov.uk/webcasts">http://www.york.gov.uk/webcasts</a>.

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- 4. Taxi Licensing Review of Driver Training (Pages 5 12)
  This report seeks Members' views in relation to the training package that is now being provided by the Council to both new and existing drivers in accord with the Council's Taxi Licensing Policy. Members are asked to note the new training package and provide any comments they have to Officers.
- 5. Taxi Licensing Equalities (Pages 13 20) This report is to brief Members on recent changes relating to taxi licensing following the introduction of Sections 165 and 167 of the Equalities Act 2010 (the Act). The report seeks Members' approval to produce a designated vehicle list and to introduce a new requirement relating to the carrying of assistance dogs in licensed vehicles.

### 6. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer: Name: Angela Bielby Contact Details:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- · Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

(Urdu) یه معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔

**T** (01904) 551550



#### 6. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Councillor Mason declared a personal interest in agenda item 4 - Renewal of Sex Establishment Licence for Black Orchid, as the manager of the complex which included the Black Orchid previously managed an establishment with which his company had a contract, although the establishment concerned was not a sex establishment.

#### 7. Minutes

Resolved: That the minutes of the meeting held on 11 July

2017 be approved as a correct record and signed by

the Chair.

# 8. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on a matter within the general remit of the committee.

Mrs Wendy Loveday spoke to express concerns on the safety of Uber vehicles and to suggest that greater consideration be given to the Local Government Association's new 'Handbook for Licensing Councillors' when considering the renewal of Ubers operators licence in December.

9. Renewal of Sex Establishment Licence For Black Orchid (1st Floor Tokyo), 3-5 Toft Green, York, YO1 6JT

Members were asked to determine an application for the renewal of a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Black Orchid (1st floor), 3-4 Toft Green, York, YO1 6JT.

In coming to their decision, Members took into consideration all the evidence presented to them including:

- 1. The application form.
- The Licensing Manager's report and her comments made at the meeting. It was noted that this was a renewal of an existing licence and that no objections to the application had been received.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1: Grant a renewal of the licence as requested.

Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.

Option 3: Refuse the application for renewal on one of the Mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Resolved: That Members agreed Option 1 to renew the Licence.

Reason: This was a renewal of an existing licence and no

objections had been received.

Councillor Douglas, Chair [The meeting started at 4.00 pm and finished at 4.20 pm].





Gambling, Licensing & Regulatory Committee 13 November 2017

Report from the Assistant Director – Planning and Public Protection

# Taxi Licensing - Review of Driver Training

## **Summary**

1. This report seeks Members' views in relation to the training package that is now being provided by the Council to both new and existing drivers in accord with the Council's Taxi Licensing Policy. The training is designed to enable drivers to demonstrate an awareness of sexual exploitation issues – this being required to meet the criteria of being 'fit and proper' to hold a York Licence.

#### Recommendations

2. That Members note the new training package and provide any comments they have to Officers.

Reason: to inform and seek Members' views about the Taxi Driver's Training Package.

# **Background**

- 3. Following the findings of the Jay and Casey reports, which related to Child Sexual Exploitation in Rotherham, the Council introduced a requirement that as part of the application process new driver applicants should complete sexual exploitation awareness training to demonstrate understanding in this area. The Taxi Licensing Policy, approved by the Council in 2016, confirmed that existing licensed drivers should also complete this type of specialist training.
- 4. Potential applicants for hackney carriage or private hire drivers' licences are provided with guidance notes detailing the application process/requirements.

5. Officers have reviewed existing training and developed a new training programme that, amongst other subject areas, encompasses sexual exploitation awareness.

### New Training Format for New Driver Applicants

- 6. In designing the new training package, Officers considered feedback received from applicants regarding the knowledge test, concerns regarding the online disability awareness training and subject matter on complaints received regarding the licensed trade. Working with colleagues in the Workforce Development Unit (WDU) a proposal was put forward that new applicants attend a training day on 'Knowledge and Safeguarding', this training would cover a variety of topics aimed at helping applicants in their new role, these topics include:
  - Disability Awareness;
  - Child and Adult Safeguarding;
  - Sexual Exploitation;
  - Equality Awareness;
  - Customer Service;
  - Legislation and Byelaws; and
  - York's Pedestrian Zone awareness.
- 7. The training day now ends with a test on these subject areas, along with questions relating to routes within the York area, locations and places of interest, which applicants are expected to pass in order to progress their application. The training day includes a presentation, along with group work and discussion, the test has 20 questions, and 16 questions have to be answered correctly to pass. Five of these questions relate to routes and locations within the authority area. Applicants who fail the test can either re-sit the full days training and test, or re-sit the test. Applicants are allowed to take a maximum of six tests.
- 8. WDU sourced a training provider to facilitate this training. The cost to attend the training day is £80.00.
- 9. The training day programme and fee were agreed under delegated authority by the Director of Economy and Place, the Chair and Vice Chair of this Committee and the relevant Executive Member in June 2017. Members of this Committee were also notified by email with regard to the introduction of this new training in August 2017.

- 10. It was determined that from 1 September 2017 new applicants would be required to complete the comprehensive training day. New applicants who had not yet passed the Knowledge/Locality Test and were still going through the application process on the 1 September, were given the opportunity to either complete this training or continue doing the existing Knowledge/Locality test.
- 11. To date two training days have been held, with 23 new applicants passing the test (77%), 7 new applicants failed the test and have been given the opportunity to re-sit. Positive feedback has been received, especially in relation to the trainer, for example:
  - Very good trainer well humoured easy to learn;
  - Very nice trainer making us feel confident and focused about the course, very good communication skills;
  - Very nice man;
  - Very helpful.
- 12. Following feedback received from the licensed trade that the new test was considered easy as they did not believe that enough questions related to routes and locations, officers have spoken to the trainer and the test has been amended. There are now 30 questions, 15 of which relate to routes, locations, conditions and byelaws, the pass mark is 26.

# Sexual Exploitation Training for Existing Licensed Drivers

- 13. Officers also considered the training that should be delivered to existing licensed drivers. Consideration was given to the grounds on which driver licences had been suspended or revoked and the complaints received regarding the licensed trade. It was determined that it would be beneficial that a half day training session would be held covering the five topics in italics at paragraph 6. This training would be delivered by the same trainers as the full day training and would cost £40.00. This session is in the same format as the full day, and includes group work and discussion. There is a test at the end of the session, in the form a 'quiz'.
- 14. Letters were sent to holders of hackney carriage and private hire drivers licenses, to advise them of this training, how to book, the cost and that they would be required to complete the driver prior to the expiry of their drivers licence (at this time a majority of which expire in 2019 and the remainder in 2020). Whilst the letter advised that drivers who fail to complete the training would not have their licences renewed, it should be noted that each renewal must be dealt with on its own merits. For

example, a driver may provide evidence that they have undertaken recent equivalent training that could demonstrate a sufficient level of understanding to meet the "fit and proper" test.

- 15. Some negative feedback has been received from approximately nine members of the licensed trade. Comments include:
  - they should not have to attend this training;
  - only training relating to child and adult safeguarding and sexual exploitation should be required;
  - there are too many topics to cover in half a day;
  - they already have recognised taxi qualifications;
  - the training should be free.

#### Consultation

16. A consultation has not taken place in relation to this report.

### **Options**

- 17. Option 1 The Members note the new training package and provide any comments they have to Officers.
- 18. Option 2 That Members seek a further report to address any concerns they may have regarding the delivery of the present comprehensive training package.

# **Analysis**

- 19. The Council currently issues the following number of driver licences:
  - private hire611
  - hackney carriage 286

The aim being that by the end of 2020 100% of drivers licensed by this authority will of completed the training on:

- Disability Awareness
- Child and Adult Safeguarding
- Sexual Exploitation
- Equality Awareness
- Customer Service
- 20. As Members are aware the Council is a member of the Combined Authority with the five Authorities within West Yorkshire. One of the

tasks of the Combined Authority is to consider is taxi licensing. Licensing Managers from the six authorities meet monthly, to discuss implementing joint policies in a number of areas. The work of the Licensing Managers Group is reported to and is overseen by Licensing Committee Chairs from the six authorities who meet bi-monthly. One area that has been discussed is driver training.

- 21. To provide Members with comparative information, the five West Yorkshire authorities expect new applicants and existing drivers to do training as detailed in Annex 2.
- 22. Officers are confident that the training package is suitable and the cost proportionate, having regard to the importance of safeguarding to the role of a licensed driver in providing services to the public.

#### **Council Priorities**

23. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

### **Implications**

- 24. The direct implications arising from this report are:
  - (a) Financial There are no financial implications.
  - (b) Human Resources (HR) There are no HR implications.
  - (c) **Equalities –** There are no equalities implications.
  - (d) **Legal –** There are no legal implications.
  - (e) **Crime and Disorder –** There are no crime and disorder implications.
  - (f) Information Technology (IT) There are no IT implications.
  - (g) **Property -** There are no property implications.
  - (h) Other There are no other implications.

# **Risk Management**

25. In providing the training package to applicants and drivers the Council can manage the quality of the training provided which will be a factor in determining whether an individual driver is 'fit and proper'.

### **Contact Details**

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	Approved					
Specialist Implications Officer(s)						
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Wards Affected:				All	V	
For further information please contact the author of the report						

## **Background Papers**

Taxi Licensing Policy https://www.york.gov.uk/downloads/file/9715/taxi\_licensing\_policy

#### **Annexes**

**Annex 1** - West Yorkshire Authorities training requirements

Authority	New Driver Applicant Training	Requirements and Cost	Existing Driver Training	Requirements and Cost		
Bradford	<ul> <li>Vehicle safety checks</li> <li>Licensing conditions &amp; compliance</li> <li>Safeguarding (CSE/Human Trafficking)</li> <li>Customer service and personal care</li> <li>Disability awareness</li> <li>Wheelchair clamping</li> </ul>	Half days training session with a test on each module listed, £30.00, and an additional £15 to re-sit each module failed. Applicants must pass each module to progress their application.	<ul> <li>Vehicle safety checks</li> <li>Licensing conditions &amp; compliance</li> <li>Safeguarding (CSE/Human Trafficking)</li> <li>Customer service and personal care</li> <li>Disability awareness</li> <li>Wheelchair clamping</li> </ul>	Half days training session with a test on each module listed, £30.00, and an additional £15 to re-sit each module failed. Drivers must complete this training once every three years prior to renewal of licence.		
Calderdale	<ul> <li>Keeping yourself safe and reporting incidents</li> <li>Protecting children from child sexual exploitation and other forms of abuse</li> <li>Drug and alcohol issues</li> <li>Domestic Abuse</li> <li>Being an ambassador for Calderdale (customer care and professional standards)</li> <li>Disability and access for all (equality)</li> <li>Understanding Licensing and regulation</li> <li>Maintaining a safe vehicle</li> <li>Proficiency in English</li> </ul>	4 hour training session followed by test. Applicants must pass the test to progress their application. Currently free (this is being reviewed).	<ul> <li>Keeping yourself safe and reporting incidents</li> <li>Protecting children from child sexual exploitation and other forms of abuse</li> <li>Drug and alcohol issues</li> <li>Domestic Abuse</li> <li>Being an ambassador for Calderdale (customer care and professional standards)</li> <li>Disability and access for all (equality)</li> <li>Understanding Licensing and regulation</li> <li>Maintaining a safe vehicle</li> </ul>	4 hour training session, free of charge – when introduced it was a requirement that it must be completed prior to renewal of licence.		
Kirklees	<ul><li>Disability awareness</li><li>Child and adult safeguarding</li></ul>	2 hours training session followed by a test, £76.50. Applicants must	Child and adult safeguarding	half day training session  – free – when introduced it was a requirement that		

	<ul><li>Equality awareness</li><li>Customer service</li></ul>	pass the test to progress their application.	Sexual exploitation	it must be completed prior to renewal of licence.
Leeds	<ul> <li>Customer care</li> <li>Hackney carriage knowledge</li> <li>Literacy and numeracy</li> <li>Private hire driver         <ul> <li>Basic legislation</li> <li>Leeds knowledge and Leeds city centre knowledge</li> <li>Private hire conditions</li> <li>Using a reference tool (AZ)</li> </ul> </li> <li>Safeguarding</li> </ul>	£55 £50 £25 £90 £10 New applicants must complete and pass this training to progress their application.	Safeguarding	£10 – when introduced it was a requirement that it must be completed prior to renewal of licence.
Wakefield	<ul> <li>Child and adult safeguarding</li> <li>Sexual exploitation</li> </ul>	3 hour training session, £22. Knowledge test (routes, locations, conditions, etc) including disability awareness - £26. Applicants must pass the test to progress their application.	<ul> <li>Child and adult safeguarding</li> <li>Sexual exploitation</li> </ul>	3 hour training session, £22. When introduced it was a requirement that it must be completed prior to renewal of licence.



### Gambling, Licensing & Regulatory Committee 13 November 2017

Report from the Assistant Director – Planning and Public Protection

# **Taxi Licensing - Equalities**

### **Summary**

1. This report is to brief Members on recent changes relating to taxi licensing following the introduction of Sections 165 and 167 of the Equalities Act 2010 (the Act), and seeks Members approval to produce a designated vehicle list. The report also seeks Member's approval with regard to the introduction of a new requirement relating to the carrying of assistance dogs in licensed vehicles.

### Recommendations

2. That Members approve Option 1 of this report.

Reason: This updates Members on the legal requirements of the Equalities Act 2010, the Council will produce and publish a Designated List of licensed vehicles, and will introduce a new requirement with regards to the carrying of assistance dogs in licensed vehicles.

# **Background**

# Equalities Act 2010

- 3. Sections 165 and 167 of the Act came into force on the 6 April 2017. S167 provides Licensing Authorities with the discretionary power to make a list of wheelchair accessible vehicles (designated vehicles). S165 requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 4. The Act states that a vehicle can be designated if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they

prefer. Therefore the passenger should be able to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

- 5. If produced the list of designated vehicles will be published on the Council's website including details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of the operator.
- 6. The Department for Transport has issued guidance that recommends that the list of designated vehicles also includes information about the size and weight of wheelchair that can be accommodated, it is noted that not all wheelchair accessible vehicles can accommodate larger types of wheelchairs, particularly some powered wheelchairs.
- 7. The Council has written to all vehicle licence proprietors to ascertain if their licensed vehicle is wheelchair accessible, with regards to their vehicle being entered on the list.
- 8. S166 of the Act allows licensing authorities to issue exemption certificates to drivers it they are satisfied that it is appropriate to do so
  - a) on medical grounds, or
  - b) on the ground that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with those duties.
- 9. An exemption certificate if valid for such a period as is specified in the certificate by the licensing authority.

# **Assistance Dogs**

- 10. Under S168 and S170 of the Act it is a requirement that licensed drivers carry guide, hearing and assistance dogs in licensed vehicles. A passenger cannot be refused because they have an assistance dog unless the driver has a medical exemption certificate issued by the licensing authority in accordance with S169 and S171 of the Act.
- 11. Guide Dogs have written to the Council requesting the introduction of 'tactile medical exemption certificates', the benefits of these certificates being:
  - They empower assistance dog owners to know that if a taxi or private hire driver prevents an assistance dog from travelling in their vehicle on medical grounds, the claim is genuine.

- Accessibility best practice is met for people with vision impairments.
- 12. Further information provided by Guide Dogs can be found at Annex 1.

#### Consultation

 All vehicle licence proprietors have been written too to ascertain if their vehicle is wheelchair accessible.

### **Options**

- 14. Option 1 That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 instruct Officers to produce Designated List of wheelchair accessible vehicles, and (ii) that members instruct officers to introduce 'tactile medical exemption certificates' as requested by Guide Dogs.
- 15. Option 2 That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 instruct Officers to produce Designated List of wheelchair accessible vehicles, and (ii) take no further action with regards to 'tactile medical exemption certificates'.
- 16. Option 3 That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 determine that a Designated List of wheelchair accessible vehicles is not required, and (ii) that members instruct officers to introduce 'tactile medical exemption certificates'.
- 17. Option 4 That Members (i) note the introduction of S165 and S167 of the Equalities Act 2010 determine that a Designated List of wheelchair accessible vehicles is not required, and (ii) take no further action with regards to 'tactile medical exemption certificates'.

# **Analysis**

- 16. The Council currently issues the following number of licences for drivers:
  - Private hire drivers 611Hackney carriage drivers 286
- 17. Under the requirements of S166 of the Act the Council has issued the following number of exemption certificates in relation to wheelchair accessible vehicles on medical grounds:
  - Private hire -

- Hackney carriage 2
- 18. Under the requirements of S169 and S171 of the Act the Council has issued the following number of medical exemption certificates in relation to the carrying of assistance dogs:
  - Private hire (
  - Hackney carriage 1

#### **Council Priorities**

19. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

### **Implications**

- 20. The direct implications arising from this report are:
  - (a) **Financial** There are no financial implications.
  - (b) **Human Resources (HR) -** There are no HR implications.
  - (c) **Equalities** There are no equalities implications. The Council are implementing the legal requirements of the Equalities Act 2010.
  - (d) Legal There are no legal implications.
  - (e) **Crime and Disorder –** There are no crime and disorder implications.
  - (f) Information Technology (IT) There are no IT implications.
  - (g) **Property -** There are no property implications.
  - (h) Other There are no other implications.

# **Risk Management**

21. The implementing of the legal requirements of the Equalities Act 2010 will mitigate the risk of legal challenge.

#### **Contact Details**

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	Report Approved		Date	31/10/17	
Specialist Implications Officer(s)					
Wards Affected:				AII √	
For further information please contact the author of the report					

# **Background papers**

Equalities Act 2010

http://www.legislation.gov.uk/ukpga/2010/15/contents

Guidance issued by the Department for Transport <a href="https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles">https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles</a>

### Annexes

Annex 1 - Information provided by Guide Dogs



### **Tactile Medical Exemption Certificates**

The Equality Act 2010 states taxis and private hire vehicles (PHV) must carry assistance dogs unless they have been issued with a medical exemption certificate. It is currently very difficult for people with vision impairments to verify the validity of these certificates. This can be overcome through the creation of tactile medical exemption certificates.

#### Benefits of tactile certificates

- They empower assistance dog owners to know that if a taxi or PHV driver prevents an assistance dog from travelling in their cab on medical grounds, the claim is genuine.
- Accessibility best practises are met for people with vision impairments.
- It presents positive publicity opportunities for councils Guide Dogs are happy to produce a joint press release regarding the use of these certificates.

### Is braille necessary?

No, only around 5% of people registered blind and partially sighted in the UK read braille (RNIB, 2011). A raised or embossed "E", for example, will suffice. This would be larger than braille, and much simpler for those who do not read braille, making the certificate more accessible. However, both can be used.

#### **Card Creation**

- Certificates cost as little as £20 for 20.
- Cards can be ordered online from printing companies; the embossed E can be done either by the printing company or by using a stamp (similar to a Company Seal which can also be ordered online).
- We recommend councils work with local people with sight loss on the design but Guide Dogs is happy to support and advise.

#### Case Study and Example Card

Aberdeen City Council was the first authority to introduce a tactile medical exemption certificate. The card was designed in consultation with local disabled people, it is large print, on a yellow back ground and has an embossed E in the corner indicating authenticity. Other requirements included that the certificate must be affixed either to the vehicle windscreen or dashboard facing outwards in order that it may conveniently be



read from outside the vehicle and must be made available to inspect upon request. An example of Aberdeen's medical exemption certificate can be seen to the left.

Mary, a guide dog owner involved in the design said: "It's always been a concern to us that we have no way of knowing if a driver who refuses to carry our dog has a doctor's certificate. Now, they will be issued with a certificate with an embossed 'E' in the corner that we can feel. It would be great if other local authorities would follow Aberdeen City Council's lead".

For more information, please contact Helen Honstvet, Guide Dogs Campaigns Manager at helen.honstvet@guidedogs.org.uk or on 0118 983 0186.

