



Derby City Council

Licensed Trade Meeting

30 January 2019

10am – 12pm

Jacob Rivers Meeting Room, Council House

Present	Cllr M Barker – (MB) (Chair)				
	Cllr A Holmes (AH)				
	Cllr P Pegg (PP)				
	Cllr G Potter (GP)				
	Cllr R Skelton (RS)				
	Mr J Akhtar (JA) (DATA)				
	Mr Z Hussain (ZH) (Licence Holder)				
	Mr G Matkin (GM) (Licensed Operator)				
	Mr I Wigley (IW) (DATA)				
	Richard Antcliff (RA) - Director of Public Protection and Streetpride				
	Mike Kay (MK) - Head of Environmental Protection, Licensing, Housing Standards and Emergency Planning				
	Florence Harper (FO) – Solicitor, Legal Services				
	Olu Idowu (OI) - Head of Legal Services				
	Sandra Mansell (SM) – Team Leader, Licensing				
	Lorraine Strong (LS) – PA, Minute taker				
Apologies	Dave Basford				
	Ann Walker				
		Who	When		
	<p>Cllr M Barker (Chair) welcomed everyone to the meeting and introductions were made.</p> <p>Cllr Barker advised the Trade that the following questions 6/7/8/9/10 are not to be discussed within the meeting as they are included as part of the consultation document which could be seen as pre-empting the decision.</p> <p>OI also clarified that any views expressed could compromise participation by the elected members at Licensing Committee when the consultation findings/recommendations are considered and any decisions that follow are made, and endorsed Cllr Barker's decision.</p>				



	<p>Cllr Barker added that following Licensing Committee's approval of the draft proposals officers were now writing up the Consultation document. There would likely be a lot of interest in the proposals, not only from the Trade but also from the Public. He felt that the disabled community, for example, would have a particular interest in the hackney carriage colour change proposals. There would therefore be a 12 week consultation and ample time for the Trade to submit there own views together with opportunity at the general meetings offered by officers over the consultation period.</p> <p>RA re-iterated the opportunity for discussions with the Trade at the workshops. The strategy can be debated for consideration on the age/colour/business model/financial model and that the best set of proposals will be considered when making the final decision.</p> <p>DATA added that they are keen to work with the Council; however would like to put their own ideas/proposal forward; though this would be dependent on the time scale of the consultation period.</p> <p>Cllr Barker advised that consideration also needs to be taken into account to ensure vehicles are DDA compliant and stressed the importance of the proposals on the future of taxis and private hire vehicles in Derby.</p> <p>Cllr Barker made reference to Birmingham, Leeds and Southampton, following their decision for charging zones to be introduced, and that the decision on Derby's proposal is still to be evaluated by Central Government.</p> <p>RA informed that the outline business case for CAZ needs to be submitted in March, or it will be the decision of the government around whether charging zones will be in place, if Derby does not have a plan and that vehicles will need to be a minimum of euro 6 compliant, ideally ULEV. A viable strategy is required.</p> <p>DATA's view is that the taxi cost to emission is negligible and that it would cost more to purchase a new vehicle than to pay for parking zone charges.</p> <p>Cllr Barker added that the best option will be put forward to the government, that they will accept.</p> <p>Cllr Barker also re-iterated for the Trade to attend the workshops provided.</p>		
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1	<p>Notice of transfer of vehicle ownership from one licensed driver to another.</p> <p>Can the council clarify the reason why the new owner of a licensed vehicle has to present the vehicle for an inspection at the council house when a change of ownership occurs during its licence period; is this a requirement under the vehicles licence conditions? If so could the council point out where this is stated in the conditions of licence and why this procedure is required because there is no mention in section 24 of the vehicle licensing conditions of a inspection being required when selling or buying a licensed vehicle.</p>	DATA	
	<p>SM advised the Trade that this had been in place for over 30 years, in order to detect any defects that could result in being passed to the new owner.</p> <p>SM also informed the Trade that the vehicle would need to be inspected before the new licence would be granted. The information of the new driver and vehicle would be needed for audit purposes.</p>		
2	<p>Licences being refused on technicalities</p> <p>Why are Drivers having to go to the magistrates court to get their licenses just because they forgot to tell you about speeding points? That no longer appear on their licenses? As in previous meetings we were assured this would not be an issue. We would like to again ask for an additional safety measure before drivers are sent to the magistrates court at a great cost to them.</p>	DATA	
	<p>MK stated that this had been discussed at the previous meeting in October in a wider discussion on the point system and reviewing it.</p> <p>MK also advised that although it was acknowledged that some of the drivers were not clear on the reporting of driving offences, the onus is on the driver to declare all offences.</p> <p>DATA would like another process in place instead of the outcome resulting in a driver having to attend the Magistrates Court, for not declaring a driving offence.</p> <p>OI clarified that the concept of whether the conviction is serious or not, does not address the point and that the Rehabilitation of the Offenders Act needs to be taken into consideration, which makes clear that so far as licensed drivers are concerned, convictions are never 'spent'. Driving standards are a significant factor when issuing a licence.</p>		



	<p>GM added that he was not aware that drivers were under obligation to declare all offences, plus spent convictions and that the Council had not informed drivers of this and that drivers misunderstood what needed to be declared.</p> <p>OI clarified that it is the law to declare all offences and that the onus is on the driver, it is not up to the Council to inform drivers of this.</p> <p>RA added that that checks can be made via the DVLA website.</p> <p>DATA added that a DBS check is completed every year; however it was acknowledged that this would show up any criminal offences not driving offences.</p> <p>SM added that the form had changed to reflect the wording 'have you ever', and that the issue is that some drivers were selecting the 'no' box when they should be selecting the 'yes' box.</p>		
3	<p>Experienced drivers being told they must sit a driving test to get their badge back.</p> <p>We have been made aware of a situation where a driver as failed a medical and his badge cannot be renewed straight away until he's been on medication for 3 months, he has been doing the job for over 20 years and he's been told by licensing he will be treated as a new applicant when reapplying and must sit a driving test, Is this also the case for drivers who have lost badges under the points system who are successful in magistrates court, will they also be treated as new applicants and have to sit a driving test. What is the purpose of this policy and what does it achieve other than placing extra burdens on drivers both mentally and financially when they are already in a very stressful situation</p>	DATA	
	<p>MK advised that the requirement to sit a drive test is part of the new licence process. In terms of the medical situation, MK felt this would depend on the medical condition and how long the licence had expired before a new one was applied for.</p> <p>OI advised that the medical condition is one of several factors taken into account in addition to the criminal conviction when considering the concept of 'fit and proper' to hold or be issued with a licence. The medical fitness of the driver and the impact of any medication needs to be taken into consideration. There is a clear line from case law that if the licence expires, continuity of licence lapses meaning you cannot drive until a new one is issued,</p>		



	<p>unless in the case of renewals, an application has been lodged prior to expiry of a current licence. This is a simple concept for the Trade to understand.</p> <p>Cllr Barker also added that under DVLA, this would indicate that a new test is required.</p> <p>GM queried that if the medication was for 3 months, if the application had been put in on that proviso, once the medical was clear and fit to drive, would the driver pay the fee to keep the licence going. OI indicated that a fee must be paid on application and while, technically, the application would be incomplete in the absence of a valid medical, it could be rejected; however, a common-sense approach could mean processing of the application could be suspended pending a valid medical subsequently being produced, but only if the licence holder acknowledges in writing at the time that they will not drive pending production of the medical, which cannot be at the cost of the Council.</p>		
4	<p>Proactive enforcement. With reference to the article in the Nottingham Post dated:- 20:12, 26 OCT 2017 Extract:- *"I am under no illusion at some point one of these drivers will cause a nasty offence on a member of the public. Assault or sexual offences from the taxi industry in nearly every case is from an illegal tout.* Extract:- *More than 100 taxis operating illegally in Nottingham, says head of licensing Richard Antcliff said: "I am under no illusion at some point one of these drivers will cause a nasty offence on a member of the public.* Would Richard Antcliff and the taxi licensing team go out and show drivers that are illegally plying for hire their card(s) and tell them not to ply for hire here as DATA have the exact same fear of harm coming to the Derbyshire public as Richard had for the Nottinghamshire Public.</p>	DATA	
	<p>Cllr Barker advised the Trade that he would not allow this item to be discussed as it is related to when RA was working for Nottingham Council, and that the policies RA now carries out are within Derby City Council.</p> <p>In terms for the matters around plying for hire, this issue has been debated continuously at a number of Trade meetings. Cllr Barker asked that any matters are not discussed within a 6 month period and added that this would not be debated on within this meeting today.</p>		



	It was also reported that on previous exercises conducted, they had been undermined, due to word going out within the Trade that checks are going to be made and the problem seems to disappear.		
5	D.A.T.A sitting down with the Councils Richard Antcliff. D.A.T.A would like to request on behalf of the trade that we are allowed to sit down with Richard and help give the trades input on the councils planned new changes; we feel this is vital in the smooth transition of any new changes that may be implemented		
	<p>Cllr Barker stated that this had already been offered out at the previous Committee Meeting.</p> <p>RA will send out the dates of the workshops once the consultation period has started. This will be over a 3 month period, for 3 full day or 6 half day workshops to be arranged, whereby the Trade/Reps will be invited to attend. This will extend out to equality groups and other key stakeholders.</p> <p>MK is attending a Disability Forum this week to talk to the members about the proposed strategy and the stakeholder workshops.</p> <p>MK to speak to Pam Thompson who co-ordinates the meetings. MK to ask PT to contact the Trade via the DATA website.</p>	<p>RA</p> <p>February dates TBC</p> <p>MK</p> <p>February dates TBC</p>	
Questions 6/7/8/9/10 not discussed, as detail at the beginning of minutes.			
11	Wheelchair assist course Can the council tell us how drivers being asked to do this course are supposed to supply a vehicle for the course; the training providers don't supply vehicles		
	<p>DATA would like a list of contacts for training providers that have a vehicle for the driver to be appropriately trained in. The Training needs to involve providing the drivers with a full test including how to securely strap wheelchairs in and also training around communication with the passengers.</p> <p>SM advised the Trade that there is a list of trainers on the website that DCC officers signpost drivers to.</p> <p>DATA thought it would be useful to know if the providers have facilities to train the drivers and that to be DDA compliant a DDA vehicle is required for testing at the point of application.</p>		



	<p>OI clarified that this would not be possible and that the same principles apply as undertaking a driving test where the learner driver either provides their own vehicle or attends in their instructors vehicle. DCC have not procured assessors and therefore have no remit to instruct them on what equipment should be provided.</p>		
12	<p>Date and time of next meeting 27 March 2019 @ 10.00am Agenda items and attendance to be emailed to: taxi.licensing@derby.gov.uk by 9.59 am 20 March 2019</p>		
13	<p>AOB</p>		
	<p>None discussed.</p>		

