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**Wednesday, 6 March 2019**

**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, 14 March 2019 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](mailto:helen.brandham@newark-sherwooddc.gov.uk).



## AGENDA

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<p>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 Paragraph 3 of part 1 of Schedule 12A of the Act.</p>	
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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, 15 November 2018 at 6.00 pm.

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

Councillor Mrs K Arnold, Councillor Mrs I Brown, Councillor D Clarke,  
Councillor M Cope, Councillor Mrs S Michael, Councillor D Payne,  
Councillor Mrs S Saddington, Councillor Mrs L Tift, Councillor B Wells  
and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs B Brooks, Councillor P Duncan and Councillor Mrs S Soar

### 18 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.

### 19 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

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

### 20 MINUTES OF THE PREVIOUS MEETING

#### Minute No. 15 – Proposed Amendment to Castlegate Taxi Rank

The Business Manager – Environmental Health & Licensing advised the Committee that he had spoken to the relevant Officer at Nottinghamshire County Council to remind them that the matter remained outstanding.

AGREED (unanimously) that the Minutes of the meeting held on 6 September 2018 be approved as a correct record and signed by the Chairman.

### 21 DEPARTMENT OF TRANSPORT TASK & FINISH GROUP - TAXI & PRIVATE HIRE VEHICLE LICENSING

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the recommendations of the Task & finish Group on taxi and private vehicle licensing.

The report set out the background to the establishment of the Department for Transport's Task & Finish Group and the objectives thereof. Paragraph 4.0 of the report set out the recommendations of the Group with those of most relevance being specifically reported. In considering the report Members made a number of specific comments.

A Member expressed some concern in relation to the Recommendation No. 21, stating that an isolated offence in someone's past could prevent the person they were now from getting on with their life. He also added that Recommendation No. 17 may lead to issues with data protection laws. However, on the whole he supported the recommendations and the proposal to lobby the district's MPs requesting them to support and promote the Task & Finish Group's recommendations within Parliament.

In response to when the recommendations may become operational, the Business Manager advised that this was not known.

Members all agreed that Recommendation No. 11 was particularly welcomed and would help to eradicate the ongoing problems with taxi operators employing drivers from outside the area.

AGREED (unanimously) that:

- (a) the recommendations of the Department of Transport Task & Finish Group be endorsed;
- (b) the local MPS be written to seeking their support for the recommendations contained within the Task & Finish Group's report;
- (c) the local MPs promote the aforementioned report and its recommendations within Parliament.

## 22 NATIONAL DATABASE OF REFUSED AND REVOKED LICENCES

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the creation of a national database for the recording of refused and revoked Hackney Carriage & Private Hire Drivers. The report also sought Members' approval for Officers to upload driver details to the database.

The report set out the background to the proposed creation of the database highlighting that many licensing authorities were concerned with the lack of ability to obtain reliable information with regard to the past licensing history of applicants for a HC or PH Drivers' Licence. The proposals for the databases creation were listed at paragraph 3.0.

In considering the report Members expressed their support for the creation of the database. A Member noted that it was proposed that all new drivers be checked against the database but queried whether there were any proposals to check the records of existing drivers. The Licensing Officer advised that DBS checks were carried out annually and that a check on the national database could be carried out at the same time.

AGREED (unanimously) that the new register of refusals and revocations be noted and that:

- (a) data be uploaded onto the database in line with data protection rules be approved;
- (b) all new drivers be 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.

## 23 REVIEW OF STATEMENT OF GAMBLING POLICY - CONSULTEES RESPONSE

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the feedback received from the consultation carried out into the review of the Statement of Gambling Policy. The report also sought Members' approval to recommend to full Council the adoption of the Policy.

The report set out the requirements on the Licensing Authority to review the Policy at least every 3 years and provided specific information as to the Council's current stance in relation to Casinos.

In considering the report Members noted that only 10% of under-18s were challenged in public houses when using gaming machines. They further noted that several MPs had expressed concern about fixed odd betting machines and the problems they caused. The Business Manager advised that there were such machines in betting shops and that they were very high stake value with the user spending approximately £20 every 20 seconds.

AGREED (unanimously) that:

- (a) the consultee responses be noted; and
- (b) the draft Statement of Gambling Policy be supported and forwarded to Full Council with a recommendation for approval.

## 24 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report presented by the Licensing Officer in relation to the activity and performance of the Licensing Team with details of the current ongoing enforcement issues.

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

Information contained in the report related to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for vehicles. Information was also provided in relation 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 aforementioned period.

A Member expressed concern about the enforcement issue in relation to the alleged taxi firm operating in Newark without a licence and advertising their services on Facebook, noting that if it was accurate the matter was a criminal offence. Members were advised that the Licensing Enforcement Officer had spoken with the individual and advised him of his obligations. However, there had been no evidence that such activity had taken place.

AGREED (unanimously) that the report be noted.

25 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 Paragraph 3 of part 1 of Schedule 12A of the Act.

26 MINUTES OF HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS/VEHICLE SUB-COMMITTEE

27 AGREED (unanimously) that the Minutes of the Hackney Carriage/Private Hire Drivers' Sub-Committee held on 21 September 2018 be noted.

28 AGREED (unanimously) that the Minutes of the Hackney Carriage/Private Hire Drivers' Sub-Committee held on 21 September 2018 be noted

Meeting closed at 7.19 pm.

Chairman

## **GENERAL PURPOSES COMMITTEE**

**14 MARCH 2019**

### **REVIEW OF POLLING PLACE**

#### **1.0 Purpose of Report**

- 1.1 To inform the Committee of two polling place changes.
- 1.2 The first change is the merger of two polling places within the Southwell Ward into one polling place. The polling places are Holy Trinity Church, Westgate, Southwell and Trebeck Hall, Bishops Drive, Southwell and the change is to use Holy Trinity Church.
- 1.3 The second change is the polling place within the Rainworth North & Rufford Ward at Rufford Country Park from the room at the Abbey site of the Country Park, to the Markham Suite, Rufford Mill, Rufford Lane, Rufford.

#### **2.0 Background Information**

- 2.1 Southwell Ward - The Holy Trinity Church previously used for polling district SD had 1,167 electors and 210 postal voters. Trebeck Hall previously used for polling district SE had 867 electors and 225 postal voters, from figures calculated as at 3 September 2018.
- 2.2 Rainworth North & Rufford Ward - Whilst there will be a change in the venue, the polling place will still be available at Rufford Country Park, at the Rufford Mill location.

#### **3.0 Proposals**

- 3.1 Southwell Ward - The change is for one polling place at Holy Trinity Church, Southwell.
- 3.2 Rainworth & Rufford North Ward – Whilst there will be a change in the venue, the polling place will still be available at Rufford Country Park, at the Markham Suite, Rufford Mill, Rufford Lane.
- 3.3 A verbal update will be given at the meeting, with regard to the voting arrangements for Laxton & Moorhouse in the Sutton-On-Trent Ward and Hockerton in the Southwell Ward.

#### **4.0 Representations**

##### **4.1 Southwell Ward**

- 4.1.1 Representations were sought on the proposed new polling place with local Members, County Councillor R. Jackson and the Clerk to Southwell Town Council, who were all in support of the change. The Member of Parliament for Newark was also consulted but did not forward any comment.



4.2 Rainworth North & Rufford Ward

4.2.1 Representations were sought on the proposed new polling place with local Members, County Councillor J. Peck who were all in support of the change. The Clerk to Rufford Parish Council and Member of Parliament for Sherwood were also consulted but did not forward any comments.

5.0 Equalities Implications

5.1 There are none.

6.0 Financial Implications

6.1 Southwell Ward - Polling place hire charge and some staff cost savings.

6.2 Rainworth North & Rufford Ward - No financial change.

7.0 RECOMMENDATIONS that:

- (a) **the change of polling place from Trebeck Hall, Bishops Drive, Southwell to Holy Trinity Church, Westgate, Southwell be noted;**
- (b) **the change of polling place at Rufford Country Park, from the Room at the Abbey site to the Markham Suite, Rufford Mill, Rufford Lane, Rufford be noted.**

Background Papers

Nil

For further information please contact Nigel Hill on Ext 5243

J. Robinson  
Returning Officer

## GENERAL PURPOSES COMMITTEE

14 MARCH 2019

### STREET COLLECTIONS 2019

#### **1.0** Background

1.1 A street collection permit is required to collect money or sell articles for the benefit of any charitable, benevolent or philanthropic purpose in any street or public place. Collectors should have sealed collecting tins stating which organisation they are collecting on behalf of and should not act in any such manner as to cause, or likely to cause danger, obstruction, inconvenience or annoyance to any person. Street collections are governed by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 as amended by Section 251 and Schedule 29 to the Local Government Act 1972.

#### **2.0** Information

2.1 The Council allows a total of 19 street collections to take place in Newark throughout the year. In addition, it also allows 12 in Ollerton and 13 in Southwell.

2.2 A list of applications received so far has been forwarded to Ollerton & Boughton Town Council, Southwell Town Council, Newark Town Council and Farnsfield Parish Council. These are listed in **Appendix A** detailing those charitable organisations wishing to make a street collection within these areas 2019. Members will note that the number received is below that maximum allowed and therefore it is anticipated that further applications will be made.

2.3 Ollerton & Boughton Town Council is considering the application in respect of Ollerton Town Centre.

2.4 Farnsfield Parish Council have considered the application in respect of Farnsfield and have raised no comments in respect of the application.

2.5 Southwell Town Council Members noted the applications in **Appendix A** that are proposed for Southwell and have raised no comments in respect of Southwell Town Centre applications.

2.6 Members will be aware that only one collection is allowed in the whole of the district in November and this is usually granted to Royal British Legion. Application number 7 by Southwell Rotary Club is for 28.11.19. They have provided us with further information as to why they should be granted the licence. They have said:

[1] We would not be applying for a Street Collection licence for the Christmas period, when historically we have been granted a licence. [This is usually around the middle of December]

[2] The RBL Poppy Appeal extends only until 10 or 11 November.

[3] We believe that the organisers of the late night shopping event in Southwell on that evening would have no objection to us selling raffle tickets from a stall on Market Place.

2.7 Newark Town Council considered applications in respect of the Newark Town Centre. Application number 2 has been agreed and Application number 3 is awaiting consideration.

2.8 Newark Town Council's Policy attached at **Appendix B** states that the Council would generally not support requests for a Street Collection from those outside the area or where the proceeds are not likely to benefit the community.

### **3.0 Proposals**

3.1 It is proposed that the Director – Communities & Environment be authorised to issue the licences for the applications supported by the Town Councils together with any further licences subsequently received under delegated powers after, and in the cases of Newark, Ollerton and Southwell Town Centres, having considered the recommendation of the relevant Town Councils.

3.2 It is further proposed that the applications not supported by the Town Councils be offered an alternative location within the Newark & Sherwood District.

### **4.0 RECOMMENDATIONS that:**

**(a) the Committee consider the applications for Street Collections along with the comments of the relevant Town Councils and identify the street collections that shall be granted within the District of Newark & Sherwood during the financial year 2019/20 and**

**(b) after consultation with the Chairman of the General Purposes Committee the Director – Communities & Environment be authorised to approve and issue licences for all additional applications received for street collections within the District of Newark & Sherwood during the financial year 2019/20**

### Background Papers

Nil

For further information please contact Nicola Kellas on 01636 655894.

Matthew Finch  
Director – Communities & Environment

**Street Collections  
April-December 2019**

<b>Application Reference</b>	<b>Charity</b>	<b>Date of Collection</b>	<b>Sent to Relevant Town Council</b>	<b>Response</b>
<b>Whole District</b>				
1	Royal British Legion	26.10.19 to 9.11.19	Yes - sent to Newark, Southwell and Ollerton	
<b>Newark</b>				
2	Marie Curie	06.04.19	Yes	Agreed
3	Beaumont House	08.06.19	Yes	
<b>Southwell</b>				
4	Marie Curie	06.04.19	Yes	Agreed
5	RNLI	24.08.19	Yes	
6	Rotary Club- Macmillan	21.09.19	Yes	
7	Rotary Club	28.11.19	Yes	
8	Southwell and District Lions Club	21.12.19	Yes	
<b>Farnsfield Parish Council</b>				
9	RNLI	14.9.19	Yes	

**NEWARK TOWN COUNCIL  
STREET COLLECTION POLICY**

1. The Town Council's policy will be to support locally based charities whose fund raising activities are for the benefit of those living within the local community.
2. This support will be extended to include local branches of national charities where funds are sought for use within the community.
3. The Town Council will also consistently support national appeals such as the Wings Appeal and the Poppy Appeal, where monies are collected on a branch basis.
4. The Town Council would generally not support requests for street collections from those outside the area or where the proceeds are not likely to benefit the community.

In exceptional circumstances, however, the Town Council may support such requests; and in such cases would provide Newark & Sherwood District Council with additional information to explain such decision.

Finance & Policy Committee  
22.09.04

## GENERAL PURPOSES COMMITTEE

14 MARCH 2019

### 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 response of the Government to the recommendations of the Task & Finish Group on taxi and private hire vehicle licensing and to seek agreement for the responses to the draft Statutory Guidance on Hackney Carriages and Private Hire Vehicles.

#### **2.0 Introduction**

- 2.1 A Task & Finish Group was established by the Department of Transport to consider the current legislation relating to Hackney Carriages and Private Hire vehicles.
- 2.2 The recommendations of the Task & Finish Group were considered by the General Purposes Committee in November.

#### **3.0 Background**

- 3.1 In February 2019 the Department of Transport released its official response to the recommendations of the Task & Finish Group.
- 3.2 The report is in two parts. The first part sets out the broad summary of the Government's response. This is followed in the second part by a detailed narrative addressing each recommendation of the Task & Finish Group.
- 3.3 A fundamental part of the response is the creation of new draft statutory guidance on Hackney Carriages and Private Hire Vehicles. The Government are consulting on the draft statutory guidance and are seeking responses from Licensing Authorities.

#### **4.0 The Report Recommendations**

- 4.1 Extracts of the summary position of the Government are set out below. This is the followed by the Government's detailed response to some of the key recommendations

*Above all other considerations the Task and Finish Group has put the passenger at the heart of its thinking; we welcome and share this view. Government will take action where needed to ensure a safe and well-functioning sector which meets the needs and expectations of its passengers.*

*Greater consistency and collaboration in regulation is needed to address the changes in the sector and the concerns of the public, the trade and of regulators themselves.*

*Government will consider further, with a view to legislation, the Chair's recommendation around tackling cross-border working, including how it might work in detail.*

*Government has already made commitments as part of its Inclusive Transport Strategy to work with licensing authorities to increase the availability of wheelchair accessible vehicles where demand is unmet; to prevent the refusal of wheelchair users and those travelling with assistance dogs; and to take strong action if such offences occur.*

#### 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.

***We agree that the regulation of taxis and private hire vehicles needs reform. Government acknowledged that need in 2012 by asking the Law Commission to review the regulation of the sector and propose an updated legislative framework. The Commission published a report and draft Bill in May 2014.***

***We will set out in this response what legislation the Government proposes to take forward. In the short term this does not include a full replacement of the law which regulates taxi and private hire. It will, however, be important to fully consider this as part of work on the Future of Mobility<sup>1</sup>, which will consider how Government can support new technology and innovation through regulatory frameworks which can evolve with time.***

#### 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.

**The Government agrees that there should be national minimum standards for taxi and PHV licensing, and will take forward legislation when time allows to enable these.**

**In the interim, Government will continue to review its statutory and best practice guidance. The development of these, through engagement and consultation, will ultimately shape the content of national minimum standards.**

#### 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.

***The Government welcomes this recommendation. Regardless of any current or future rules on cross-border working (see paragraphs 2.30 - 2.35), drivers will on occasion encounter licensing officers from other authorities.***

***We are aware of a number of authorities that already have this requirement as part of their licensing conditions and we would encourage other licensing authorities to do so too. Where drivers are working in an area other than that in which they are licensed, it should be expected that licensees comply with the reasonable requests of any licensing officers, assisting them in ensuring compliance with appropriate standards, and ultimately protecting passengers.***

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.

***There are clearly a range of views within the sector and interested parties about how cross-border, or out-of-area, journeys by taxis and PHVs should be permitted or restricted. This can clearly be seen in the range of views expressed by individual members of the TFG in their comments in the annex to the report.***

***Currently, a PHV journey can take place anywhere in England provided that the driver, vehicle and operator are licensed by the same licensing authority. However, the licensing requirements in different areas (for example, the training required of drivers or the vehicle standards set) can vary considerably.***

***Government therefore agrees with the principle of this recommendation, and will consider further (with a view to legislation) how it might best work in detail. In particular, Government will need to consider what size of area is appropriate. We will also consider what flexibilities or exemptions might be needed to reduce or avoid negative impacts on any particular business models, types of transport or passenger, and businesses or localities that are close to (perhaps multiple) licensing authority borders.***

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.



***The Department is aware that a number of licensing authorities operate a penalty points system to address minor infringements. We will engage with licensing authorities to establish if there is significant demand for a power to issue fixed penalty notices outside of London to assist in the enforcement of national minimum standards.***

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.

***Both the Jay and Casey Reports into child sexual abuse and exploitation noted the prominent role played by taxi and PHV drivers in a large number of cases of abuse. The Casey Report in particular uncovered what was described as "weak and ineffective arrangements for taxi licensing which leave the public at risk." To help reduce the risk posed to children and vulnerable individuals from harm by taxi and PHV drivers who seek to abuse their position of trust, section 177 of the Policing and Crime Act 2017 enables the Secretary of State to issue statutory guidance to licensing authorities on the exercise of their taxi and PHV licensing functions.***

***The TFG was invited to review the draft statutory guidance ahead of the public consultation, and it has now been published for consultation alongside this response. The Department is grateful to the organisations it engaged with while drafting the guidance for consultation, and we encourage all organisations and individuals with views on the guidance to respond to the consultation.***

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.

***It is the Department's view that CCTV (with targeted overt recording of audio instigated when either the passenger or driver deems necessary) provides additional public protection - to both passengers and drivers - providing a fuller objective record of events, assisting in identification of unacceptable and/or illegal behaviour by all occupants of the vehicle. As the TFG report identifies, ridesharing in taxis and PHVs is becoming more popular, introducing further risks as passengers are travelling in close proximity with strangers.***

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:

***The Government agrees with both parts of this recommendation, and they are included in the statutory guidance which has been issued for consultation alongside this response. In the longer term, they will be considered as part of national minimum standards.***

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.

***The Government agrees with this recommendation, and its view has been included in the statutory guidance which has been issued for consultation alongside this response.***

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).

***The Government supports the Private Member's Bill brought by Daniel Zeichner MP that would mandate licensing authorities to use such a database. The Government also welcomes the initiative of the LGA in setting up a voluntary database of drivers who have been refused or revoked licences. Any information obtained using data sharing methods like this must be used as an aid to local, independent decision making. The statutory guidance which is published for consultation alongside this response expands further on the Government's view.***

***In the longer term, the Government intends that information about drivers who have had licences refused or revoked would be one part of the wider-ranging national database discussed against the next recommendation (24).***

***Government will legislate for the creation of a national taxi and private hire database, as a necessary accompaniment to national enforcement powers. Development of the database will take account of the work undertaken for the identification of taxis and PHVs for charging Clean Air Zone purposes.***

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.

***The Government welcomes this recommendation and the acknowledgement that such a requirement can be universally applied under powers already available to licensing authorities.***

***The draft statutory guidance which has been issued for consultation alongside this response includes a recommendation that licensees should be required to undertake safeguarding/child sexual abuse and exploitation awareness training.***

4.13 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.

***The draft statutory guidance which has been published for consultation alongside this response recommends that those charged with determining taxi and PHV licensing matters undertake appropriate training.***

***In the longer term the Government intends that the requirement for training would be included in national minimum standards.***

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.

***The Government supports this recommendation. Taxis and PHVs play a vital role in enabling disabled people to travel where other modes may not be available or accessible. The Department has, in previous best practice guidance, encouraged licensing authorities to use their powers to improve drivers' awareness of the needs of disabled people including by undertaking disability awareness training. This training should include awareness of less visible impairments, such as learning disabilities and dementia.***

***In the longer term the Government intends that these training requirements will be included 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.

***In 2017, the Government commenced sections 165 and 167 of the Equality Act 2010. Under Section 167 a licensing authority may publish a list of their licensed vehicles designated as wheelchair accessible; those vehicles are then required to apply the passenger protections in Section 165. These are to not charge more to a passenger in a wheelchair than to any other passenger, and to provide reasonable assistance (drivers may be exempted from the latter on medical grounds).***

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.

***In the first instance, in order to assess the scale of the issue, the Government will engage informally with sector stakeholders to determine whether it is possible to more accurately assess the hours drivers are working, and whether there is a trend for working more or excessive hours. The Government is mindful not just of road safety, but also of the need to avoid burdensome, yet difficult to enforce, regulation.***

5.0 Proposals

5.1 As part of the Government's response it is consulting on the new statutory guidance that will support the current licensing regime and hopefully strengthen it for the future.

5.2 Officers have completed the response in draft and a copy is attached as **Appendix 1** (to follow). This needs to be submitted by April 2019.

6.0 RECOMMENDATIONS that:

- (a) **Members consider the response of the Department of Transport; and**
- (b) **Members consider the responses to the consultation on the draft statutory guidance and provide any additional responses.**

Background Papers

Task & Finish group on taxi and private hire vehicle licensing	Sept 2018
Dept of transport – Response to the Task & Finish Group	Feb 2019
Draft Statutory Guidance Dept. of Transport	Feb 2019

For further information please contact Alan Batty on 01636 655467

Matt Finch  
Director – Communities & Environment

**Forward Plan of the General Purposes Committee Decisions from 1 March 2019 to 29 February 2020**

This document records some of the items that will be submitted to the General Purposes Committee over the course of the next twelve months.

These committee meetings are open to the press and public.

Agenda papers for General Purposes Committee meetings are published on the Council's website 5 days before the meeting <http://www.newark-sherwooddc.gov.uk/agendas/>. Any items marked confidential or exempt will not be available for public inspection.

<b>Meeting Date</b>	<b>Subject for Decision and Brief Description</b>	<b>Contact Officer Details</b>
June 2019	Taxi Fare Review –Consultation Feedback	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
June 2019	Activity, Performance and Enforcement	<a href="mailto:nicola.kellas@newark-sherwooddc.gov.uk">nicola.kellas@newark-sherwooddc.gov.uk</a>
March 2020	Annual Canvass Update 2019	<a href="mailto:mark.jurejko@newark-sherwooddc.gov.uk">mark.jurejko@newark-sherwooddc.gov.uk</a>

## GENERAL PURPOSES COMMITTEE

14 MARCH 2019

### 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 A new applicant for a Hackney Carriage/Private Hire Drivers or Private Ambulance Drivers Licence has 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 October to 31 December 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.

<b>Application Type</b>	<b>New Applications Received</b>	<b>Renewal of Applications Received</b>	<b>Number Issued</b>	<b>Comments</b>
Hackney Carriage/ Private Hire Driver	4	12	12	
Ambulance Drivers	5	7	12	
Hackney Carriage Vehicles	3	15	18	
Private Hire Vehicles	2	11	13	
Ambulance vehicles	3	26	29	

#### **2.3 Street Collections**

The table below sets out the numbers of collections undertaken within the reporting period of 1 October to 31 December 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.

<b>Charity</b>	<b>Location</b>	<b>Date</b>	<b>Total amount collected</b>	<b>% returned to charity</b>
Beaumont House Hospice	Newark	13.10.18	£219.56	100%
Royal British Legion – Poppy Appeal	Whole District	27.10.18 - 10.11.18		
Salvation Army	Newark	15.12.18	£650.64	100%
Southwell Lions	Southwell	22.12.18	£707.53	100%
Newark Round Table	Newark	22.12.18		
Edwinstowe And Dukeries Lion Club	Edwinstowe	24.12.18		

## 2.4 House to House Collections

The table below sets out the numbers of collections undertaken within the reporting period of 1 October to 31 December 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	October 2018	£152.21	81%
Blesma-the Limbless Veterans Charity	29.10.2018	£59.28	85%
Child and Teenage Cancer and Leukaemia Foundation	November 2018	£105	100%
Coping with Cancer North East	November 2018	£131.38	80%
North Of England Children's Cancer Research	November 2018	£104.84	82%
Be Child Cancer Aware	November 2018	£99.00	80%
Southwell and District Lions Club	10-21 December 2018	£6,297.41	95%
Tree of Hope Charity	19 December 2018	£105.82	85%

## 2.5 Enforcement Issues

### Hackney Carriage/Private Hire Ongoing Enforcement Activity between 1 October to 31 December 2018

Location	Activity	Date Case Opened	Action Taken So Far
Middle Gate Rank, Newark	Taxi Inspection x 2 HC	03.10.18	All in order
Lincoln Street Rank, Newark	Complaint about behaviour of two drivers on station rank by a driver of Lincoln Street rank	05.10.18	LEO investigated the situation and advised drivers regarding their behaviour and conduct.
Newark	A series of complaints regarding the conduct and driving standards of a driver.	22.10.18	LEO took a number of statements (approx. 9) from complainants regarding the driving standards, sexual remarks, touching a customer's leg. This information was taken to KW and in consultation with chair and vice chair they suspended his licence in December (please see delegated decision as separate item). His licence expired in December and he withdrew his renewal application on advice from his solicitor.
Middle Gate Rank, Newark	Taxi inspection x 1	22.10.18	All in order

Lincoln Street Rank, Newark	Taxi inspection x 3	24.10.18	All in order
Middle Gate Rank, Newark	Taxi inspection x 1	06.11.18	All in order
Middle Gate Rank, Newark	Taxi inspection x 1	26.11.18	All in order
A617, Newark	Complaint regarding dangerous driving	02.12.18	Following investigation by LEO a written warning was issued to the driver.
Lincoln Street, Newark	Complaint about driver's behaviour and intimidation	15.12.18	Investigation by LEO resulting in verbal warning being issued.

### **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

Matthew Finch  
Director – Communities & Environment



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted