

Meeting 2: Discussion with Councillor Michael Payne, Portfolio Holder for Communications and Public Protection

Guests: Councillor M. Payne, Portfolio Holder; Andy Callingham, Service Manager; Francesca Whyley, Solicitor; Paul Gibbs, Licensing Enforcement Officer.

The Portfolio holder (MP) recognised that there are concerns about the high number of taxi drivers applying for licensing in Gedling, which had led this group to pose the following questions:

- i. How can we control the workload without being detrimental to the service?
- ii. Could we apply additional conditions to help with this?

1. Strategic issues / Policy development

Members concerns that there may be drivers working in the Borough who have a limited knowledge of the area were acknowledged. The Portfolio Holders' view was that a topography/knowledge test would be the best way to manage demand. PG reported that he is shortly to review the topography test used by Rushcliffe DC and will be able to provide feedback at the next meeting.

Feedback from firms in the Borough is supportive of GBC taking action to address numbers in the area. Members were informed that the Law Commission is in the process of reviewing the legislation to address some of these issues.

PG informed Members of the Nottingham Licensing Group, a regular forum through which local authorities across Nottinghamshire work to bring their policies into line with each other. The responses of Rachel Pentlow to the questions raised at the last meeting refer to this in more depth. PG also clarified that the Council can only limit the number of vehicles licensed, not the number of drivers in the Borough. The Council is obliged to issue a licence if the person passes all the tests, and if the committee allows it. Central Government best practice guidance (attached) indicates that local authorities have the scope to control of the number of Hackney Carriage licenses issued, but there is no scope in the guidance to control the number of private hire vehicles. AC reported that currently 115 out of 800 drivers licensed to work in Gedling are not residents of Gedling.

MP commented that it is important to strike the right balance and avoid creating a barrier between Gedling and the City. He suggested that it would be more difficult and a bigger undertaking to restrict numbers, as the onus would be on the council to demonstrate that the restriction is reasonable and proportioned. Another way to manage numbers might be to take a marginal approach; i.e. to include in the policy that people with assault or theft convictions should not be licensed.

FW reminded Members that the Environment and Licensing policy is regularly reviewed, most recently by the Committee at the end of 2011. She confirmed that it is a well - regarded policy amongst Magistrates and neighbouring authorities and has been used as a starting point for development and good practice.

2. Environment and Licensing Committee

SPS requested data on the numbers of licences granted as exceptions to the rule over the last year, i.e. as a departure from the policy. (**Attached: Appendix 6**) MP suggested that we should be careful not to read too much into statistics, which can be arbitrary. It is more important to adhere to the policy when making decisions at committee and not to get side tracked into unpicking decisions of the police and judicial system.

MP informed Members that the Council does not make a profit out of taxi licensing; the annual surplus is allocated to the department's overheads, including the cost of the deputy section 151 officer.

M. Paling suggested that a cost recovery exercise might be valuable as it may be that we are not charging enough. Some feedback from applicants has indicated that people may be applying to Gedling because it is cheaper than other authorities.

MH raised the fact that the Environment and Licensing committee exists to deal with those cases that don't fit the strict mould. There was a general discussion about the process and quality of decision making at Environment and Licensing committee, and the following points were made:

- That as committee members it is important to give applicants a fair and proper hearing
- That the Council has only lost one case at appeal in recent years (on an issue of health capacity).
- That committee members need to think carefully in each case whether they are questioning the judgement of the court, or whether they are taking account of mitigating circumstances.
- That it is not possible to limit time on speakers at committee as it is not a quasi - judicial committee.
- Similarly, it is not possible to restrict the right of an applicant to have someone to speak on his/her behalf.
- There may be some scope to restrict the numbers of licenses issued, however the Department of Transport recommends against it.
- A reasonable topography test would have the effect of reducing numbers of licences issued.

3. Driver Training / NVQ

M Paling raised the viability of the Council endorsing or requiring an NVQ qualification. AC suggested that he look into how this is undertaken by other authorities. Whilst it is unlikely that the Council can insist on it as part of the conditions, nevertheless the Council could engage with the larger firms to encourage

and promote its inclusion. Care would have to be taken not to disadvantage lone operators - it could potentially be a requirement at second renewal stage. PG gave an example of one Taxi firm which delivers its own training on site. MP suggested that the council could potentially promote and encourage the NVQ as part of a wider philosophy of up skilling taxi drivers. The issue of good customer service and communication was discussed as needing to be a key part of any NVQ.

4. Public Safety

MP highlighted national political schemes for Environment and Licensing chairs which enable Members to participate in and influence strategic agendas, i.e. the 'Citysafe' scheme.

M Paling raised again the need to review costs and consider whether there is a case to raise fees, i.e. to fund a marshalling scheme. PG explained that taxi licensing cannot fund enforcement, but it can fund processes to ensure compliance.

Members discussed how far disclosure or non - disclosure of convictions on the license application forms should be used to judge the applicants honesty. FW informed Members that an impending court of appeal ruling will address issues around CRB checking and disclosure. It was also noted that a caution for an offence is counted as a conviction in licensing terms. Following that ruling, there will be an opportunity to review the guidance and possibly make the CRB element more prominent. FW explained that this issue came up during the last review of the Licensing Committee protocol, at which point it was agreed that the onus should be upon the driver to keep the Council informed on any convictions.

MP reminded Members that the Council has a good reputation in regard to its' Licensing practices and, unlike some other authorities, does not have adverse news stories in the press.

5. Environmental Sustainability

On the question of requiring firms to move towards more environmentally sustainable transport – MP and AC felt that there might be scope to require firms to move towards minimal carbon emissions. P.G reported that as part of his work this year will be to review vehicle specifications, this proposal could potentially be taken into account. MP reported that this links into the issue of air quality – i.e. current air quality testing in the Mansfield Road area. The Council is working with partners as part of the Eco-stars Scheme, an initiative managed by the Department for Environment, Food and Rural Affairs (DEFRA). South Devon DC has attempted to move the initiative into the Taxi fleet (protocols attached). AC agreed to investigate how this has developed and to report back. It was generally agreed that any process we sign up to should be evolutionary rather than wholesale.

6. Disability Access

The provision of Disabled Access vehicles was discussed. There does not appear to be an issue with the number of accessible vehicles in the Borough and the Council does currently support a specialised transport firm. M Paling had been aware of one

unsubstantiated report which came through the Gedling Access Group regarding a poorly secured wheelchair. It was generally agreed that the proposed NVQ should include training in the area of securing disabled passengers' wheelchairs.

AGREED ACTIONS

1. AC and PG to review these discussions and provide feedback on potential areas for a development plan, specifically:
 - NVQ
 - Topography test
 - Carbon emissions reduction schemes
 - Review of guidelines / CRB issues

Follow up Actions from meeting 2 of the Hackney Carriage Scrutiny Working Group.

1. NVQ's for Taxi Drivers

With the assistance of Mike Calladine, the Council's Learning and Development Officer an investigation into the qualification of Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (7439) was undertaken (see feedback from Mike Calladine below). It has been determined that a local training company, based in Hucknall have provided and assessed the course in question. However the course is not currently being delivered, for reasons unknown.

Being aware that the Council is soon to become an accredited City & Guilds Training Centre, enquiries were made as to whether the course could be delivered and assessed at the Council. Unfortunately, due to the specialisms within the course, currently the Council does not have the capacity to deliver and assess the course in question. Further investigation into the feasibility of delivering the course in - house would be needed.

As the Council is keen to promote and encourage drivers to access and gain a formal qualification relating to their trade, an alternative solution could be that Officers could potentially sign-post drivers to the local training centre via the Council's website and literature sent to drivers, such as reminder letters and application packs.

Officers are aware that Sheffield is now demanding the Road Passenger Vehicle Driving (Taxi and Private Hire) (7439) NVQ for the issue of new taxi licences and the renewal of existing taxi licences. This could be the reason why the Licencing team is currently receiving a number of applications from drivers who live in Sheffield.

Feedback from Mike Calladine – Learning and Development Officer

As requested I looked into the feasibility of G.B.C .offering the 'City and Guilds' Level 2 NVQ Certificate in Road Passengers Vehicle Driving (Taxi and Private Hire)

I carried out research with the City and Guilds Awarding Organisation and our own consultant who, when we obtain accreditation, will be our centre's Quality Assurance Internal Verifier. He is also about to become a City and Guilds 'External Verifier.

- According to the City and Guilds there are no companies locally who are offering this qualification except 'SPS' at Hucknall. You inform me that you have made enquiries there and they are no longer offering this qualification, so therefore the nearest centres to do so are at Alferton, Sheffield and Nuneaton.
- The qualification may be assessed mainly by 'simulation' Therefore taxi drivers could report to our Depot at a convenient time and be assessed on our premises. There is only one unit which requires the actual collecting and delivery of a 'fare' in a real life situation. This would be assessed by travelling with the taxi driver at an agreed time to observe him/her carrying that out. The assessor could simultaneously satisfy themselves of the standards of driving.
- Several of our current employees are already qualified assessors in preparation for when we create our own accredited centre. However all assessors must be 'occupationally competent' to assess any knowledge/skills and it is probably true that none of those so far qualified would be able to assess 'Taxi Driving'. There may be other employees who have these skills and they could be become qualified assessors once they undergo the training delivered by me.
- Another alternative, if finding an appropriate assessor proved difficult within the ranks of our existing employees, would be to contract a suitable person to assess the Taxi Drivers on our behalf.
- The consultant estimates the maximum cost to Gedling Borough Council of offering each individual qualification would be approximately £300. A Level 2 NVQ type qualification routinely costs between £600 and £800, depending on subject, when offered by private sector training companies. It therefore appears that Gedling Borough Council could offer this training for between £450 and £500 without appearing to be making an unreasonable profit and at the same time more than recover any costs incurred.
- The benefits appear to be:
 - i. Taxi Drivers in the Borough of Gedling would be trained to a higher standard than currently exists.
 - ii. The Council will be able to recover training costs

- iii. The number of Taxi Licences with the borough may be limited in a non-discriminatory way, but those that remain would be of a higher standard in terms of driving, safety and customer service skills
- iv. There is an opportunity to work with Nottingham City Council who at the moment test driver skills at the point of application for the licence.

2. Topography Test

I.T officer Gary Bennett and Licensing Officer Paul Gibbs visited Rushcliffe Borough Council to look at the topography test and the software used for their test. The opinion is that the software package is fit for purpose, albeit a little dated. It is thought a newer, more modern system could be sourced and, as a result, research into alternatives has been undertaken. From a shortlist of 3, the Licensing Section, working with the IT Department, have determined a favoured software package which could deliver the test the Council is looking to use. Its' Government pricing for 400 tests per month (4,800 per year) is only £198. Investigations are now at the stage of undertaking a 'dummy run' of the software, to determine its usability for both officers who will administrate the software and applicants taking the test.

If as part of the renewal process the Council introduced a topography test for drivers who have been driving for the Council for less than three years, the number of drivers who would be required to take the topography test is estimated at the current level of applications to be approximately 300 per year.

Research has confirmed that other Local Authorities which include the requirement to undertake a topography test as part of the application process charge within a range of £30 - £50 per test.

3. Carbon Emission Reduction Schemes

Mid Devon are currently piloting the Eco Stars Taxi scheme.

(Proposed criteria for the scheme: Appendix 1.5)

4. Review of Guidelines / CRB Issues

Although the level of CRB checks required for employment has been the subject of a recent court case which enshrined the principle of proportionality, there has been nothing to suggest subsequently that the enhanced check for drivers is not proportionate, given the requirement to ensure public safety. A similar position applies to the new DBS system.