

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 36

Brighton & Hove City Council

Subject: **Taxi licensing and the Hackney Carriage Office**

Date of Meeting: **23 January 2012**

Report of: **Head of Planning and Public Protection**

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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 At Environment and Community Safety Overview and Scrutiny Committee on 5 September 2011, after discussion, the Committee agreed to ask for a further report to 23 January 2012 ECSOSC, to deal with the 6 bullet points listed in the request for scrutiny (appendix 1), plus additional concerns from the FED centre for independent living referred to in a separate note including: Engagement with all taxi service users; Disabled facilities for taxi pick-up at the football stadium; Information in the Blue Book about accessibility for disabled users; Openness and transparency of policy and practice on enforcement; e.g. suspension of licences/delay in related health checks; Frequency and method of licence renewal; Value for Money of driver training course; Length/consistency of Hackney Carriage Office knowledge tests and reason for separate tests for Brighton and Hove; Data and record keeping e.g. on number of WAV licences, driver training, checks on equipment such as ramps and swivel chairs; Efficient work practices; Types of WAV that are acceptable for a licence application; The high standard (and therefore cost) of the City's taxi fleet, compared with competitiveness for key Council school and other contracts; and the level of taxi service and waiting time for wheelchair users and disabled passengers.

2. RECOMMENDATIONS:

- 2.1 That members resolve either:
- (a) To set up a scrutiny panel as requested
 - (b) To submit the matter to Licensing Committee to continue to develop taxi licensing policy to improve services for disabled passengers

3. BACKGROUND INFORMATION

3.1 As requested at 5 September 2011, Head of Regulatory Services and Chair of Licensing Committee attend and answer various lines of enquiry.

3.2 Engagement with taxi service users.

Terms of Reference for Taxi Forum now agreed at Licensing Committee on 17 November 2011. Its membership has been expanded and includes the Arab Taxi Association. New Terms of Reference will require publishing minutes on the Council Website.

3.3 Disabled Facilities for taxi pick up at football stadium

A taxi drop-off facility space was identified at the planning stage and the infrastructure has been built but it is not formally appointed as a rank. The Stadium has a separate transport management group. There is a drop off point at stadium rear. Pre-booked private hire vehicles are available for egress. The football club has its own arrangements to improve access.

The football club report that they allow drop off and collections via Village Way when appropriate. They are not going to prioritise any cab firm, either Brighton licensed or Lewes licensed. The football club retain the right to allow cabs onto the property or refuse them access on safety grounds.

The formal drop off point if taxis do not want to wait in traffic getting to Village Way, is next to the signals junction meaning a 3 minute walk to the ground for customers, which is via the railway underpass and turning left along the wide and well-lit footway. This is outside the Keep development site.

The football club have no wish to prioritise between Lewes and Brighton firms by providing a specific rank for either. They are private property and the site straddles both authorities. They will allow cabs on to site for any non-match event to drop off and pick up and will allow cabs on site for pick-ups after matches when it is safe to do so taking into account pedestrian movement. This will generally be sometime between ½ an hour and an hour after the game has finished.

3.4 Information in the Blue Book about accessibility

This information was agreed at Licensing Committee on 17 November 2011 and summarised in the Licensing Committee's Action Plan in appendix 1.

3.5 Policy and Practice

There is a published Licensing Committee resolved enforcement policy for licensing.

3.6 Delay in health checks

There are delays arising from communication between GPs, hospital consultants, DVLA doctors and the Council's medical advisor. There is an extant contract with the medical advisor until March. Officers are monitoring response times. Officers are also considering agreeing a standard response time although delays are often out of the control of the council's medical advisor.

3.7 Frequency and method of licence renewal

Driver licences are renewed annually currently. Within the forum, GMB raised the possibility of triennial licences. That request is not current. Officers have no strong view but estimate little or no saving because annual checks would still need to be made.

3.8 Value for money of driver training course

One of the main local private hire operators, Brighton & Hove Radio Cabs, are requiring all drivers to undergo BTec training voluntarily. It is understood that funding was identified with the help of training provider PDM. BTec training for all existing drivers, free to the driver, is offered by Radio Cabs in conjunction with PDM. A voluntary approach is being taken although legal advice has been sought on whether the licensing authority could require additional training for licensed drivers. PDM have already trained 100+ of our drivers in the BTec and have another 200 booked. The council accepts any BTec (Role of professional taxi drivers) qualification from any accredited provider. Locally, the main provider has been PDM. Skills UK and Reward Training also offer this training.

3.9 Knowledge Tests

Traditionally, testing has been phased between Brighton and Hove. This is the method preferred by the knowledge schools as this reflects their teaching methods.

3.10 Data and record keeping

Officers wish to improve electronic record keeping but are subject to corporate prioritisation. The Council has not yet identified a date for migration of taxi records to the corporate software programme. Currently officers can manually list and count numbers of Wheelchair Accessible Vehicles (WAVs). Checks can be made on those saloon hackney carriages that have been transferred and are required to be accessible at next renewal date.

3.11 Driver training

New drivers are required to undertake BTec, (includes ESOL), DSA driving standard test, routes and knowledge. Medical CRB checks are also made. PDM are able to run the disability unit of BTec separately if necessary. Officers have supplied accommodation for existing drivers

to undertake this training on a voluntary basis. This facility is open to all drivers. There is no licensing requirement to require existing licensed drivers to undertake further training. No conditions can be placed on the hackney carriage driver licences. Officers have therefore encouraged this voluntary approach.

- 3.12 Checks on ramps, swivel chairs etc.
Compliance test for renewing vehicle licences requires such checks on an annual check. Officers will also check these matters at renewal and as part of vehicle inspection and enforcement.
- 3.13 Efficient work practices
The Hackney Carriage Office works to a very tight budget. Its income from licence fees is highly regulated. The service is accredited to ISO9001:2008 quality standard. Service provision is formally reviewed annually and constant regard is given to continual improvement.
- 3.14 Licensable Wheelchair Accessible Vehicles
There are two potential approaches: either define vehicle models as characterised by London and Liverpool or issue guidelines for a wider range of vehicles. Brighton & Hove issue guidelines in the Blue Book along with a non-exclusive list of vehicles already licensed. The Licensing Authority use DfT guidance as the basis for specification. However, vehicles meeting M1 EC whole type approval are accepted.
- 3.15 Standard and cost of fleet
Licensing Committee approved policy and conditions set minimum standards for vehicles, as published in the Blue Book. These have been developed in consultation with the trade over the years. They are subject to constant review and amendment.
- 3.16 Council contracts
Contractual matters are not licensing considerations and are subject to the Council's Contract Standing Orders.
- 3.17 Service levels and waiting times for wheelchair users and disabled passengers
The next Significant Unmet Demand survey will be undertaken in 2012 and additional questions will be asked concerning WAV waiting time discrepancies and benchmarking with other local authorities.
- 3.18 Equalities Act 2010
Sections 160-167 have not been commenced. No taxi accessibility regulations have been made and the prescribed percentage of WAVs has not been set for any area. However, locally the proportion of WAVs is increasing by managed growth and requiring transferred hackney carriage saloons to be accessible on renewal. Vehicles with 5 or more passengers now have to be accessible (Licensing Committee approved in 2008 fare review), which addresses both hackney carriage and private hire fleets. The Law Commission is now leading this work.

- 3.19 Commitment to increase percentage
The Licensing Committee's Equality Action Plan is appended (Appendix 1).
- 3.20 Transport Select Committee
The Law Commission is now leading this work including cross border hiring. The primary purpose of taxi licensing is public safety and therefore the passenger's safety and comfort are likely to be central to any legislative reform. There is a public consultation planned from May 2012.
- 3.21 Driver training and information
Licensing Committee on 17 November 2011 agreed Blue Book (taxi licensing policy) should include DfT advice on EA2010 duties and list of designated vehicles. Driver training is dealt with at 3.8 above.
- 3.22 Licence fees: commitment by Local Authority
Licence fees are highly regulated by S53 and 70 Local Government (Miscellaneous Provisions) Act 1976. They were reviewed and reset by Licensing Committee on 17 November 2011. Fees must be set at a level that is reasonable with a view to recovering particular identified costs.
- 3.23 Towards the end of 2011 the Local Government Ombudsman decided not to investigate a complaint that the Council was failing to meet its Equalities Duties in relation to the provision of taxis for disabled people and specifically that it had failed to progress the recommendations arising from the Equalities Impact Assessment. The Ombudsman was not persuaded there was evidence that an injustice has been caused to either the complainant or to disabled people within Brighton. This was because she was satisfied the Council was taking reasonable steps to implement the recommendations of the Equalities Review.

4. CONSULTATION

- 4.1 Procurement Officers were consulted.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from this report.

Finance Officer consulted: Karen Brookshaw Date: 09/01/12

Legal Implications:

- 5.2 As reported on 5 September 2011 to ECSOSC.

Equalities Implications:

- 5.3 The Council's Equality Action Plan is appended as recently updated.
Please also see 3.23 above.

Sustainability Implications:

- 5.4 None arising from this report.

Crime & Disorder Implications:

- 5.5 None arising from this report.

Risk and Opportunity Management Implications:

- 5.6 Licensing Policy is overseen by Licensing Committee.

Corporate / Citywide Implications:

- 5.7 Licensing Committee has delegated authority to set taxi licensing policy.

SUPPORTING DOCUMENTATION

Appendices:

1. Updated action plan
2. Request for scrutiny

Documents in Members' Rooms: NONE

Background Documents:

1. NONE

Agenda Item 36 Appendix 1

Updated action plan from Committee report recommendations September 10 (updated L Committee 17 November 2011)

Date & Number	Recommendation	Agreed action
10/09/10 1	That the committee notes the position regarding the Equality Act 2010 and its possible implications.	Complete.
2	That the committee notes the current BTEC qualification will not be available to new applicants after 30 th September 2010 and approves the replacement entry-level qualification for new drivers.	Complete.
3	That the HCO, working in partnership with The Fed Centre for Independent Living and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.	Please see 2 above. There is a need to establish the baseline of equalities training and consider how to ensure continuing professional development. Once established, a licence condition would be imposed once the hackney carriage office has legal clearance. There has been difficulty identifying an accredited provider. The three taxi operators agreed to develop their own scheme at taxi forum on 17 June 2011. Hackney Carriage Officer has identified a provider for a disability awareness course. This can be offered to licensed drivers but compulsion may present legal implications.
4	That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all complainants are provided with clear, detailed responses.	Complete

5	That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added.	Complete
5A	That the Committee approve the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.	Complete.
6	Withdrawn	N/A
7	That the views and evidence provided by all contributing parties to this report be brought to the attention of officers dealing with the school transport contracts.	Complete.
8	That the Committee approve all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA.	Officers are aware of 13 transfers that have resulted in new WAVs in the fleet. Taxi licensing is migrating to a corporate software system which should allow transparent reporting of data. Absolute numbers of WAVs stand currently at 145 and increasing. There are another 13 that need to become WAV at next renewal which will take us to 29% and with the 5 extra in May will make 30%.
8A	That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.	Complete
8B	That the Committee approves the immediate release of five new hackney carriage vehicle licenses.	Complete
9	That the Committee approves that CCTV approved by the Director is installed in all vehicles	Complete. CCTV is expected to be phased in during 2012/13 by licence condition.

	(a) upon application for a new vehicle licence on or after 1 April 2012, or (b) on annual renewal of a vehicle licence falling between 1 April 2012 and 31 March 2013	
10	That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.	Complete
11	That the Committee note the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.	Complete.
12	That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating access features of vehicles.	Complete
13	That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.	Preliminary work has been undertaken by discussion in taxi forum. This action may not be possible due to trade reservations. There are concerns over transparency and objectivity (criteria for awards).
14	That the Committee ask The Fed Centre for Independent Living to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.	The Fed Centre for Independent Living to investigate.
15	That the Committee require 'Right to Work' checks carried out on application for drivers' licences.	Complete.
16	That the Committee approve in principle, interior seat advertising in licensed WAVs.	Complete.
13/05/11 New	Equalities Act 2010 preparation for a list of designated vehicles. New offences are created concerning failure to pick up, failure to carry	Complete.

17	safety and overcharging.	
New 18	Taxi forum terms of reference.	Complete – agreed at committee
05/07/11 New 19	Blue Book to include DfT advice on EA2010.	Complete – agreed at committee.
New 20	Blue Book to include list of designated vehicles.	Complete – agreed at committee
New 21	Use TfL guidance to use as consultation base set for WAV specification locally.	TfL guidance is used as consultation basis. Complete. The Equalities Action Plan was reported to committee on 17 November 2011. EA S160 has been identified via Transport Minister for non-implementation. Taxi accessibility regulations are not expected. This may affect specifying accessible vehicles. Licensing Authority current position is to allow any vehicles meeting M1 crash criteria and general public safety.
New 22	Record Certificate of Competence on driver records.	BTec includes training which would update competency. Awaiting ICT delivery with migration to new software.
New 23	Trawl for funding for training.	None available to local authorities.
New 24	Circulate Bracknell's and Streamline's advice to Forum for comments. This advice is aimed at safe transport of passengers including disabled passengers.	Complete.

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The FED and Brighton and Hove Streamline would like to suggest a scrutiny of Taxi Licensing and the Hackney Carriage Office.

This is very timely because there are number of things the panel might want to consider:

- The taxi provisions in the Equalities Act. There is an issue locally regarding the proportion of wheelchair accessible vehicles (WAVs) in the fleet.
- The commitment from the administration to increase the percentage and how they might implement that commitment.
- The inquiry into taxi/ph licensing by the Government's Transport Select Committee, looking at cross-border hire problems caused by private hire vehicles picking up passengers outside of the area in which they are licensed, again a local problem.
- The Select Committee is also considering issues with regard to passenger safety which is an issue for all stakeholders.
- Driver training and information.
- Commitments by the administration to ensure the licence fees reflects the true cost to the council.

Geraldine Des Moulins 29 June 2011

[Further information was enclosed for Members: 24 August 2011]

