



Licensed Trade Meeting
20 June 2018
10am – 12pm
Jacob Rivers Meeting Room, Council House

Present	Cllr P Pegg (PP) - (Chair)		
	Cllr R Skelton (RS)		
	Mr L Roach (LR) – D.A.T.A		
	Mr J Akhtar (JA) – D.A.T.A.		
	Michael Kay (MK) – Acting Director of Public Protection		
	Olu Idowu (OI) - Head of Legal Services		
	Sandra Mansell (SM) – Team Leader		
	Dave Basford (DB) - Licensing Enforcement Officer		
	Ann Walker (AW) - Senior Environmental Health Officer		
	Lorraine Strong (LS) – PA, Minute taker		
Apologies	Cllr G Potter, Cllr A Holmes, Cllr M Barker, Mr Fitchett & Mr Quayum.		
		Who	When
	<p>Cllr P Pegg welcomed everyone to the meeting and a round table of introductions were made.</p> <p>The previous minutes of 20th March were agreed as an accurate record.</p>		
1	Lobbying of Licensing Committee Members: Protocols for these types of contact.		
	<p>This has been raised following the recent lobbying by Trade Members.</p> <p>Parts of the Trade had provided New Zealand based guidance, which Olu clarified, does not apply in the UK. However, Olu said that the key message was helpful in that while an individual could lobby his or her elected ward member, lobbying the entire committee membership is inappropriate and compromises the committee’s ability to make a decision on the matter raised. Olu advised that the correct way to lobby would be to lobby ward representative (each ward has 3) who is not on the Licensing Committee.</p> <p>The Chair re-iterated the strict criteria that members have to adhere to and rules and regulations have to be followed.</p>		



	<p>It was acknowledged that the reason for lobbying the committee was because the drivers had felt that nothing was being done through Licensing.</p> <p>It was agreed that any future matters that the Trade wish to lobby are to be sent in writing/email to SM (sandra.mansell@derby.gov.uk), with a copy to the Licensing Team (taxi.licensing@derby.gov.uk). SM clarified that the Officers would acknowledge receipt and all matters would be acted on in due course.</p> <p>This to be relayed back to all Trade Members.</p>	D.A.T.A	August 2018
2	<p>Agenda items previously discussed and determined: Protocols for previous agenda items.</p>		
	<p>It had been noted by Cllr Barker that some of today's agenda items have already been discussed at previous meetings or are being dealt with at the Committee meeting. To avoid a repeat of the same issues repeatedly being raised, including at back-to-back meetings, it was proposed that a change is made to the terms and conditions of the Trade Meeting that once a matter has been discussed, it does not come back for reconsideration within a period of 6 months.</p> <p>D.A.T.A reps had reported that at the previous meeting it seemed difficult to get their points across due to the large number of people that attended and that some of the issues were not resolved for example:</p> <ul style="list-style-type: none"> • Medicals; the reduction of the frequency of medicals to three from five years. • Spare wheels; more vehicles are not being fitted with a spare wheel, and providing a repair kit - Olu clarified that a thorough debate was had at the last meeting and that it was agreed that it was going to be debated at Committee. This was reflected in the minutes and that time is needed to be given for the Council to react. Information given to SM on a vehicle. Matter to be taken to Committee. 		
3	<p>Medicals: - D.A.T.A propose the reinstatement of 5 years medicals, we would like this to go before the full committee for reconsideration.</p> <p>Please refer to the email sent by D.A.T.A to licensing officers and taxi licensing committee members 21/5/18 and to the new committee members on the 24/5/18.</p>		
	<p>This issue was raised at the previous meeting and lengthy discussions had taken place.</p> <p>Group 2 Medical - The agreement from the Derby branch of the General Medical Council was that drivers are to go to their own GP for medical clearance every 3 years.</p>		



	<p>D.A.T.A had felt that that this has been done to coincide with the 3 year badge renewal, rather than from a fitness point of view.</p> <p>Olu clarified that the Council needs to be satisfied that the driver is physically fit at the time of grant and renewal of a licence, in the interest of public safety. D.A.T.A queried whether a medical should be done on a yearly basis, if this is the case. It was clarified that it remains the responsibility of the driver to make the authority aware if a medical condition changes.</p> <p>MK to write to the Derby branch of the General Medical Council, to say the Trade have raised concerns about the inconsistency in the fees charged by different practices/practitioners.</p>	MK	August 2018
4	<p>Points system right of appeal/ and drivers being refused renewals due to past convictions: Is it a fair system that a driver can only appeal against any decision taken against him by the council by going to court at the drivers expense , it's also been bought to our attention that drivers are being refused renewals based on previous convictions under the new points system , we are led to believe once a driver has been deemed fit and proper to hold a badge and nothing has changed since , then it's illegal to then refuse to renew a licence, we seek clarification on this matter.</p>		
	<p>MK clarified the position that had been set out in the consultation and agreement at Committee.</p> <p>D.A.T.A challenged why the next stage for the appeal needs to be made via the magistrate court and why a decision cannot be made with the licensing sub-committee. D.A.T.A asked for an option to be put forward for this to be reviewed by the licensing committee, to have the decision making powers.</p> <p>MK stated that the previous convictions are set out in the process are not taken into consideration unless a new conviction is disclosed, new information is received or the licence is up for renewal.</p> <p>Drivers are to be made aware that existing convictions will be taken into account when the licence is renewed and if there are any new convictions.</p> <p>Olu pointed out that this is a prescribed profession under the Rehabilitation of Offenders Act, which means that convictions are never spent.</p> <p>SM re-iterated the importance of all members declaring all convictions.</p>		



	D.A.T.A raised the question, if the appeal went to court and it was found in the driver's favour, who would pay the costs. MK said it is the right of the driver to ask for their costs to be paid by the Council, and it is then up to the magistrates' discretion whether or not to make an award.		
5	Spot checks: Licensing vehicles with a inflation kit and run flat tyres instead of a spare wheel: At the last meeting Mr Olu deemed it dangerous to not have a spare wheel aboard a licenced vehicle if going on the motorway to which D.A.T.A replied by saying any driver who changes a spare wheel on the hard shoulder is putting his life at risk and the highways agency also advise this, Most ulev and hybrid vehicles do not come with a spare and also lack room for one to be retro fitted in the luggage compartment As DCC previously had issue licensing the Prius they will be fully aware of this DCC are trying to encourage ulev and hybrid vehicles but how can we be expected to make a big investment in a vehicle the council see unfit to be licensed by DCC.		
	D.A.T.A had previously raised concerns around some cars not being fitted with a spare wheel and would like to know how this issue would be resolved. The Chair is fully aware of the issue, and it will form part of the review at a future committee meeting.		
6	Hackney colour: Can the council explain why they are not getting rid of the colour requirements for cabs and are contributing to the carbon footprint by having drivers paint cabs that come already painted, other Councils like Nottingham for example are helping the environment by phasing out over time their green colour scheme and are allowing the popular factory painted black to replace it.		
	There was a brief discussion at the last meeting; the outcome was for this to be debated at a future committee meeting. This was also stated in the previous minutes that this is a legislative requirement to distinguish between Private Hire/Hackney Carriage vehicles. Following the issue raised by D.A.T.A regarding the cost for paint stripping, research from officers does not support that professional painters strip back paint, plus it was also clarified that this would come with a warranty and would be to the same standard as the manufacturers. The spraying should not affect the warranty. D.A.T.A asked why DCC could not use the same black taxis as Nottingham's with the distinguishing coat of arms. It was also felt that changing the paint colour to yellow is a waste of resources and there is no advantage by doing this. Possible solution would be for wrapping.		



	<p>The Chair pointed out that the logo may not be appropriate for the visually impaired.</p> <p>Discussions made to look at new vehicles, for example, the black cab Mertrux/ LEVC/Dynamo and whether new colours could be ordered.</p> <p>Also, the possibility of getting the motor vehicle trade to bring a number of cabs for us to look at was discussed, potentially giving a wider choice.</p> <p>MK informed in terms of brand new/older vehicles, we are currently waiting for a decision.</p> <p>Olu stated all these points would be noted and will be incorporated into the report for committee on the matter when a decision will be made.</p> <p>SM stated that due to the time needed for research, this may not be on the agenda for the next committee, but will be raised at the subsequent one.</p>		
7	<p>Carabiner: Can the council licensing department explain why they have an issue with Carabiners that they have been passing in tests for many years and now they are not good enough? And also tell us why they are not communicating effectively and concisely with drivers as to what types of carabiners, fire extinguishers, and first aid kits are required to get re-plated in Derby.</p>		
	<p>SM confirmed there are issues when cars are being sold, or the carabiner goes missing, they are being replaced with ones that are not suitable for the vehicle.</p> <p>The clamps hook on to the wheelchair and display a load rating of 25 NM together with an instruction they should not be used for PPE.</p> <p>MK suggested a separate discussion outside of the meeting to establish clarification on the specification.</p> <p>DB stated that it would be a breach of licence conditions to modify the vehicle's original specification, by changing the clamps from the original items.</p> <p>SM to refer to Allied vehicles, for direct clarification on the CE certification over 25km load rating requirements.</p> <p>Queries also raised around the first aid kit/fire extinguishers specification. SM stated that the BS number has changed since the specification was done. SM to clarify.</p>	<p>SM</p> <p>SM</p>	<p>August 2018</p> <p>August 2018</p>



8	<p>Vehicle inspection survey: Can the council explain why enforcement officers are lying in wait for drivers collecting plates from the licensing department and asking to inspect vehicles in the council's car park, we were told a few months ago by licensing this was a survey and was voluntary on the drivers part - this doesn't seem to be the case according to some of our members experiences.</p>		
	<p>It was acknowledged that the Trade members feel that they are being put under pressure to take part in the inspection survey. DB stated that this should not be the case and that it was a monitoring exercise which should benefit both DCC and the Trade. It was also noted that it was an ideal time to complete this exercise when drivers come into the Council House to collect their plates. DB confirmed that this is a legal obligation, although it is done on a voluntary basis.</p> <p>D.A.T.A asked why this could not be done at the testing station whilst the vehicle was being examined. MK commented that there are benefits of undertaking an inspection at the testing station but also benefits of the inspection being done away from the station.</p> <p>D.A.T.A queried the validity of the some of the testing stations.</p> <p>MK commented that work still needed to be undertaken to look at the possibility of bringing the vehicle inspections in house. Although D.A.T.A raised issues with this option. It was agreed to re-visit this in the future.</p>		
9	<p>Safeguarding: Reminder about booking on to a course prior to driver/operator renewal & attendance.</p>		
	<p>SM clarified that it is essential for Trade Members to complete the mandatory safeguarding courses before their next renewal. Extra course dates had now been arranged which were being allocated to individuals on a priority basis depending on their renewal dates.</p> <p>Phone contact has been made with those drivers to arrange this. The Licensing team are currently working renewals that are due in Jan/Feb/Mar 2019.</p> <p>D.A.T.A to check with all members that their telephone numbers are correct.</p>	D.A.T.A	August 2018
10	<p>Vehicle insurance at renewal: Reminder that insurance has to be valid at the renewal date.</p>		
	<p>SM asked the members to ensure when the drivers come in to renew their licence that the insurance date also covers the renewal date.</p>		



11	<p>Complaints: Update on complaint received; Lack of wheelchair accessible vehicles, Operators responsibility to deal with customer complaints.</p>		
	<p>There have been a number of complaints that have come into the licensing team from wheel chair users, sometimes having to wait for up to 3 hours for a private hire vehicle to arrive. SM relayed that the operators and drivers need to be honest and realistic about the time stated to the customers and also to commit to the job. SM also raised an issue around complaints to the Licensing team from customers that had been referred by the operator. This is giving people false expectations that the licensing team can/will take action. Operators need to understand that they are responsible for dealing with complaints about their service in the first instance.</p> <p>D.A.T.A asked for more options in choice of hackney vehicles in order to accommodate wheelchair users, with a view to inviting some manufacturing representatives to a future committee meeting. SM to action this.</p> <p>The vehicle specifications are on the DCC website, with details of the make/model/manufacture for DCC approved list.</p>	SM	August 2018
12	<p>On line driver renewals: Update on progress.</p>		
	<p>This is now available for drivers to complete the renewal on line. Further information will be uploaded to the website in due course. Information will be incorporated into renewal letters and AW is currently writing to everyone who has recently received their renewal letter for information.</p> <p>Once on the website, the process will allow applicants to upload all relevant documents. This will then take up to 10 days to process.</p>		
13	<p>Plying For Hire: Update on successful prosecution.</p>		
	<p>There has been one successful prosecution and a further prosecution is on-going through the court.</p>		
14	<p>AOB</p>		
	<p>Due to the new GDPR regulations, explicit consent is needed from the D.A.T.A subject for any officers to discuss individual cases with anyone including councillors.</p>		
15	<p>Date and time of next meeting:</p>		
	<p>15 August 2018.</p> <p>The date and deadline for agenda items and representation to be submitted will be on the website.</p>		

