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Meeting	Gambling, Licensing & Regulatory Committee
Date	8 October 2018
Present	Councillors Lisle (Chair), Funnell (Vice-Chair), Boyce, Douglas, Hunter, Pavlovic, Reid and Wells
Apologies	Councillors Cullwick, Hayes, Mason, Mercer, Richardson, D Taylor and K Taylor

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#### **14. 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. None were declared.

#### **15. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. Saf Din, a hackney carriage driver spoke in relation to Item 3 (Taxi Licensing Policy – Proposed Amendments). He highlighted the difficulty in getting new vehicles to meet the window tint requirement when changing to euro emissions 6. He noted that other authorities allowed tinted windows and asked if York could also change to this.

#### **16. Taxi Licensing Policy - Proposed Amendments**

Members considered a report which sought their approval to formally consult on proposed amendments to the Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation.

The Licensing Manager gave an overview of the report detailing the information contained in the annexes. She explained the background to the proposed amendments and the resulting joint working with West Yorkshire and York Combined Authority.

It was reported that in agreement with the Licensing Chairs, the Licensing Managers of the six authorities in the West Yorkshire

and York Combined Authority determined a number of areas that needed to be addressed - cross-border enforcement, training for new driver applicants and licensed drivers, determining the suitability of applicants and licensed drivers in relation to convictions, CCTV in licensed vehicles, vehicle specification; and Information sharing between authorities. An update on the progress in those areas was given and it was explained that the proposed policy (Annex 3) had been produced in line with guidance issued by the Institute of Licensing in partnership with LGA (Local Government Association), LLG (Lawyers in Local Government) and NALEO (National Association of Licensing and Enforcement Officers).

During the course of the project NAFN (National Anti-Fraud Network) had produced a national register for Taxi and Private Hire Driver Refusals and Revocations of which York and the five West Yorkshire authorities were all registered with NAFN to use that service. As there had been differences between the authorities concerning vehicle specification, it was determined that this needed further consideration. To bring City of York in line with the West Yorkshire authorities, the proposed changes to the policy related to introducing new requirements that licensed vehicles displayed a licence disc in the windscreen, that York hackney carriage vehicles be black, that the requirements for displaying licensed plates and door signage be updated and that the requirements for a minimum engine size be removed and that an internal sign be displayed.

The Licensing Manager outlined the options to Members and in relation to their questions clarified:

- The policy in relation to tinted windows on licensed vehicles would be considered by the West Yorkshire and York Combined Authority following consultation.
- Regarding the proposal for all hackney carriages to be black, all hackney carriages would be licensed from June 2019 and would not need to change colour until the vehicle was changed.
- The proposed licence disc to be displayed on licensed vehicles windscreens would be a similar size to a bank card. The disc would be renewed on an annual basis.
- Possible exemptions to the English language test would be addressed following the outcome of the consultation.

- The convictions policy was consistent across the West Yorkshire and York Combined Authority.
- The consideration of serious offences resulting in the refusal of a licence application would be taken on a case by case basis.

Following debate it was:

Resolved: That Members approve Option 1 – to authorise Officers to consult on the proposed amendments to the taxi licensing policy and agree the consultation period of eight weeks with the possibility of an extension to take into account the Christmas and New Year period.

Reason: This will allow the Council to formally consult on amendments to the Taxi Licensing Policy to bring Policy requirements in line with the five West Yorkshire Authorities.

## **17. Update on the Taxi Licensing Internal Audit report**

Members considered a report that updated them on the recent Taxi Licensing Internal Audit report which was discussed at the Audit and Governance Committee on 19 September 2018.

The Head of Public Protection outlined the report. He advised that there was no legal requirement to carry out Disclosure and Barring Service (DBS) checks for taxi drivers, although it was considered best practice. The taxi licensing policy stated that DBS checks would be carried out for new taxi drivers and then every three years. He added that all taxi drivers had been DBS checked before being granted a licence.

The Head of Public Protection noted that the ongoing/refresher checks were a 'backstop' to a number of other activities which took place to determine whether drivers continued to be 'fit and proper persons' throughout the term of their licence. As part of the other 'activities', taxi drivers were required by law to notify Licensing Officers if they were arrested and/ or charged with any offence and were also to make a 'self declaration' of any notifiable offences upon renewal of a licence. Concerning

drivers' self notification, the police shared information on the arrests of taxi drivers for serious offences which had resulted in licence suspensions or revocations. It was noted that the number of complaints against taxi drivers was very small in relation to the number of taxi drivers.

Members were informed that since 16 July 2018, all drivers who had not had a current DBS check had been written to and asked to commence the process – this being 685 of the 1049 total taxi drivers (and this figure included drivers who 'became due' during the process). Of these 685 drivers, 477 (70%) checks had been completed. A further 47 (7%) had or were in the process of surrendering their licence as they were no longer driving. There were 117 drivers at various stages in the checking process. To date there had been no issues of concern raised as a result of the checks undertaken. The 44 remaining drivers (6%) were being 'chased' through letters and regular telephone calls and some of these drivers were not thought to be active and have left the trade. A very small minority were refusing to engage and it was proposed that those drivers who had not engaged in the process could continue to be considered 'fit and proper' persons to hold licences.

The Head of Public Protection outlined the options and timescales as detailed in the report. In response to questions from the Committee, he confirmed that:

- Concerning the small number of taxi drivers that had refused to engage in the checking process, the process 'chasing' up their checks involved letters being sent and officers phoning those drivers daily. It was noted that there was a cost of £44 to the drivers for their DBS checks.
- It was the responsibility of taxi drivers to inform their licensing authority if their licence had been suspended or revoked, or if their application had been refused.
- The DBS refresher checks had not been carried out over a number of years, dating back to 2012. The reason for this was explained and the Assistant Director Planning and Public Protection confirmed that management actions were in place to ensure that this did not happen again.
- DBS checks were undertaken using an external company, and the verification process was explained. The Licensing Manager clarified that the taxi licensing service was a

registered body to undertake DBS checks. The advice from the Disclosure and Barring Service was that existing DBS checks could only be accepted under the 'other service' category.

Following debate it was:

Resolved: That;

- i. Members note the report, in particular the progress made on the Disclosure and Barring Service (DBS) checks.
- ii. The Committee be provided with receive an update report in three months and then every six months thereafter.
- iii. Officers consider whether the handful of drivers who have not engaged in the process can continue to be considered 'fit and proper' persons.

Reason: To ensure that the Council is satisfied that all hackney and private hire drivers (from here on referred to generically as taxi drivers) continue to be 'fit and proper persons' to hold a licence as required by the Local Government (Miscellaneous Provisions) Act 1976.

Cllr S Lisle, Chair

[The meeting started at 4.00 pm and finished at 5.05 pm].

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