

Date of issue: Wednesday 7th February, 2018

MEETING	LICENSING COMMITTEE (Councillors Cheema (Chair), Parmar (Vice-Chair), Davis, Mann, Munawar, Qaseem, Rasib, A Sandhu, Sohal, Strutton and Wright)
DATE AND TIME:	THURSDAY, 15TH FEBRUARY, 2018 AT 6.30 PM
VENUE:	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 787503

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



NEIL WILCOX
Director of Finance & Resources

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for absence.

CONSTITUTIONAL MATTERS

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances



AGENDA
ITEM

REPORT TITLE

PAGE

WARD

described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.

The Chair will ask Members to confirm that they do not have a declarable interest. All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

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|----|--|-------|-----|
| 2. | Guidance on Predetermination/ Predisposition - To Note | 1 - 2 | - |
| 3. | Minutes of the Last Meeting held on 17th October 2017 | 3 - 6 | All |

LICENSING ISSUES

- | | | | |
|----|---|---------|-----|
| 4. | Update on Proposed Emissions Strategy for Hackney Carriage and Private Hire Vehicles | 7 - 14 | All |
| 5. | Proposal for the Removal of Minimum Sizes for Hackney Carriage and Private Hire Vehicles | 15 - 20 | All |
| 6. | Update on Mandatory Safeguarding Training for Hackney Carriage and Private Hire Drivers and Operators | 21 - 28 | All |
| 7. | Members Attendance Record 2017/18 | 29 - 30 | - |
| 8. | Date of Next Meeting - 28th March 2018 | - | - |

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.



PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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Licensing Committee – Meeting held on Tuesday, 17th October, 2017.

Present:- Councillors Cheema (Chair), Parmar (Vice-Chair), Coad (from 6.35pm), Davis, Arvind Dhaliwal, Qaseem (from 6.32pm), Rasib, A Sandhu, Sohal, Strutton and Wright(from 6.35pm)

PART 1

10. Declarations of Interest

None were received.

11. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

12. Minutes of the Last Meeting held on 27th June 2017

Resolved- That the minutes of the last meeting held on the 27th June 2017 be approved as a correct record.

13. Proposed Emission Standards for Hackney Carriage and Private Hire Drivers

(Councillor Qaseem joined the meeting)

The Licensing Manager, Mr Sims reminded the Committee that details of the Proposed Emission Standards for Hackney Carriage and Private Hire Vehicles, as part of the Council's draft Low Emission Strategy (LES), were considered at the Licensing meeting in June 2017. It was proposed that, following the necessary consultations, that the emission standards be implemented from 2018.

There were currently 726 licensed hackney carriages (taxis) and private hire vehicles operating in Slough and a breakdown of the fuel types for each category of vehicles was explained. A consultation on the emission standards and implementation dates for both diesel and petrol vehicles was conducted between July and August 2017. All current hackney carriage and private hire drivers, vehicle licence holders and operators were consulted and details were also posted on the Council's website.

(Councillors Coad and Wright joined the meeting)

It was noted that the response to the consultation was fairly low. Although the hackney carriage and private hire trade were generally supportive of the proposals, concerns were raised regarding the cost of replacing vehicles to meet the criteria and the proposed implementation dates. In light of the responses, the original proposals had been revised and the rationale for the revised low emission standards had been based on the current age of licensed vehicles, the current vehicle age policy for private hire vehicles and

Licensing Committee - 17.10.17

saloon hackney carriages and the implementation dates of Euro Emission standards for both diesel and petrol vehicles.

Members were informed that the proposed setting of low emission standards impacted the most on proprietors of wheelchair accessible vehicles, of which there were currently 50 licensed wheelchair accessible vehicles. It was highlighted that a separate consultation would be held for wheelchair accessible vehicles with the representatives and proprietors to discuss replacing existing vehicles with ultra low emission vehicles (ULEV).

The Chair invited representatives from the trade who had requested to address the Committee:

- *Mr Sarfraz Khan, Representing Slough Taxi Union.* Mr Khan stated that although he was aware and understanding of the requirement to reduce pollution levels within the town, any implementation dates should take into account the potential impact on drivers and the necessary arrangements that would need to be carried out to comply with the proposed emission standards. It was suggested that vehicles be replaced only when the vehicle age limit had been reached.
- *Mr Aftab Khan Representing Slough Private Hire Driver Association.* Mr Khan informed Members that 527 private hire driver vehicles would be affected and the cost of purchasing replacement vehicles was substantial. It was reiterated that any vehicle currently licensed be allowed to continue to operate until the vehicle age policy expired. Concerns relating to used/pre owned vehicles were raised and the fact that this decision affected the majority of drivers within Slough.
- *Mr Abid Ur-Rehman, Representing a Private Hire Operator.* It was proposed that drivers who had recently purchased vehicles be allowed to continue with those vehicles until the age limit for the vehicles had been reached. Mr Ur-Rehman submitted that implementing the proposed emission standards for vehicles would place an excessive financial burden on the majority of private hire drivers.

A number of issues were raised in the ensuing discussion. It was noted that implementation of the proposed emission strategy could potentially have a detrimental financial impact on the livelihood of a majority of drivers within the Borough.

Clarification was sought relating to the current vehicle age policy. The Committee were informed that it was a requirement that vehicles were under five years of age at registration and could be licensed up to a maximum of nine years. It was brought to Members attention that the majority of vehicles purchased were usually used vehicles with no brand new vehicles being licensed.

Licensing Committee - 17.10.17

Whilst acknowledging the concerns raised by representatives of the trade, a Member requested details relating to what would be the impact on the strategy if an implementation date of 2025 was agreed. Information regarding measures taken by neighbouring Local Authorities was also requested.

Mr Whittles, from Low Emission Strategies Ltd, was in attendance at the meeting. Members were reminded that the Borough was well placed to comply with requirements, that all taxis and private hire vehicles be ULEV's by 2025. Incentives to facilitate a switch to ULEV's were summarised. It was clarified that although the Authority did not have to set and implement emission standards until 2020, Slough was one of the most polluted towns in the country and as Slough had participated in the Ultra Low Emission Taxi Study, Slough drivers would be eligible for a grant towards the purchase of an ULEV vehicle. It was noted that Bradford, Derby and Manchester had implemented Low Emission Strategies and it was expected that Reading would also be introducing emission standards in the near future.

A number of Members stated that further details were required regarding the number of vehicles that were likely to be affected by the introduction of a low emissions strategy, including the average age of vehicles when they were first licenced and how many were actually licensed up to 8 or 9 years. In addition, figures relating to the number of vehicles that would need to be replaced year on year up to 2025 were requested. Officers confirmed that although they did not have this information at present, it could be provided to Committee Members.

Committee Members highlighted concerns relating to how the strategy would contribute to negating pollution, when there were separate concerns such as the nearby presence and ongoing expansion of Heathrow. A number of Members stated that they would be supportive of extending the proposed implementation date for the LES deadline.

(The meeting was adjourned at 7.54pm and reconvened at 7.59pm)

Members agreed that further clarification into the detailed consequences of the policy implementation, including potential impact on drivers was required and consideration of the recommendations, as set out in the report, be deferred.

Resolved -

- a) That the number of all saloon vehicles to be replaced year on year up to 2025 and a breakdown of the fuel consumption type be provided to the Committee.
- b) That the current number and percentage of the age of all current licensed saloon vehicles be provided to the Committee.
- c) That an Extraordinary Meeting be arranged to consider the matters above.

Licensing Committee - 17.10.17

(Councillors Coad and Wright requested that their abstention on voting on the above be placed on record)

14. Members Attendance Record 2017/18

Noted.

15. Date of Next Meeting

The date of the next meeting was confirmed as 15th February 2018.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.09 pm)

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 15th February 2018

CONTACT OFFICER: Michael Sims, Licensing Manager
(For all Enquiries) (01753) 477387
Ginny de Haan, Service Lead – Regulatory Services
(01753 477912)

WARD(S): ALL

PART I
FOR DECISION

UPDATE ON PROPOSED EMISSION STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

1. **Purpose of Report**

To update the committee on the proposals for low emission standards for hackney carriage (taxi) and private hire vehicles in Slough, as part of the Council's draft Low Emission Strategy (LES) and the proposed feasibility for a Clean Air Zone, as well as proposals for all new applicants wishing to licence a private hire vehicle for the first time.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to:

- (a) Note that the main proposals as previously discussed will be put back until 6th June 2018 to allow for further engagement with the hackney carriage and private hire trade bodies and their representatives.
- (b) Note the report and comment on the revised proposals only for **all new applicants** wishing to licence a private hire vehicle for the first time, and the effective date, as at **Section 6** of the report
- (c) Agree that the proposals, as set out in Section 6 of the report, for all new applicants wishing to licence a private hire vehicle for the first time be approved.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The European Union Air Quality Directive 2008/50/EC13 sets out the obligations for Member States in terms of assessing ambient air quality and ensuring that Limit Values ("LV") for certain pollutants are not exceeded. In the UK, the requirements of the Directive have been transposed into domestic law through the Environment Act 1995 and subordinate regulation 14.15.

Slough has finalised its draft Low Emission Strategy ("LES") in line with the Government's new National Air Quality Plans, published on the 5th May 2017. The Slough LES forms part of the Slough Air Quality Action Plan and includes measures to reduce emissions from road transport vehicles, the main cause of

elevated levels of Nitrogen Dioxide (“NO₂”) and a key contributor to particulate matter (“PM”) concentrations in the Borough. Both NO₂ and PM have significant health impacts for the residents of Slough.

The draft LES has now been subject to a full public consultation which closed on 5th February 2018.

3a. **Slough Joint Wellbeing Strategy Priorities**

The proposals for low emission standards for all new applicants will support the Slough Joint Wellbeing Strategy priorities:

Priorities

- Increasing life expectancy by focusing in inequalities
- Improving mental health and wellbeing.

3b. **Five Year Plan Outcomes**

The proposals will contribute significantly to the Five Year Plan with the specific outcomes of:

- Our children and young people will have the best start in life and opportunities to give them positive lives.
- Our people will become healthier and will manage their own health, care and support needs.
- Slough will be an attractive place where people choose to live, work and visit.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) **Risk Management**

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
(a) Note that the main proposals as previously discussed will be put back until 6th June 2018 to allow for further engagement with the hackney carriage and private hire	The proposals will support the recommendations of low emission standards for private hire vehicles as contained in the Council's 'Low Emission Strategy' (LES)	None	4	Further proposals for all currently licensed and replacement hackney carriage and private hire vehicles have been consulted on and will be put before the Licensing

trade and their representatives. (b) Note the report and comment on the revised proposals only for all new applicants wishing to licence a private hire vehicle for the first time, and the effective date, as at Section 6 of the report (c) Agree that the proposals for all new applicants wishing to licence a private hire vehicle for the first time be approved.				Committee on 6 th June 2018 following further engagement with the relevant trade representatives
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(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards for the granting of taxi and private hire vehicle licenses.
3. There is a legal requirement to improve and maintain air quality standards. The European Union Air Quality Directive 2008/50/EC¹³ sets out the obligations for Member States in terms of assessing ambient air quality and ensuring Limit Values (LV) for certain pollutants are not exceeded. The requirements of the Directive have been transposed into domestic law through the Environment Act 1995 and subordinate regulation 14.15.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been completed at this time as there are no equality issues identified, as **the proposals would apply to all new applicants wishing to licence a vehicle for the first time from the effective date.**

5. **Supporting Information**

- 5.1 A report was put before the Licensing Committee on 17th October 2017, outlining proposals for low emission standards for all hackney carriage and private hire vehicles following a public consultation as well as consultation with all hackney carriage and private hire licence holder and operators.
- 5.2 For the information of the Licensing Committee the proposals from 17th October 2017 are attached at **Appendix A** of this report.
- 5.3 The proposals are detailed in the Low Emission Strategy (“LES”) which has now been subject to full public consultation which closed on 5th February 2018.
- 5.4 On 17th October 2017 a number of representatives addressed the Licensing Committee and in light of some issues raised by the Committee and the trade representatives the Committee resolved as at Point 10.1 of the report.
- 5.5 The additional information been requested by the Licensing Committee on 17th October 2017 has been compiled and copies have served on all the members of the Slough Private Hire Driver Association and the Slough Taxi Union.
- 5.6 The additional information will be included fully in the report on the final proposals for 6th June 2018, however copies will be available at this stage for information only if the Committee require them.
- 5.7 In light of the possible financial impact on the current vehicle licence holders a decision has been made for the main proposals, other than those for new applicants, be put back until 6th June 2018. This will allow for further engagement with the hackney carriage and private hire trade to promote the take up of ULEV vehicles, the grants available towards the cost of purchasing ULEV vehicles, provide information on varying types of vehicles available to be licenced that will comply with the final proposals and of costs involved, as well as engagement with trade manufacturers at trade days
- 5.8 In addition a £74k bid has been submitted to the Government to lease 4 plug-in taxis (including 2 disabled access vehicles) to be made available to the trade in Slough to demonstrate the benefits of these vehicles over an 18 month period

6. **Proposals of this Report. Effective date 1st September 2018**

1. From **1st September 2018** - All new vehicles to be licensed for the first time as a private hire vehicle by a new applicant for a private hire driver licence must be to ULEV**Standard.
2. ULEV **Standard means, A vehicle that uses low carbon technologies and emits less than 75g of CO2/km from the tailpipe and is capable of operating in zero tailpipe emission mode for a range of at least ten miles.
3. That all vehicles must be under 3 years of age from the date of first registration at the time of first being licensed.
4. Any ULEV**Standard vehicle once licenced by a new applicant must only be replaced by another ULEV**Standard vehicle under 3 years of age.
5. New applicants will not be permitted to have a vehicle currently licensed by Slough Borough Council, transferred to them after the effective date, unless the

vehicle is of the required ULEV**Standard and is under 3 years of age from the date of first registration.

7. Comments of Other Committees

7.1 On 17th October 2017 the Licensing Committee resolved:

- (a) That the Licensing Officers come back to the next meeting with a breakdown of vehicle age for private hire cars and saloon hackney vehicles.
- (b) That the Licensing Officers provide projected figures of PH and SC vehicles that would be non-compliant with the LES for 2021, 2022 and 2023 at the next meeting.
- (c) That an Extraordinary Meeting be arranged to consider the matters above.

7.2 On 27th June 2017 the Licensing Committee resolved:

- (a) That the report on the proposals for low emission standards and effective dates be noted.
- (b) That the proposed low emission standards be approved, subject to consultation.
- (c) That any amendments to the proposed low emission standards and implementation dates prior to consultation be approved.
- (d) That all final proposals after consultation are brought back before Committee for approval.

It was agreed that the consultation would also be published on the Council's website.

8. Conclusion

The Committee concluded to:

- (a) note that the main proposals will be put back until June 2018 to allow for further engagement with the hackney carriage and private hire trade bodies and their representatives.
- (b) note the report and comment on the revised proposals for all new applicants wishing to licence a private hire vehicle for the first time, and the effective date, as at **Section 6** of the report
- (c) agree that the proposals for all new applicants wishing to licence a private hire vehicle for the first time be approved.

9. Appendices Attached

- 'A' - Original proposals Slough Low Emission Strategy for taxi and private hire vehicles (17/10/2017)

10. Background Papers

- '1' - SBC Low Emission Strategy
- '2' - Slough Air Quality Action Plan
- '3' - Local Government (Miscellaneous Provisions) Act 1976
- '4' - Office of Low Emission vehicles
- '5' - European Union Air Quality Directive 2008/50/EC13
- '7' - Policy on minimum sizes of vehicles to be licensed.
- '8' - Slough Ultra-Low Emission Taxi Feasibility Study

APPENDIX A

Revised Proposals (Saloon Hackney Carriages and Private hire Vehicles) from Licensing Committee on 17th October 2018

- 7.1 The rationale for the revised low emission standards is based on the current age of licenced vehicles, the current vehicle age policy for private hire vehicles and saloon hackney carriages and the implementation dates of Euro emission standards of:

Euro 6 Diesel (September 2014)
Euro 5 Petrol (September 2009)
Euro 6 Petrol (September 2014).

- 7.2 The below proposals will apply to all saloon hackney carriages and private hire vehicles as well as any temporary replacement vehicle.

Compliance Dates & Emission Standard	Vehicle to be Licensed
1st September 2018 ULEV** Standard	All new vehicles to be licensed by new applicants on or after that date. ***
1st September 2018 CAZ Standard (Euro 6 diesel / Euro 5 petrol)	All licensing renewals i.e. renewals of currently licensed vehicles.
1st September 2018 CAZ Standard (Euro 6 diesel / Euro 5 petrol)	All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
1st September 2020 CAZ Standard (Euro 6 diesel / Euro 6 petrol)	All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced ***
ULEV from 2025	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.

*Clean Air Zone

**A vehicle that uses low carbon technologies and emits less than 75g of CO₂/km from the tailpipe and is capable of operating in zero tailpipe emission mode for a range of at least ten miles.

*** Any ULEV** Standard vehicle must only be replaced by another ULEV ** Standard vehicle.

- 7.3 The Council will be holding 'Trade' days when vehicle owners can meet with ULEV manufacturers and service providers to discuss opportunities.

- 7.4 Saloon drivers qualify for a Plug-in Car Grant of (about £4.5k)

8. Additional Proposals

- 8.1 To promote the take up of ULEV vehicles the following proposals are being made to be agreed by the Committee.

(a) That annually, the first 20 fully Electric and Plug-in ULEV vehicles i.e. as at ** above, to be licensed on or after 1st September 2018 will not pay a licence fee for the first 2 years.

(b) The first 20 Electric and Plug-in ULEV vehicles will receive the first 50 charge events free.

(c) The vehicle age for saloon vehicles that are fully Electric, Plug-in ULEV i.e. that meet ** above, the age limit will be extended from 9 years to 12 years and will apply to all new and existing vehicles that meet the criteria.

9. Wheelchair Accessible Vehicles.

9.1 The proposed setting of low emission standards impacts most on those proprietors of wheelchair accessible vehicles.

- There are currently 50 licensed wheelchair accessible vehicles
- 33 vehicles are over 10 years of age with the oldest vehicle being 20 years of age.
- Only 2 currently licensed vehicles would comply with the revised proposals
- The current vehicle age policy for wheelchair accessible vehicles allows vehicles to be licensed indefinitely subject to twice yearly testing at 14 years

9.2 For the above reasons it is proposed to conduct a separate consultation for wheelchair accessible vehicles and hold meetings with the representatives and proprietors to discuss replacing existing vehicles with ULEV vehicles, Electric vehicles, Plug-in ULEV vehicles and the availability and use of rapid charging units as detailed in (Appendix A).

9.3 The previous report also outlined that the London Taxi Company will be producing a new range extended electric London Taxi which will be on the market later this year. The cost for this new London Taxi will be in the region of £33k with the top up grant (about £7.5k, including the Plug-in Car Grant) available from the Government. In addition, the Nissan eNV 200 electric taxi is also available and qualifies for the Plug-in Car Grant (about £4.5k) and costs around £20k. As Slough completed an Ultra-Low Emission Taxi Study, Proprietors of Wheelchair Accessible vehicles drivers will qualify for the top up Grants, in addition to the Plug-in Car Grant.

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 15th February 2018

CONTACT OFFICER: Rachael Rumney – Senior Licensing Officer
(For all Enquiries) (01753) 875664
Ginny de Haan, Service Lead – Regulatory Services
(01753 477912)

WARD(S): All

PART I
FOR DECISION

PROPOSAL FOR THE REMOVAL OF MINIMUM SIZES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES.

1. **Purpose of Report**

The Committee is asked to consider and approve the recommendation that the existing 'Minimum Size of Vehicle' Policy for all licensed hackney carriage and private hire vehicles is rescinded with immediate effect and for Licensing Officers to continue to have discretion in determining the number of passengers a vehicle can be licensed to carry.

2. **Recommendation(s)/Proposed Action**

The Committee is requested;

- a. that the current 'Minimum Size of Vehicle' policy for all licensed hackney carriage and private vehicles be rescinded with immediate effect.
- b. that any size of vehicle can be considered for licensing as either a private hire or hackney carriage vehicle, providing it complies with Slough Borough Council's assisting policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.
- c. that Licensing Officers will continue to have the discretion to determine how many adult passengers the vehicle can safely and comfortably carry.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The report outlines that the original policy on the 'Minimum Size of Vehicle' to be licensed as a hackney carriage or private hire vehicle was approved on 4th November 2009, to give Licensing Officers an industry-wide recognised method of classifying vehicles by size and determining how many passengers the vehicle would be licensed for.

Since that time, and most recently the types, make and models of vehicles on the market has increase greatly providing far more choice of vehicles to be suitably licensed. This also includes low emission and electric vehicles which tend to be smaller than the normal type and size of vehicle currently licensed.

The proposals will therefore greatly increase the number and choice of types of vehicles than can be licensed where there is no size restriction and that the vehicles comply with all other policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.

3a. **Slough Joint Wellbeing Strategy Priorities**

The proposals will contribute to the Council's Low Emission Strategy (LES) in enabling licence holders to licence smaller low emission vehicles and reducing emission levels in Slough and in doing so, will support the Slough Joint Wellbeing Strategy priorities:

Priorities: Increasing life expectancy by focusing on inequalities.

3b. **Five Year Plan Outcomes**

The proposals will contribute significantly to the Five Year Plan with the specific outcomes of:

1. Our children and young people will have the best start in life and opportunities to give them positive lives.
2. Our people will become healthier and will manage their own health, care and support needs.
3. Slough will be an attractive place where people choose to live, work and visit.
4. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) **Risk Management**

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
a. That the current 'Minimum Size of Vehicle' policy for all licensed hackney carriage and private vehicles is rescinded with immediate effect.	The current policy on minimum sizes for hackney carriage and private hire vehicles is too prescriptive and limits the number of vehicles on the market that have low emission	None	4	Proposals for low emission standards for all currently licensed and replacement hackney carriage and private hire vehicles have been consulted on and will be put before the Licensing
b. That Any				

<p>size of vehicle can be considered for licensing as either a private hire or hackney vehicle providing it complies with Slough Borough Council's assisting policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.</p> <p>c. That Licensing Officers will have the discretion to determine how many adult passengers the vehicle can safely and comfortably carry.</p>	<p>standards. As low emissions are contained in the Council's Low Emission Strategy (LES) the proposal to licence any size of vehicle would promote the take up for and will encourage licence holders to purchase vehicles with low emission levels.</p>			<p>Committee on 6th June 2018. As low emission vehicles tend to be smaller than the current policy these proposals will support the take up of purchasing such vehicles.</p>
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(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards for the granting of taxi and private hire vehicle licenses.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been conducted at this stage as the proposals will remove the current restriction on only licensing large family saloon

vehicles. By approving the proposals this will allow all drivers to have a greater choice of vehicles on the market to be licensed.

(e) Workforce

None

5. Supporting Information

- 5.1 The 'Minimum Size of Vehicle' policy (attached at **Appendix A**) was approved by the Licensing Committee on 4th November 2009 to give Licensing Officers an industry-wide recognised method of classifying vehicles by size and determining how many passengers the vehicle would be licensed for.
- 5.2 Since 2009, the car industry has moved on and the Licensing Team are now formulating a Low Emission Standards Policy to reflect the Councils priority on making Slough a cleaner and greener place to live and work as part of the Council wide Low Emission Strategy (LES).
- 5.3 Low emission vehicles tend to be smaller and generally, do not comply with the current minimum size policy. Rescinding the 'Minimum Size of Vehicle' Policy would allow a wider range and choice of vehicles to be licensed and promote the take up of licensing low emission vehicles.
- 5.4 The current Department for Transport's (DfT) Taxi and Private Hire Licensing – Best Practice Guidance for local authorities on taxi and private hire licensing states the following:

'Specification of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).'

Therefore the current SBC policy is too prescriptive and limits the type and size of vehicles which can be licensed that are currently on the market.

- 5.5 Licensing officers will continue to have the discretion to take into account the vehicle size when determining how many adult passengers the vehicle can carry **safely and comfortably**, which is currently the case.
- 5.6 There is now a wide range of low emission/electric vehicles available on the market, however, these vehicles tend to be smaller than the normal family saloon vehicles that are currently licensed. The proposals would allow for smaller vehicles to be licensed, but for the carriage of a fewer number of passengers. An example is that the Licensing team have had a number of enquiries of licensing the Nissan Leaf and other similar sized vehicles which would only be licensed to carry 3 adult passengers taking into account **safety and comfort**.

6. **Comments of Other Committees**

None.

7. **Conclusion**

That the Committee approve:

- a. That the current 'Minimum Size of Vehicle' policy for all licensed hackney carriage and private vehicles be rescinded with immediate effect.
- b. That Any size of vehicle can be considered for licensing as either a private hire or hackney carriage vehicle providing it complies with Slough Borough Council's assisting policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.
- c. That Licensing Officers will continue to have the discretion to determine how many adult passengers the vehicle can safely and comfortably carry.

8. **Appendices Attached**

'A' - Current 'Minimum Size of Vehicle' policy

9. **Background Papers**

'1' - Local Government (Miscellaneous Provisions) Act 1976

'2' - Taxi and Private Hire Licensing – Best Practice Guidance

Appendix A

Car Classification				
<u>American English</u>	<u>British English</u>	<u>European Commission classification</u> ^[4]	<u>Euro NCAP</u>	<u>Examples</u>
Mid-size car	Large family car	D-segment	Large family car	Ford Mondeo, Vauxhall Vectra, Toyota Avensis, VW Passat
Entry-level luxury car	Compact executive car			Audi A4, BMW 3 Series, Mercedes C-Class, Volvo S60
Full-size car	Executive car	E-segment	Executive car	Holden Commodore, Vauxhall Omega, Chrysler 300C
Mid-size luxury car				Audi A6, BMW 5 Series, Volvo S80, Jaguar XF, Mercedes E-Class, Lexus GS
Full-size luxury car	Luxury car	F-segment		
Compact minivan	Compact MPV, Midi MPV	<u>M-segment</u>	Small MPV	Mazda5, Opel Zafira, Renault Scénic, VW Touran
Minivan	Large MPV	J-segment**	Large MPV	Ford Galaxy, Toyota Previa, Renault Espace, VW Sharan
Mid-size SUV	Large 4x4		Large Off-Road 4x4	Mercedes M Class, BMW X5, Jeep Grand Cherokee, VW Touareg,
Full-size SUV				Cadillac Escalade, Chevrolet Suburban, Range Rover, Toyota Land Cruiser Audi Q7

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 15th February 2018

CONTACT OFFICER: Michael Sims - Licensing Manager
(For all Enquiries) (01753) 477387
Ginny de Haan – Head of Consumer Protection and
Business Compliance
(01753 477912)

WARD(S): ALL

PART I
FOR DECISION

**UPDATE ON MANDATORY SAFEGAURDING TRAINING FOR HACKNEY
CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS**

1. **Purpose of Report**

To provide the Committee with an update on the Mandatory Safeguarding Training approved in 2015 for all Hackney Carriage and Private Hire Drivers and Operators, and to approve the suspension of a licence where the licence holder has persistently failed to attend the mandatory Safeguarding training.

2. **Recommendation(s)**

The Committee is requested to:

- a) note the contents of the report
- b) with immediate effect approve that where any current holder of a Hackney Carriage or Private Hire Driver or Operator licence has repeatedly failed to attend a scheduled Safeguarding Training session by 31st May 2018, their licence will be suspended until they attend a scheduled training session.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The primary role of the licensing authority is the protection, safety and wellbeing of the public.

In 2014 and 2015, a number of high profile safeguarding issues around the country were publicised in particular relating to Child Sexual Exploitation (“CSE”), some involving Hackney Carriage and Private Hire drivers.

The Hackney Carriage and Private Hire trade, including both the drivers and Operators, carry out and deal with hundreds of fares on a daily basis some of whom are potentially vulnerable people. The Safeguarding Training has increased and raised awareness of all aspects of safeguarding including identifying vulnerable persons.

3a. **Slough Joint Wellbeing Strategy Priorities –**

Safeguarding issues, particularly that of CSE are high on the agenda and priorities of both the JSNA and SJWS. The training is contained in the LSCB Strategy.

The Mandatory 'Safeguarding Training' is contributing considerably to the wellbeing priorities of:

- Protecting vulnerable children
- Increasing life expectancy by focusing on inequalities
- Improving mental health and wellbeing

3b. **Five Year Plan Outcomes**

The Mandatory Safeguarding Training has contributed and will continue to contribute to the Five year Plan outcomes of:

1. Our children and young people will have the best start in life and opportunities to give them positive lives.
2. Slough will be an attractive place where people choose to live, work and visit.
3. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. **Other Implications**

(a) Financial

There are no financial implications of the proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
With immediate effect, Approve that where any current holder of a hackney carriage or private hire driver or Operator licence has repeatedly failed to book on and/or attend a scheduled Safeguarding Training session by 31st May 2018, their licence will be	The primary role of the licensing authority is the protection, safety and wellbeing of the public. The Safeguarding training has been instrumental in raising awareness of CSE with drivers and Operators. Failure for those	Safeguarding training on CSE and Vulnerable adults is a mandatory requirement of all new and existing Hackney Carriage and Private Hire Driver and Operator licence holders.	15	Continue to deliver Safeguarding training to all new applicants. Then review for 3 year refresher training.

suspended until the attendance at any future scheduled training session.	licence holders to attend any training sessions means that they are not properly informed or trained on identifying and reporting CSE			
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(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An Equality Impact Assessment has been completed and indicates that there is no negative or adverse impact on any individual or any equality group.

5. Supporting Information

- 5.1 Members approved Mandatory Safeguarding training for all new applicants for and current holders of Hackney Carriage and Private Hire Driver and Operators licence in July 2015.
- 5.2 Following liaison with some other Berkshire Authorities, Slough developed its own Safeguarding Training Package covering CSE and Trafficking and Vulnerable Adults and was the first Berkshire Authority to do so.
- 5.3 The training has been delivered by members of the Licensing Team, the CSE and Trafficking Co-ordinator and Adult Safeguarding Co-ordinator which has resulted in the officers involved receiving a Berkshire Environmental Health Managers Achievement Award, as well as being nominated for and receiving SBC Hero Certificates.
- 5.4 The Training commenced on 27th September 2016 and has covered to date a total of 36 sessions, with currently 901 new applicants and current licence holders having undergone the training. All new applicants have to undergo the Safeguarding Training prior to their licence being granted. There are further sessions scheduled for the **27th February, 29th March, 30th April and 31st May 2018.**

- 5.5 At the training sessions, each attendee is provided with a wallet pack containing; a leaflet and business card on identifying and reporting CSE, a new vehicle window sticker, stating that the driver has undergone the training, useful information and guidance for drivers on 'protecting yourself and others', important information on how and who to report concerns and information too, and most recently information on reporting Modern Slavery and Human Trafficking. In addition all attendees are provided with a certificate of attendance.
- 5.6 In addition to the training being delivered to Slough licensed Drivers and Operators, other drivers engaged in Home to School Transport have also undergone the training. Having liaised with the Community Transport Manager, similar training will now be delivered to all Home to School Transport Escorts on the above dates.
- 5.7 The training is now currently being evaluated by Miss Tamara Hoefer from University College London with a final report to be published later this year.
- 5.8 Despite the success of the training and of the number of new and current licence holders that have attended, there are approximately 55 current licence holders who have repeatedly failed to attend the training since it commenced in September 2016. These licence holders have been written to on at least 4 occasions, advising them that the training is mandatory and that they must book on and attend any of the scheduled sessions. In addition the mandatory Safeguarding Training sessions have also been published in the last 3 Taxi and Private Hire Newsletters inviting all licence holder to attend and that it is a mandatory requirement.
- 5.9 In light of the number of licence holders that have so far persistently failed to attend any of the last 36 training sessions, despite having been written to on several occasions to do so, Officers are recommending that the Licensing Committee approve the following with immediate effect:
- 'With immediate effect, approve that where any current holder of a Hackney Carriage or Private Hire Driver or Operator licence has repeatedly failed to attend a scheduled Safeguarding Training session by 31st May 2018, their Driver or Operator licence will be suspended until they attend a scheduled training session'.**
- Note:** The dates of training sessions after the 31st May 2018 have yet to be confirmed for new applicants.
- 5.10 All outstanding licence holders who have so far failed to attend any training session were written too on the 11th January 2018, advising them of the dates of the remaining scheduled training sessions and that they must attend. In addition they were advised that a recommendation would be made to the Licensing Committee to suspend their licence if they fail to attend any of the currently scheduled training sessions. A copy of the letter dated 11th January 2018 is attached at **Appendix A**.

6. Comments of Other Committees

None.

7. Conclusion

The Committee is requested to:

- (a) note the contents of the report, and
- (b) approve that where any current holder of a hackney carriage or private hire driver or Operator licence has repeatedly failed to book on and/or attend a scheduled Safeguarding Training session, their licence will be suspended until the attendance at any future scheduled training session.

8. Appendices Attached

‘A’ Letter dated 11th January 2018 to non-attending licence holders.

9. Background Papers

LGA Tackling child sexual exploitation – A resource pack for Councils

LGA Taxi and PHV Licensing – Councillors’ Handbook

LSCB CSE Strategic Group Action Plan

APPENDIX A

11th January 2018

Department: Licensing
Contact Name: Michael Sims
Contact No: 01753 477387
Email: Michael.sims@slough.gov.uk

Our Ref: MANDATORY SAFEGUARDING TRAINING
Your Ref:

Dear

Re: Final Request - Mandatory Safeguarding Awareness Training Sessions

The Licensing Committee approved mandatory Safeguarding Awareness Training for all currently licensed hackney carriage and private hire drivers and operators and all new applicants in July 2015.

The training is **MANDATORY** and you **MUST** attend one of the remaining training sessions.

As you have so far failed to attend any of the previous training sessions despite having been written to on several occasions as well as the dates and locations having been published in the Taxi and Private Hire Newsletter this is a final request that you do undertake the training.

I will be putting a report to the Licensing Committee as soon as possible requesting approval to automatically suspend any drivers licence who has repeatedly failed to book on or attend the mandatory training, so please be advised that if you do not book on or attend one of the remaining sessions (dates and locations detailed below) your driver licence may well be suspended.

The training sessions are **free**, run for a maximum of **2 hours** per session and **you do not have to take a test**.

To book your session place **YOU MUST**:

1. Choose a date and time from the list printed on the back of this letter
2. Call Licensing on 01753 875664, *or*
3. Email your choice to licensing@slough.gov.uk

Please bring one of the following with you:

1. Private Hire or Hackney Carriage badge (current licensed drivers), *or*
2. DVLA driving licence (operators / new applicants), *or*
3. Passport (operators / new applicants)

At the training session you will be given an information pack and certificate of attendance to keep. We also ask you to fill in a short survey at the end of your session to let us know what you thought of the training.

If you have already booked on one of the below sessions please disregard this letter.

I look forward to seeing you soon.

Kind regards,

Michael Sims
Licensing Manager
Regulatory Services – Licensing

DATE	TIME	ROOM	LOCATION
31/01/2018	12.00 to 2.00pm	Conference Rooms 3 & 4	Landmark Place
27/02/2018	12.00 to 2.00pm	Conference Rooms 3 & 4	Landmark Place
29/03/2018	12.00 to 2.00pm	Conference Rooms 3 & 4	Landmark Place
30/04/2018	12.00 to 2.00pm	Conference Rooms 3 & 4	Landmark Place
31/05/2018	12.00 to 2.00pm	Conference Rooms 3 & 4	Landmark Place

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MEMBERS' ATTENDANCE RECORD 2017/18
LICENSING COMMITTEE

COUNCILLOR	27/06/17	17/10/17	15/02/18	28/03	06/06/18
Cheema	P	P			
Coad	Ap	P* (from 6.35pm)			
Davis	P	P			
Arvind Dhaliwal	P	P			
Mann					
Munawar					
Parmar	P	P			
Qaseem	P*	P* (from 6.32pm)			
Rasib	P	P			
A. Sandhu	P	P			
Sohal	P	P			
Strutton	P	P			
Wright	P	P* (from 6.35pm)			

P = Present for whole meeting
Ap = Apologies given
P* = Present for part of meeting
Ab = Absent, no apologies given

Councillors Coad and Arvind Dhaliwal no longer Members of the Committee.
Councillors Mann – appointed to Committee 5th February 2018 and Councillor Munawar appointed to Committee on 30th January 2018.

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