



*Castle House
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Wednesday, 7 November 2018

**Chairman: Councillor Mrs R Crowe
Vice-Chairman: Councillor I Walker**

Members of the Committee:

**Councillor Mrs K Arnold
Councillor Mrs B Brooks
Councillor Mrs I Brown
Councillor D Clarke
Councillor M Cope
Councillor P Duncan**

**Councillor Mrs S Michael
Councillor D Payne
Councillor Mrs S Saddington
Councillor Mrs S Soar
Councillor Mrs L Tift
Councillor B Wells
Councillor Mrs Y Woodhead**

MEETING: General Purposes Committee

DATE: Thursday, 15 November 2018 at 6.00 pm

**VENUE: Castle House, Great North Road, Newark,
Notts. NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Helen Brandham on helen.brandham@newark-sherwooddc.gov.uk.

AGENDA

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1. Apologies for Absence	
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9. Exclusion of the Press and Public	
To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 3 of part 1 of Schedule 12A of the Act.	
10. Minutes of Hackney Carriage & Private Hire Drivers/Vehicle Sub-Committee	
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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **General Purposes Committee** held in the Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 6 September 2018 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor Mrs K Arnold, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor D Clarke, Councillor M Cope, Councillor P Duncan, Councillor Mrs S Michael, Councillor D Payne, Councillor Mrs S Saddington, Councillor Mrs S Soar, Councillor Mrs L Tift and Councillor B Wells

APOLOGIES FOR ABSENCE: Councillor Mrs Y Woodhead

10 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

11 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED that an audio recording was to be made of the meeting by the Council.

12 MINUTES OF THE PREVIOUS MEETING

AGREED (unanimously) that the Minutes of the meeting held on 14 June 2018 be approved as a correct record and signed by the Chairman.

13 REVIEW OF POLLING PLACE

The Committee considered the report presented by the Electoral Services Manager which sought approval for the change of two polling places in the Trent and Castle Wards.

It was reported that following the move from Kelham Hall to Castle House the current arrangements had been reviewed and it was proposed to move the polling station from Kelham Hall to the Manners Sutton Primary School in Averham.

In relation to the current polling station at the Christ Church Infant School it was reported that the School Governors had raised issues regarding its closure and had suggested alternative venues. It was therefore proposed that the Christ Church Infant School no longer be used and that the Holy Trinity Community Centre be used for all future elections.

Representations to the proposals had been sought and the responses received were included in the report.

A Member of the Committee highlighted the issues that elderly residents who lived on Broadgate Lane experienced with crossing the A617. She requested that when the polling cards were sent out for the scheduled elections in 2019 the change was clearly marked. The Electoral Services Manager advised that the change of polling station would be highlighted and that there would be sufficient time for all residents to apply for a postal vote if they did not wish to travel to the new venue.

AGREED (unanimously) that:

- (a) the Manners Sutton Primary School, Newark Road, Averham be used as a polling place to replace the Dome Entrance, Kelham Hall, Kelham; and
- (b) the Holy Trinity Community Centre, Boundary Road, Newark be used as a polling place to replace Christ Church Infant School, Victoria Street, Newark.

14 HACKNEY CARRIAGE & PRIVATE HIRE POLICY AMENDMENT

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the proposal to amend the Hackney Carriage & Private Hire Policy the effect of which would require safeguarding training to be undertaken prior to a driver’s licence being issued.

The report set out that in June 2015 the Committee agreed to amend the aforementioned Policy which required all drivers to undertake safeguarding awareness training within 12 months of obtaining their licence. Following discussions with other licensing authorities in Nottinghamshire it was apparent that most required training to be undertaken prior to a licence being issued. Following these discussions it was proposed to amend the Policy with the relevant wording being included at paragraph 3.2 of the report.

AGREED (unanimously) that:

- (a) the Hackney Carriage and Private Hire Drivers Licence Conditions be amended to include the requirement for applicants to attend a safeguarding course prior to their licence being granted; and
- (b) the paragraph set out in paragraph 3.2 of the report be added to the Hackney Carriage and Private Hire Policy.

15 PROPOSED AMENDMENT TO CASTLEGATE TAXI RANK

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to a proposal to amend the operating hours of the Castlegate Taxi Rank.

It was reported that the Taxi Rank Order had been amended in November 2011 but subsequently regular complaints had been received from taxi drivers expressing their frustrations at private vehicles parking in the taxi rank during its hours of operation. It was noted that the issue was of particular concern on Friday and Saturday evenings and that despite the issue of Penalty Charge Notices complaints continued to be received.

The current operating hours for the taxi rank were 20:00 to 06:00 hours with the problems arising due to uncontrolled parking between 18:00 and 20:00 hours. Following discussions with Nottinghamshire County Council it had been agreed that the commencement time of the Taxi Rank Order would be amended to 18:00 hours. If approved by Members, it was proposed to undertake a consultation exercise with businesses on Castlegate and with the taxi trade to seek comments on the suggested amendments to the operating times of the taxi rank.

A Member of the Committee commented that the purpose of the taxi rank was to facilitate the dispersal of people from the venues in the town centre. The previous hours had been amended following receipt of representations from local businesses. He stated that the drivers who chose to park in the taxi rank during its hours of operation were fully aware of the restrictions and that there was no traffic enforcement after 18:00 hours. He added that there were sufficient other places to park and that the businesses were not entitled to have free parking adjacent to the premises. He suggested that the hours of operation should commence at 16:00 hours as traffic enforcement officers were still patrolling the area.

Members also raised the question of how the restrictions would be enforced following the proposed amendment to the hours and whether, following the ongoing roadworks, Nottinghamshire County Council would make good any repairs to road markings and signage.

The Business Manager advised that the traffic enforcement officers generally worked between the hours of 08:00 and 17:00/18:00 hours. Following the aforementioned complaints about private vehicles parking in the rank they had been rostered on to work later into the evenings but although tickets had been issued, it had not resolved the problem. He added that when the proposed changes had been made it would be vigorously patrolled. In relation to the signage and road markings discussions had already taken place with the county council with a view to making them more visible.

AGREED (with 13 votes for and 1 abstention) that the proposed times of operation for the taxi rank adjacent to the Swan & Salmon Yard, Castlegate be amended to 16:00 to 06:00 hours each day and that Nottinghamshire County Council undertake the statutory consultation process.

16 UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Business Manager - Environmental Health & Licensing in relation to the activity and performance of the Licensing Team with details of the current ongoing enforcement issues.

The report covered the period from 1 April to 30 June 2018 inclusive and set out the range and number of licence applications during this period. It also highlighted any activity required as a result of the applications.

Information contained in the report relating to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for Hackney Carriage and Private Hire Vehicles.

Also provided within the report was information relating to both street and house to house collections. Enforcement activity was also listed with information as to what action had been taken to-date for the period 1 April to 30 June 2018.

AGREED (unanimously) that the report be noted.

17 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

NONE

Meeting closed at 6.25 pm.

Chairman

GENERAL PURPOSES COMMITTEE

15 NOVEMBER 2018

DEPARTMENT OF TRANSPORT TASK & FINISH GROUP ON TAXI AND PRIVATE HIRE VEHICLE LICENSING

1.0 Purpose of Report

1.1 To set out to Members the recommendation of the Task & Finish group on taxi and private hire vehicle licensing

2.0 Introduction

2.1 The current law on taxis and PHVs has been criticised for being complex and outdated. The licensing of hackney carriages in particular dates back to 1847 and that for private hire vehicles to 1976. 17 principal Acts of Parliament, 8 statutory instruments and over 150 court decisions regulate these activities.

2.2 In early 2011 the Law Commission announced its intention to undertake a review of the existing framework of taxi and private hire vehicle regulation with a view to preparing proposals for consultation and then making recommendations to government. The project examines the legal framework relating to taxis and PHVs with a view to making it simpler and more modern. The report from the Law Commission was published in 2014.

2.3 In a response to the Law Commission report a Task & Finish Group was established by the Department of Transport as the Secretary of State considered the current legislation no longer fit for purpose.

3.0 Background

3.1 The Task & Finish Group was brought together between July and August 2017 by the then Minister of State for Transport the Rt. Hon. John Hayes CBE MP and met for the first time in September 2017.

3.2 The Group's objectives were confirmed in the Terms of Reference agreed by its members. The Group was tasked with:

- Considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
- Considering, in particular, the adequacy of measures in the licensing system to address those issues;
- Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
- Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

4.0 The Report Recommendations

4.1 The report makes 34 recommendations covering a wide range of issues. The recommendations in full are attached as appendix one. However, there are some of the recommendations that will have some resonance with this Committee and they are discussed in more detail below.

4.2 Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up-to-date structure that can effectively regulate the two-tier trade as it is now.

Officer Comment – there is clear support for the current two tier system of Hackney Carriages and Private Hire Vehicles.

4.3 Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (see recommendation 6). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Officer Comment – This will remove the widely differing standards between local authorities. We would expect the highest standards to be adopted rather than the lowest.

4.4 Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Officer comment – This would go some way to addressing the enforcement issues with ‘out of town drivers and vehicles.

4.5 Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see recommendation 6) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Officer comment – this would be a major step forward and return the control back to licensing authorities to manage the vehicles and drivers operating in its area.

4.6 Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Officer Comment – This would streamline the enforcement process and give licensing authorities additional powers to impose a financial penalty.

4.7 Recommendation 16

The Department for Transport must, as a matter of urgency, press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Officer Comment – As Members are aware Nottinghamshire has introduced training and procedures for addressing safeguarding issues. A national approach is welcomed but the detail of the guidance will be important.

4.8 Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Officer Comment – This recommendation does cause some concerns. This may impose a significant financial burden on drivers. The security of data and how it is stored and handled will also be crucial if this recommendation is going to deliver the benefits it is designed to do.

4.9 Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should/must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Officer Comments – this is the process that is undertaken by NSDC officers, however DBS checks are only carried out every 12 months not 6 as in the recommendation.

4.10 Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Officer Comment – The Nottinghamshire authorities have adopted a consistent approach. Members will no doubt want to see the detail if the proposals lessen the controls that are currently in place.

4.11 Recommendations 23 and 24

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Officer Comment – The NAFN data base has been established and this authority is uploading its data.

4.12 Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Officer comment – This is already done in Nottinghamshire

4.13 All individuals involved in the licensing decision making process (officials and Councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Officer Comment – All Members of the General Purposes Committee are trained when they first join the Committee and additional training is provided.

4.14 Recommendation 29 and 31

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability, equality and awareness training. This should be mandated in national minimum standards.

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Officer Comment – Disability and equality training is currently not required as a condition of license in NSDC.

A report on the adoption of section 67 will be brought to Committee at the next cycle.

4.15 Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

Officer Comment – guidance on driver working hours is provided to newly licensed drivers but this cannot be enforced under the existing legislation.

5.0 Proposals

5.1 The Chair of the Task & Finish Group in his summary states:

‘As my task is now complete, the onus falls to the Secretary of State for Transport, Chris Grayling, MP and his Ministers, in particular Nusrat Ghani, and Parliamentarians to take the ideas of the report further and to begin to craft the legislation that it will, in some instances, require. In other instances, I trust that Parliament and the Department will lead the cultural change which is necessary to ensure that passengers, workers, operators and neighbouring authorities are treated fairly. I look forward to the Government’s prompt response to this report in order to maintain the momentum for improvement. Undue delay would risk public safety.’

5.2 Overall the recommendations of the Task & Finish Group are well considered and will, if implemented, improve the current framework that the taxi licence regime works within. It is therefore proposed that Members support the Task & Finish group recommendations and that the Committee write to the local MPs seeking their support for the report and asking them to promote it within Government.

6.0 RECOMMENDATION

Members are asked to consider the recommendations of the Department of Transport Task & Finish Group and to write to the local MPs seeking their support for the recommendation in the Task & Finish Group report and seeking their assistance in promoting the report and its recommendations within Parliament.

Background Papers - Nil

For further information please contact Alan Batty on 01636 655467

Karen White
Director – Safety

Recommendations of the Taxi and Private Hire Vehicle Licensing Task & Finish Group

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (see recommendation 6). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades. Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (recommendation 2) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (recommendation 11).

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see recommendation 6) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).

Recommendation 28

Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

Recommendation 29

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

GENERAL PURPOSES COMMITTEE

15 NOVEMBER 2018

NATIONAL DATABASE OF REFUSED AND REVOKED LICENCES

1.0 Purpose of Report

1.1 To update Members on the creation of a national data base for the recoding of refused and revoked Hackney Carriage & Private Hire Drivers and to seek approval for Officers to upload driver details to the database.

2.0 Information

2.1 The concern amongst many licensing authorities has been the lack of ability to obtain reliable information with regard to the past licencing history of applicants for a Hackney Carriage or Private Hire Drivers Licence. There is the potential for individuals that have had a licence revoked or refused by another local authority to obtain a licence from another authority without the issuing authority ever being aware of the applicants licence history.

2.2 The application used by Newark & Sherwood does require the applicant to state whether they have ever held a badge with another authority and additionally whether they have ever had a licence refused or revoked. However, if the applicant says no to these questions it is virtually impossible to check the validity of their statement.

2.3 The Local Government Association have been supportive of a national register where details of refused or revoked licences can be held and used by local authorities to check new applicants against the register.

2.4 The LGA have commissioned the National Anti-Fraud Network (NAFN) to develop and host the register. NAFN is a shared service, hosted by Tameside Council, which supports public authorities to tackle fraud and share intelligence. NAFN has worked with the LGA and a user group comprised of licensing officers from a number of local authorities to develop the register.

2.5 To access the register authorities are required to be members of NAFN, around 90 per cent of local authorities are already members and will be able to access the register at no additional cost. For non-members, membership of NAFN costs £1,050/ year. Newark & Sherwood are members of NAFN via the Revenues & Benefits Business Unit. The register will be known as NR3.

2.6 NR3 has been commissioned by the LGA as a voluntary register. Licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence either refused, revoked or suspended. The intention is, that when a licensing authority receives an application for a licence, the applicant's details will be checked on the register to confirm that there is no record of them having being revoked or refused elsewhere. Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy, but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match.

- 2.7 The register went live in July 2018 and guidance has been developed that sets out the steps authorities will need to take to use the register in a way that complies with the new data protection requirements, as well as with human rights law.
- 2.8 In order to comply with data protection issues, prior to uploading any data onto the register the authority will write to the individuals concerned and inform them that their data will be uploaded at future date. It is considered appropriate to give 28 day's grace between writing to the individuals and uploading their data.
- 2.9 Although the authority does not specifically need to invite representations about the proposal, any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so. This will not prevent historic data being uploaded, but will ensure that where data is held which may be uploaded, there is an opportunity for the authority to reconsider whether that is the correct action to take.
- 2.10 Once historic data has been submitted, any new revocations or refusals will need to be entered onto the NAFN register portal by a licensing officer as and when decisions are taken.

3.0 Proposals

- 3.1 As Members will be aware it is the responsibility of the authority to ensure that drivers meet the 'fit and proper' test before they are issued with a licence. The checking of drivers against NAFN is considered an important additional tool.
- 3.2 It is proposed that the Council uploads its data regarding revoked and refused licences on to the national register. It is further proposed that all new drivers are checked against the database.
- 3.3 New applicants will need to be made aware of the register and of the fact that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.

4.0 RECOMMENDATIONS that the Committee note the new register of refusals and revocations and that:

- (a) the upload of data onto the database in line with data protection rules be approved;**
- (b) all new drivers are checked against the national database; and**
- (c) the application forms be amended to inform drivers that their details will be entered on the register if their licence is refused or revoked in the future.**

Background Papers - Nil

For further information please contact Alan Batty on 01636 655467

Karen White
Director – Safety

GENERAL PURPOSES COMMITTEE

15 NOVEMBER 2018

REVIEW OF STATEMENT OF GAMBLING POLICY – CONSULTEES RESPONSE

1.0 Purpose of Report

1.1 For the Committee to review the consultation feedback and to approve the Council's Statement of Gambling Policy for adoption by full Council.

2.0 Information

2.1 Members will recall that the Council, as Licensing Authority under the Gambling Act 2005, is responsible for issuing premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.

2.1 The Council only licences premises on which gambling is carried out, it does not licence the operators or the individuals concerned in carrying the business. These are licensed by the Gambling Commission and subject to stringent statutory controls.

2.2 In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Policy relating to them. The Policy sets out the principles which the Council will apply in considering and granting those licences and permits. The original Policy was adopted in December 2006. The Act requires that the Policy be reviewed as required and at least every three years, hence the need to review the policy this year.

2.3 Members will also recall that the draft policy was presented to them before the consultation was begun. The draft policy was prepared based on the Council's experience with the administration of the Gambling Act and changes in law and guidance since its inception.

2.4 In the interests of keeping costs to a minimum all those notified were directed to the Council's website rather than sending out a large number of copies. Printed copies were made available on request.

3.0 Casinos

3.1 The Secretary of State has powers under Section 175(4) of the Gambling Act 2005 to determine the geographical distribution of casino premises licences. The Act sets out an overall limit nationally of no more than one regional casino, eight large casinos and eight small casinos. In 2005 Local Authorities with an interest in hosting a casino were asked to indicate their interest and to take part in a selection process. A local licensing authority is only able to award a casino premises licence if one has been identified for its area.

3.2 In adopting its original Statement of Gambling Policy in 2006 the Council considered a resolution under section 166 of the Gambling that it would not issue any premises licence for casinos in the district. This had the effect of removing Newark & Sherwood from entering the selection process and therefore it would not be considered as a local authority that could host a casino. Under that section the resolution only lasts for three years and thus will need consideration again this year.

4.0 Response to the Consultation

- 4.1 The draft Policy was circulated for consultation during the summer for a period of 6 weeks. Only a small number of responses have been received.
- 4.2 The level of response would seem to be indicative of the low level of general concern with this particular licensing function. This is the 4th time that the policy has been reviewed and on both occasions there have been minimal responses. All of the Nottinghamshire authorities have reported the same low levels of comment.
- 4.3 The substantive responses are set out in **Appendix 1** with any suggested amendments to the Policy. There have been no substantial changes made as a result of the consultation responses.
- 4.4 Once agreed by this Committee the Policy will have to be considered by full Council for approval and adoption in accordance with the Gambling Act 2006.

5.0 RECOMMENDATION

That the Committee consider the consultee responses and that the draft Statement of Gambling Policy be supported and forwarded to the full Council for approval.

Background Papers

Gambling Act 2005
Guidance to Licensing Authorities - Gambling Commission

For further information please contact Alan Batty on 01636 655467

Karen White
Director - Safety

Statement of Gambling Policy Representation Response		
Representation	Comment	Action Recommended
<p><u>NSDC Legal Services</u> Equality Act assessment (P5) do you want to add the date of the EA assessment to show it is up to date and current? <i>Suggestion only ie Not legally essential.</i></p>	A review of the EIA has been undertaken.	Noted. Date added.
2.4 – if local operator did not take the principles into account; would we refuse a licence/ refer to committee? Does that need to be highlighted to explain what could happen if our “expectation” is not met?	The application would be requested to provide additional information.	Noted. No action.
2.7 This is a long very convoluted sentence. Wonder if we can “plain English” it a bit?	Sentence has been restructured to read better.	Amendment made.
4.4.2 Do you want to add in anything about children who appear to be in harmful situations or where they are seen using gaming machines? Everything you’ve suggested in this paragraph deals with children being seen to be the perpetrators but the expectations on staff would also cover dealing with situations where child is being hit/badly bullied by parent/guardian/ where child appears neglected etc. <i>Suggestion only not legally needed.</i>	Paragraphs 4.4.1 and 4.4.2 are appropriate and correct.	Noted. No action.
5.18.1 This is subject to a vote by relevant committee members/ full council (whichever it is) when the issue is discussed as part of the adoption of this policy.	Addressed as part of report to General purposes Committee	Noted. No action.
<p><u>Newark Town Council</u> With regard to the Gambling Policy; the Town Council supports the ‘No Casino Policy’</p>		Noted. No Action.

GENERAL PURPOSES COMMITTEE

15 NOVEMBER 2018

UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

1.0 Purpose of Report

1.1 To inform the Committee of the activity and performance of the Licensing Team and to provide Members with details of current ongoing enforcement issues.

2.0 Background

2.1 New applicants for a Hackney Carriage/Private Hire Drivers or Private Ambulance Drivers Licence have to undergo various checks. These include a: Disclosure and Barring check; DVLA check; two references are required; Group II medical; and knowledge & ability tests.

2.2 This report covers the period from 1 July to 30 September 2018 inclusive and sets out the range and number of licence applications during this period. It also highlights any activity required as a result of the applications.

Application Type	New Applications Received	Renewal of Applications Received	Number Issued	Comments
Hackney Carriage/ Private Hire Driver	5	18	25	
Ambulance Drivers	13	9	16	
Hackney Carriage Vehicles	3	8	11	
Private Hire Vehicles	1	5	6	

2.3 Street Collections

The table below sets out the numbers of collections undertaken within the reporting period of 1 July to 30 September 2018 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80% of the collection that is returned to the charity.

Charity	Location	Date	Total Amount Collected	% Returned to Charity
RSPCA	OLLERTON	14.07.18	Nil	
RNLI	SOUTHWELL	25.08.18	£539	100
CLIC SARGENT CANCER CARE FOR CHILDREN	SOUTHWELL	08.09.18	Nil	
NEWARK COMMUNITY FIRST AID	NEWARK	15.09.18	365.11	100
MACMILLAN CANCER SUPPORT	SOUTHWELL	22.09.18	£682	100

2.4 House to House Collections

The table below sets out the numbers of collections undertaken within the reporting period of 1 July to 30 September 2018 and the charities supported. The organisations undertaking the collections are required to complete a return that sets out the 80 % of the collection that is returned to the charity.

Charity	Date	Total Amount Collected	% Returned to Charity
North of England Children's Cancer Research	July 2018	£103.89	82%
Coping with Cancer	July 2018	£131.74	81%
Coping with Cancer	August 2018	£143.52	80%
North of England Children's Cancer Research	August 2018	£104.17	80%
Be Child Cancer Aware	July 2018	£93	80%
Child and Teenage Cancer and Leukaemia Foundation	August 2018	£60	100%
Child and Teenage Cancer and Leukaemia Foundation	September 2018	£87	100%
North of England Children's Cancer Research	September 2018	£114.78	82%
Coping with Cancer North East	September 2018	£147.80	80%
Be Child Aware	September 2018	£69	70%

2.5 Enforcement Issues

Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1 July 2018 to 30 September 2018

Location	Activity	Date Case Opened	Action Taken So Far
Worksop	HC displaying licence plate inside the vehicle.	02.07.18	LEO spoke to licence holder and the position of the plate has been moved.
Castle Gate Rank, Newark	HC driver e-mailed in asking for more enforcement of parking restrictions at Castle Gate Rank. He states that after 20:00 the rank is full of parked cars	09.07.18	Driver has been informed that Civil Enforcement Officers patrol the rank on a regular basis on evenings and weekends and that NSDC is looking to change the time of the rank.
Newark	HC driver reported that taxi firm operating in Newark without a licence. They can be found on Facebook.	12.07.18	LEO visited the property and could not gain access. He called the number and spoke to Mr Denistes who advised that the Facebook advert was just for friends. LEO advised that any paid for taxi service requires a licence with the local authority. Two weeks later, LEO spoke to Mr Denistes who confirmed that he had removed the Facebook page and LEO reiterated the need to be licensed.

Lincoln Street Rank, Newark	HC driver went to pick-up point at the station to collect a booking. One of the Station drivers came over to cab and started shouting at the driver and his passengers.	07.07.18	LEO has been monitoring the situation between the two ranks and spoke to the parties involved regarding their conduct.
Lincoln Street Rank, Newark	1 HC inspection	07.08.18	All in order
North Gate Station, Newark	Complaint from Z cars PH driver who had a pre-booked fare from the station from a customer with walking difficulties. A station driver registered with NSDC confronted him and told him he was not allowed on to station land as it is only for station taxis.	11.08.18	LEO spoke to driver at the Station and reminded him of his conduct and to note any problems on the rank and refer it to LEO rather than deal with it himself.
Station Rank, Newark	Complaint that taxi's on station rank are refusing local fares and passing them to the Lincoln street rank. Telling customers that they are only there to take people to music festival	23.08.18	LEO spoke to complainant and it is a hearsay complaint.
Newton Street, Newark	Complainant was charged £35 for a 1.7 mile journey (the meter showed £5) because the taxi had come from Nottingham. It was not clear when the complainant booked that this was the case and it would attract a higher fee.	28.08.18	LEO contacted Z Cars regarding the payment and was told that the booking was made through the Nottingham company and not the Newark company and the booking was made using an automated service which meant that no member of staff was aware of the booking as it was an automatic dispatch.
North Gate Station, Newark	Complainant arrived at North Gate Station and there were no taxis on the station rank so she waved to	17.08.18	LEO spoke to complainant and advised that the taxi driver was correct and he could not pick her up from the Station Rank but she could have gone to the

	a taxi on Lincoln Street to come around and pick her up and he said it could not take her from the station rank.		Lincoln Street rank and he would have taken her. The complainant was very rude to the LEO and hung up.
Newark	Complaint that Z cars Newark are operating licensed vehicles from Nottingham, Wakefield, Birmingham. The drivers have no local knowledge and they are late and very expensive. The complainant gave example of booking a cab with Z Cars Newark for 08:50 on the 11/9/2018 for an appointment at 09:30, a 15 minute journey from his home. After 4 calls and rude operators they turned up at 09:30 with no apology.	17.09.18	LEO passed the e-mail complaint through to Z Cars Newark and advised the complainant.

3.0 RECOMMENDATION

That the Committee consider the contents of the report and identifies any issues it wishes to examine further.

For further information please contact Nicola Kellas on extension 5894

Karen White
Director – Safety

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