

MINUTES

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

28 MARCH 2017

Present:

Councillors: Adeleke
Bassadone
Conway
Fantham (Vice-
Chairman)
P Hearn (Chairman)
Howard
Link
Peter
R Sutton
Taylor

Officers: B Lisgarten Legal Governance Team Leader
R Hill Licensing Team Leader
T Angel Member Support Officer

Also in attendance:

Mr S Jessop Barrister for Hackney Drivers Association
Mr T Khan Chairman, Dacorum Hackney Drivers Association
Mr J McIlvaney Committee Member, Dacorum Hackney Drivers Association
Mr S Garelick Branch Secretary, GMB Union
Mr S Ahmed Proprietor, Choice Taxi's
Mr C Sambucci
Mr M Osborne
Councillor Suqlain Mahmood

Various drivers from the Dacorum Borough observed the meeting with an interest in item 5.

The meeting began at 7.30 pm

15 MINUTES

There were no minutes available to be signed at this meeting.

16 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Mills.

Councillors Barnes and Whitman were absent.

17 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

18 **PUBLIC PARTICIPATION**

The Chairman explained that she would call each person individually to speak for 3 minutes and only those that had already registered would be allowed to speak on item 5.

19 **CHANGES TO TAXI/PRIVATE HIRE DRIVER LICENSING ARRANGEMENTS & PRIVATE HIRE SIGNAGE**

Before the discussion commenced, The Chairman asked those present to avoid clapping and shouting during the representations to ensure the meeting ran efficiently and swiftly.

The Chairman asked R Hill if he had anything to add to the report.

R Hill made the following statement:

“This is a post-consultation report from proposals originally presented to the Committee last September on a variety of taxi-related matters. The consultation responses have been considered, and the proposals have been updated to take into account views expressed.

Chairman, if I may, I would like to clarify the proposals which are being put to the Committee tonight, as they are different from those originally consulted upon.

Firstly, in respect of knowledge tests, we recognise that there is clear and significant support, although not unanimous, for retention of a geographic test for all new drivers. Whereas the original consultation proposal was to remove this requirement for new private hire drivers, the officer recommendation is now to retain such a test, albeit restructured to make it shorter and easier to administer. This would mean that Dacorum’s standards for new drivers would remain higher than many of our neighbouring authorities, but would bring our requirements closer to the local average test standards, which were detailed in the September report.

The geographic test would sit alongside current requirements for language and driving skills assessments. Additionally it is proposed that a new training day, covering a range of topics, will be introduced, to ensure that new drivers have the knowledge to equip them to work as a professional driver in Dacorum.

The consultation asked whether a version of this course should be delivered to existing drivers. Numerous child sexual exploitation and equalities court cases around the country have highlighted the need for ongoing training for all professional taxi drivers. However, since the consultation began, a new legal power for the Government to issue safeguarding guidance for taxi licensing authorities has been introduced, to be commenced next week. It is therefore proposed to defer a final

decision on any refresher training until that guidance has been published and considered.

Secondly, the consultation also looked at medical requirements, and on this subject responses were more mixed. Having considered the responses, it is proposed to retain the current medical frequency of every 3 years, which was generally supported, but to introduce the standardised national driver medical form.

Finally, the consultation sought opinions on what signage should be displayed on private hire vehicles. There was a clear consensus in favour of retaining recognisable external plates on these vehicles, and we therefore propose to keep our current requirements for the display of plates on private hire vehicles unchanged.

Chairman, the powers for local authorities to set their own requirements in respect of prerequisites for taxi driver licences are well established, and were reaffirmed again by the courts earlier this month in a case involving Transport for London and Uber, in connection with language skills testing. This consultation began in response to concerns that Dacorum's current knowledge test is significantly more complicated than those of all of the other councils in the local area, and acts as a barrier to entry to the profession.

While the Council wishes to ensure that the drivers it licenses will deliver the best possible service to the general public, competition law does not allow us to keep our entry requirements at such a high level that it becomes unreasonably difficult to open a new business or obtain licences. Where there is a public safety justification for setting prerequisites, we must ensure that our requirements do not exceed a level that delivers such assurances. As detailed in the report, the Competition and Markets Authority have recently warned TfL and Sheffield Council against setting excessively high knowledge test standards. The Department for Transport have also suggested that knowledge tests for private hire drivers may no longer be justifiable, while the Law Commission's draft taxi licensing reform bill makes no provision for local knowledge testing for private hire drivers.

Changes in both technology and the law have reduced the local focus of private hire licensing in particular. Internet-based, 'virtual' phone lines and remote dispatch systems have become more widely used, and deregulation allowing sub-contracting of bookings between licensed operators in different areas means that drivers licensed in other areas can potentially carry our pre-booked work in Dacorum lawfully without needing licences from Dacorum Borough Council. This has essentially placed local authorities in a position where they are competing with other authorities for taxi drivers – if one authority's standards are excessively high, it is now legally and technologically possible for a driver to carry out pre-booked work in that area under a licence granted by another authority, if sub-contracting arrangements are in place.

Chairman, officers consider that the revised proposals, including a shorter geographic knowledge test, will reduce the disparity between this Council and neighbouring areas, while still delivering the necessary protection and assurance to the members of the public the licensing scheme aims to safeguard.”

Councillor Adeleke arrived at 7.36 pm.

The Chairman invited the Sub-Committee to ask the officers any questions they may have.

Councillor Taylor queried if the percentage to pass the test would remain the same. R Hill advised that the current pass marks were 76% for Hackney Carriage and 53% for Private Hire and they were looking to keep the pass marks roughly the same; 75% for Hackney Carriage and 50% for Private Hire for the revised test. He highlighted that the difficulty level would be retained so it wouldn't be any easier to pass the test.

Councillor Peter expressed his concern over the proposal to reduce the number of questions from 106 down to 40-50. He said we were talking about the safety of the public and felt we should be setting a good, strong standard for other authorities to use us as an example.

The Chairman invited Mr Jessop, Mr Sambucci, Mr Osborne, Mr Garelick, Mr Ahmed and Mr McIlvaney individually to make representations to the Sub-Committee. They each expressed their concerns over the proposed changes.

Councillor Suqlain Mahmood also attended in support of the drivers and expressed his thoughts and concerns. He felt that the existing tests should remain in place and that the amount of drivers that had turned up spoke volumes.

Councillor Peter said he had immense confidence in the licensing officers, and in his 14 years of being a councillor their performance had always been outstanding. He expressed his concern in lowering the amount of questions in the test and the pass mark and felt it should be higher. He said safety was the most important thing and we shouldn't lower the standards in case it puts the public at risk.

Councillor Adeleke said he was not in favour of lowering the test standard for new drivers and felt we should retain our existing arrangements.

Councillor Taylor said he didn't want to see a reduction in the amount of questions in the test.

R Hill advised that he was happy to have discussions with members and drivers if they still had any concerns or questions. He noted that the Drivers Association Meetings had decreased due to the increased workload and that was something that he would like to get back on track.

The Chairman asked the Sub-Committee to turn to the recommendations section in the agenda and advised they would run through each point one-by-one so the decisions were clear.

Resolved:

That the Licensing and Health and Safety Enforcement Sub-Committee unanimously agreed the following:

- 1.1. At the earliest opportunity, to introduce a new training and awareness course as a requirement for all new applicants for private hire, hackney carriage and dual drivers licences, covering a range of relevant issues as determined by

officers. This will be a prerequisite to obtaining a licence, alongside existing requirements including a communications skills assessment and an advanced driving qualification;

- 1.2. To **refuse** a revised geographic knowledge (theory) test for new private hire drivers as a prerequisite to licensing, the format of which shall be determined by officers in line with the provisions of this report and any guidance given by Committee;
- 1.3. To **refuse** a revised geographic knowledge (theory) test for new hackney carriage and dual drivers as a prerequisite to licensing, the format of which shall be determined by officers in line with the provisions of this report and any guidance given by Committee;
- 1.4. To defer any decision on the introduction of refresher training for licensed drivers, pending the publication of government guidance, for 6 months or until the publication of such guidance, whichever occurs later;
- 1.5. To require all applicants for new or renewals of private hire, hackney carriage or dual drivers licences to supply a medical certificate, completed by a registered doctor, as a requisite to every application, or at lesser intervals if stipulated by the completing doctor, in the format attached at [Annex B](#) (such form to be updated automatically in line with any changes to the original DVLA D4 form);
- 1.6. To make no further changes to the frequency of such medicals, nor the requirements for the display of plates on licensed private hire vehicles.

The Meeting ended at 8.34 pm