



Derby City Council

**Licensed Trade Meeting
20 March 2018
10am – 12pm
Council Chamber**

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| Present | Cllr D Froggatt (DF) - (Chair) | | |
| | Cllr M Barker (MB) | | |
| | Cllr A Holmes (AH) | | |
| | Mr A Chaudhery (AC) – Licensed Driver | | |
| | Mr P Khan (PK) – Licensed Driver | | |
| | Mr I Wigley (IW) – D.A.T.A. | | |
| | Mr M Nazir (MN) - D.A.T.O.A. | | |
| | Mr J Akhtar (JA) – D.A.T.A. | | |
| | Mr D Wilson (DW) – A2Z Licensing | | |
| | Mr G Matkin (GM) - Licensed Driver | | |
| | Mr L Roach (LR) – Licensed Driver | | |
| | Mr D Fitchett (DF) - Licensed Driver | | |
| | Mr S Raichura (SR) - Uber | | |
| | Mr K Harte – (KH) - Uber | | |
| | Michael Kay (MK) - Head of Environmental Protection, Licensing, Housing Standards and Emergency Planning | | |
| | Olu Idowu (OI) - Head of Legal Services | | |
| | Sandra Mansell (SM) – Team Leader | | |
| | Dave Basford (DB) - Licensing Enforcement Officer | | |
| | Lorraine Strong (LS) – Minute taker | | |
| Apologies | Cllr B Sandhu | | |
| | Mrs L Keeler | | |
| | Mrs A Walker | | |
| | | Who | When |
| | Cllr Froggatt welcomed everyone to the meeting and introductions took place. | | |
| 1 | Age restrictions and the council's plans released January 18 2018: At the Last trade meeting the council agreed to work with the trade Associations and said they would listen to the trade, this doesn't seem to be the case. Why have the council put an age restriction proposal together without first speaking with the associations? Meaning there is only one proposal on the table. These proposed changes will have a major effect on Derby's drivers financially and will most probably drive a lot from the trade all together, and drive others to other councils; some of our members | DATA & Mr Chaudhery | |



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| | <p>have already started applying to Wolverhampton where common sense seems to be more apparent.</p> <p>Details of the progress on the cross party working group:</p> <p>In the last meeting there was a discussion on cross working parties, we would like to know what progress has been made.</p> | | |
| | <p>Cllr Froggatt informed the group of the consultation date on 4th May 2018.</p> <p>MK stated that the proposal was discussed at the last policy committee.</p> <p>Cllr Froggatt suggested that the best way forward would be to submit proposals, for consideration as part of the consultation process, and stated that the restriction has not been put in place; it is a proposal which forms part of the consultation.</p> <p>No discussions have taken place with the association or any other consultees as this would be done as part of the consultation.</p> <p>Concerns raised by D.A.T.A around drivers applying to other Council's e.g. Wolverhampton/Erewash, in order to avoid the potential restrictions applied by DCC.</p> <p>D.A.T.A also queried the possibility of using different types of vehicles, age concerns around older vehicles, more affordable, proposals to bring emissions down.</p> <p>Cllr Barker said the ramifications of the Clean Air Act are yet to be clarified. Vehicles within the Council's fleet would also need to be considered. The likelihood will be that some vehicles could potentially not meet the emission levels.</p> <p>DW stated that older vehicles, the emission levels would be difficult to maintain and whether the use of retro fit devices can be approved in the future.</p> <p>AC asked if Private Hire vehicles are being fitted with a gadget for emissions. MK stated that the current proposals around the clean air zone are focussing on the 3 sectors- Light Haulage/Buses/Hackney Private Hire. DCC Traffic and Transportation team are leading on this. A low omission strategy For the City is also being developed.</p> <p>Cllr Froggatt informed the group that the information on the consultation will be advertised on the Licensing website.</p> <p>Action: SM to ensure the Trading Groups/Drivers are aware.</p> | | |



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| 2 | <p>Implementation of 3 year medicals: Unresolved from the last trade meeting, correspondence promised has not been forwarded to DATA which was promised by the council, We firmly believe medicals wasn't consulted on as it should have been when the council changed the validation period from 5 years to 3 years in 2015 to coincide with the new 3 year badge.</p> | DATA | |
| | <p>It was proposed at the last meeting that LK would send out correspondence regarding the consultation. D.A.T.A have said that they have not received this information. There was some confusion in respect of this item as officers believed the matter had been clarified at the last meeting. Action: MK to finalise with LK and send out email to DATA.</p> | | |
| 3 | <p>Hackney change of colour policy: We feel the need for cabs to be sprayed yellow is down grading the life expectancy of the vehicles body work and is voiding the manufacturers corrosion warranty of the vehicle, we would like the council to follow Nottingham's example and allow black for new licences and gradually phase out the yellow substandard requirement, we believe down grading the vehicles paint work is a major factor that is causing cabs to corrode quicker than they should.</p> | DATA | |
| | <p>Following the concerns raised by DATA around the potential costs to drivers and issues around the corrosion element of the vehicle being sprayed yellow, it was requested that the Council take a different approach.</p> <p>OI clarified that the colour requirement for hackney carriages was not a new phenomenon in Derby and that it was in-place because of the legislative requirements to distinguish between Private Hire/Hackney Carriage vehicles. In relation to the work not being done correctly by the garage affecting corrosion element, this was a private matter between the vehicle proprietor and the person undertaking the work. If respraying is undertaken correctly, there should be no issues.</p> <p>The Drivers made suggestions around vehicles being kept the original factory colour or body wrapped.</p> <p>Cllr Froggatt recommended that this be debated at the next Licensing Committee.</p> | Officer Report to Committee | |
| 4 | <p>Spare Wheels: More and more new vehicles don't come with spare wheels but instead some come with puncture canisters. We would like the council to move with the times and allow newer vehicles without a spare wheel to be licensed.</p> | DATA & Mr Chaudhery | |



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| | <p>Manufactures spare wheel and emergency repair kit. Statement: Vast majority of the manufacturers have already moved towards emergency repair kit as opposed to spare wheel or a space saver.</p> | | |
| | <p>Following the information around more new vehicles are not being fitted with a spare wheel, the drivers queried whether the use of emergency repair kits could be considered as an option. It was also highlighted that a vehicle had been passed by one of the approved garages, (not fitted with a spare tyre). MK stated that there are vehicle specification requirements around spare wheels, and that the vehicle in question would not have complied with the specifications and therefore should not have been passed. He asked the trade to provide details of the vehicle so the matter could be investigated.</p> <p>OI highlighted this would also be considered as a public safety concern.</p> <p>Cllr Froggatt requested this be debated at the next Licensing Committee.</p> | Officer Report to Committee | |
| 5 | <p>Road side checks: Can the licensing team confirm that a roadside check should last a maximum amount of time and should only be visual. Should the enforcement officer have any further concerns he / she should issue the driver a slip to have his / her vehicle inspected at a council approved mot garage. We've had members complaining vehicles have been damaged by enforcement offices at the roadside carrying out these spot checks. It's also been reported that enforcement have been carrying some of these checks out in bus stops, we feel this is unacceptable when drivers are being fined by the council for entering certain bus stops the ones with cameras for example. Photographic evidence can be produced to the council if required.</p> <p>Taxi spot checks: Over the past few months the trade has experienced perceived irregularities in the spot checks performed by the enforcement officers; therefore we would like the licensing committee to address the situation to bring about a standardised agreeable system and procedure.</p> | DATA & Mr Chaudhery | |
| | <p>MK clarified that a maximum amount of time for a road side check could not be stipulated, as this would be dependent on the circumstances.</p> <p>MK also confirmed that no complaints had been made to the Licensing Team about these matters.</p> <p>IW felt that the drivers are being forced to stop in locations which are not deemed safe; this is being</p> | | |



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| | <p>enforced through the joint inspections, i.e. at a bus stop, and this can also result in a driver being issued a parking ticket. MK stated that the team would support the driver with any appeal if necessary. DB stated that this incident would have been an exception for the Police to force a vehicle to park at a bus stop.</p> <p>AC queried the suitability of the equipment/apparatus used around the checks, and asked that a more suitable solution would be for the vehicle to be taken to one of the approved garages. MK stated that it would not be practical.</p> <p>OI stated that vehicles can be stopped based on a reasonable suspicion. If the vehicle was taken to a garage to be checked the vehicle would need to be suspended which would not always be justified – while the majority of spot checks do identify vehicle irregularities, there are a minority of cases where irregularities are not borne out. That does not make the basis of the ‘reasonable suspicion’ unlawful but a vehicle can only be suspended where there are justifications for doing so. Suspensions can therefore only be legitimate where the basis of such reasonable suspicion is borne out.</p> <p>IW suggested the possibility of vehicles being issued with a slip to take to a test station after a short observation.</p> | | |
| 6 | <p>CAZ (Clean Air Zone): What does the Council / Licensing Service propose, timescales, consultation, etc?</p> | A2Z | |
| | <p>MK reported that the proposals are still being developed and that a number of legal challenges have been made to the Government’s proposals. The Traffic & Transport team have arranged a workshop on 10th April for Hackney vehicle proprietors and drivers. The workshop is being delivered by an independent company who are seeking volunteers for devices to be fitted to vehicles, for testing.</p> <p>IW queried the challenges with the authority and government backing.</p> <p>OI said that at some point there will be a drive in the city to reduce the emissions, so some changes to vehicles will be a necessity albeit the detail of what that would entail at this time remain unclear. OI added that information on the clean air zone principles have gone before committee, and have been brought to the attention of the trade to raise awareness that changes are likely which, once the detail is agreed and finalised, will impact locally and nationally.</p> <p>AC stated that there are only 10% of cars that produce low emissions. It was proposed that retro fit devices can</p> | | |



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| | <p>be considered as an option, once they have been approved, as opposed to an age limit on the vehicle.</p> <p>IW asked that all proposed information is relayed to the Trade. Cllr Froggatt stated that once formulated, information would be passed on.</p> | | |
| 7 | <p>Prohibit drivers from working for more than one operator at a time: Drivers working for multiple operators causes operational problems for operators, enforcement problems for the Council and risks drivers using vehicles without insurance (if the vehicle is owned and insured by Operator A to be used in connection with their business and is then, without Operator A's knowledge or permission, used by the driver to undertake work on behalf of Operator Z).</p> | A2Z | |
| | <p>OI stated that from a legal perspective, DCC cannot get involved with the restriction of trade, it is the responsibility of the operators to resolve this. DCC has a regulatory remit over the trade, not a contractual right. Therefore cannot impose this. It was suggested that the firms add this stipulation into the contracts in place with their drivers, to avoid breach of contract. Operators to put checks in place.</p> <p>DW suggested that it is known that certain drivers trade without effective insurance in place when trading under a different firms name to that which they are insured with. OI challenged DW, and the trade, to provide details of such known irregularities so that investigations can be carried out to address such regulatory breaches.</p> | | |
| 8 | <p>Bus Lane: Access to private hire vehicles, especially if vehicles are low emission as part of the CAZ.</p> | A2Z | |
| | This item was covered under item 6. | | |
| 9 | <p>Flexibility and choice for the hackney carriage license: We would like the licensing committee to consider the flexibility in choice of vehicles as a hackney carriage given the opportunity to license a saloon car as a hackney carriage. This will cut down the carbon foot in line with the government agenda as the manufacturers are continuously working to offer vehicles for sale with lower carbon emissions. This can be evident from many major manufacturers i.e. Volkswagen, ford, Mercedes.</p> | Mr Chaudhery | |
| | <p>Cllr Froggatt specified that the vehicle must be able to carry disabled passengers, in order to conform with equality requirements.</p> <p>IO also clarified the DDA requirement for licensed vehicles.</p> <p>SM informed the group of the website with information of which vehicles that can be used.</p> | | |



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| | <p>It was suggested whether other options could be considered, however it was acknowledged that no application had been received to licence a particular vehicle.</p> <p>DB has recently been approached by two companies; Mertrux Derby and Allied Vehicles of Glasgow, with a view to getting new vehicles licensed. Both firms have since presented their cars at the Council House for inspection to see if they comply with requirements. Mertrux presented the latest Mercedes Benz Vito and Allied Vehicles a Ford Pro Cab, based on the Ford Tourneo.</p> <p>A report for each of these vehicles will be taken to licensing committee in due course.</p> <p>It was also suggested that other options can be taken to the committee and if it is approved this can be added to the list.</p> | | |
| 10 | <p>Equality and without Prejudice of the proposed age limit for both hackney and private hire vehicles: The council policies states equal and fair opportunities therefore why is there discrimination against the private hire drivers why is there double standards for the two trades?</p> | Mr Chaudhery | |
| | <p>The proposals were around the points for the alternative set of maximum years – 5/10/15. MK talked through the proposals being considered – increase frequency of inspections from 1 to 2 per year, new licences would only be issued to vehicles less than a certain age. A number of different age limits will be consulted on. No proposals have been agreed yet in relation to existing licensed vehicles.</p> <p>There was a general acknowledgment that Hackney Carriages cost more to purchase.</p> <p>Cllr Froggatt advised that all drivers take part in the consultation, and that is open to the public.</p> <p>Query raised around the age/emission policy how will this be debated.</p> | | |
| 11 | <p>Review the agreement with the trade on vehicle and drivers license conditions: The entirety of the system has changed and therefore we would like the licensing committee to review the agreeable changes in the cross working group for further discussions and rebate, requesting the cross working party group to be actioned at the earliest.</p> | Mr Chaudhery | |
| | <p>Cllr Froggatt informed the group that the next full Licensing Committee is likely to take place in June/July. MK asked what basis the trade wants the committee to make changes. It was felt that the committee hadn't</p> | | |



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| | <p>taken any actions since 2016.</p> <p>MK stated that committee members have agreed to review the penalty point system/delegation process. In terms of the other changes, no reviews were planned.</p> <p>The drivers had felt that the minimum legal age requirement of 18 is too low – officers confirmed that an arbitrary restriction amounted to age discrimination. DW offered the view that unlikely an 18 year old would secure trade insurance, in any event.</p> <p>MK stated that regarding the changes to medicals – 3 to 5 years. All changes went out to consultation.</p> <p>SM informed the group that John Tomlinson, Service Director for Communities, Environment and Regulatory Services is officially leaving the authority on 31st March, however is on leave until that date.</p> <p>Query raised following rumours around the future of trade meetings. Cllrs agreed they would support these continuing going forward, however the final decision is unlikely to be made before June.</p> <p>OI reminded all trade members contribute to the consultation, 4th May 2018, via the website. Paper copies can be provided by request.</p> | | |
| 12 | Date and time of next meeting | To be confirmed after elections | |

