

# Public Document Pack

## LICENSING & REGULATION COMMITTEE

Thursday, 21 February 2019

Attendance:

Councillors

Mather (Chairman)

Izard  
Bentote  
Berry  
Burns  
Cook

Green  
Laming  
McLean  
Read

Others in attendance who addressed the meeting:

Councillors Horrill (Leader) and Porter

Others in attendance who did not address the meeting:

Councillor Warwick (Portfolio Holder for Environment)

Apologies for Absence:

Councillors Becker

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### 1. **MINUTES**

RESOLVED:

That the minutes of the additional meeting of the Committee, held on 29 January 2019, be approved and adopted.

### 2. **PUBLIC PARTICIPATION**

At the invitation of the Chairman, Councillors Horrill and Porter addressed the Committee during consideration of Item 3 and their comments are summarised in the relevant item below.

### 3. **PRESENTATION - TAXI AND PRIVATE HIRE LICENSING POLICY** (Presentation and Oral Update)

The Chairman announced that she had agreed for a supplementary agenda to be issued in respect of this presentation, due to its urgent consideration by the Committee

Prior to the presentation, the Licensing Manager provided an update on the case in the press recently regarding a Private Hire Driver, Mr Ferham Khan, who had been jailed for the rape of a female passenger that he had picked up from the Broadway, Winchester on 30 September 2017. The Licensing Manager clarified that the driver and the vehicle were licensed by the City of Wolverhampton Council and that the driver was working for Wessex Cars at the time of the offence and was not licensed by Winchester City Council.

It was noted that the Leader had previously written to the City of Wolverhampton Council (and also copied to Steve Brine, MP) regarding private hire vehicles licensed in their area which were operating in Winchester and other areas and recognised that this practice was currently permitted under the Local Government (Miscellaneous Provisions) Act 1976 .

In addition, the Licensing Manager provided assurance to the Committee that, despite a review of the Policy, the existing Policy did not put the public at risk in any way and this point of safety was stressed.

In response to Member's questions, the Licensing Manager confirmed that the current legislation allowed for a Private Hire Driver to be licensed by another authority and to work for another operator while working in the Winchester district. The Government were looking to introduce minimum standards nationally and the Council have been supportive of this change for many years. In respect of questions regarding Uber, it was noted that a licence to operate in Winchester was required and that Uber do not have an operator licence to do so.

A paper had been circulated to the Committee which set out an update for February 2019 as part of the Department for Transport Task and Finish Group final recommendations to Government to lobby for a change in legislation.

The Committee received a presentation from the Council's Licensing Team which set out the proposals for the Council's new Taxi Licensing Policy following discussions at the previous meeting held on 29 January 2019. It was noted that there were many matters expected to improve and enhance the taxi regime to raise the standard in Winchester.

The presentation focussed on the specific improvements the Council were proposing to adopt in order to achieve this vision, locally known as 'Tip Top Taxis', this included improvements to vehicles and changes for drivers/operators which the Committee considered in detail.

The Committee were informed that mandatory safeguarding training was in progress which all drivers were required to attend. Wheelchair safety training would be recommended moving forward for a small fee and Driver Forum meetings were held on a regular basis to ensure all were involved in the changes coming forward with the submission of ideas for consideration. Furthermore, officers were liaising with other local authorities that have introduced CCTV and adopted a livery of vehicles approach in their areas.

In summary, Councillor Porter addressed the Committee in support of the new Policy coming forward and welcomed the mandatory safeguarding training which

offered an increased confidence to members of the public. She made reference to the significantly high level of taxis that were licensed by Wolverhampton whilst only a small proportion (approximately 200) actually operated in that area. Councillor Porter considered that this matter needed to be addressed by the Local Government Association (LGA) to enable an immediate remedy to the issue ahead of any change that could be made to legislation and also suggested that the City of Wolverhampton Council be contacted again directly on this matter.

In addition, to wheelchair access and training, Councillor Porter suggested that the same consideration be shown to public transport users other disabilities (i.e. adults with learning difficulties).

In summary, Councillor Horrill addressed the Committee and welcomed the opportunity the new taxi licensing policy provided for all parties to come together and noted the extensive but important list of tasks to reassure the public that their safety was paramount. Councillor Horrill reported that she had written to the City of Wolverhampton Council in April 2018 in respect of the licensing of over 6,000 drivers and their approach to licensing in contrast to other local authorities. In response, a lengthy rebuttal was received and this matter had since been taken up with Steve Brine, MP to lobby in Government to request a change to this Policy.

As a result of the recent offence, Councillor Horrill stated that she would contact Wolverhampton again, setting out the crime that had been committed in Winchester by one of their licensed drivers and endeavour to secure an immediate change in respect of Wolverhampton's licensing practices.

Furthermore, Councillor Horrill stated that Wessex Cars, who currently permit drivers licensed elsewhere to operate in the Winchester area (along with Wintax Cars) also be contacted and made aware that the Council are dissatisfied with the approach they were taking and the lack of reassurance this was providing residents of the District.

In conclusion, Councillor Horrill summarised that was a need to engage with the community, that safeguarding was recognised as a huge responsibility with great significance for the Council and that she fully endorsed the proposals for the livery of and upgrade to the general standard of licensed vehicles.

The Committee raised a number of detailed questions, which officers present responded to accordingly, in relation to the following points:

- Safeguarding Training – It was reported that it would be mandatory for drivers to take and pass this training in order to retain a renewal of their licence with the Council going forward. It was reported that it was anticipated that safeguarding training would need to be repeated on a three yearly basis and that all staff going forward, including call operators, would need to be Disclosure and Barring Service (DBS) checked;
- Educate the public to recognise the difference between Hackney Carriage taxis and Private Hire vehicles that are pre-booked and to ensure a

distinction between the two with the inclusion of the display of certificates (i.e. safeguarding certificate) to offer increased certainty of public safety when using taxi services in future;

- That work be undertaken to address language barriers with drivers to improve communication with the public in some instances; and.
- Research into the cost implications of CCTV installation/monitoring and the livery of vehicles be progressed and considered further in due course;

At the conclusion and discussion and debate, the Chairman summed up the following points that had been noted and supported by the Committee:

- (i) That operators Wessex Cars, Wintax Cars and the City of Wolverhampton Council, as the licensing authority, be contacted regarding the recent offence to seek a change to their practices for licensed vehicles;
- (ii) That the Local Government Association (LGA) also be contacted about this matter;
- (iii) That the Leader, Councillor Horrill, be supported in continuing to lobby the Government for a change to the legislation that currently allows drivers to be licensed in one District and to work in another;
- (iv) That the work of the Task and Finish Group on Taxi and Private Hire Licensing be commended and the recommendations with the proposed changes to the Policy be supported; and
- (v) That communication with customers of the taxi and private hire service also be progressed through different media sources (i.e. Hampshire Chronicle).

RESOLVED:

That the presentation be received and the points raised by the Committee, as set out above, be noted.

4. **REVIEW OF LICENSING POLICY UNDER THE LICENSING ACT 2003 - UPDATE FOLLOWING CONSULTATION**  
(Report LR517 refers)

The Committee considered the Report which outlined the comments received during the consultation period (20 December 2018 to 20 January 2019) for the review of the Licensing Policy under the Licensing Act 2003 ("the Policy"). The Committee had agreed the Policy for consultation at its previous meeting held on 6 December 2018.

The Licensing Manager reported that the comments received during the consultation period had now been adequately addressed and it was proposed that the revised Policy be taken to Council at its meeting on 28 February 2019, for adoption.

RESOLVED:

1. That the revised Licensing Policy be recommended to Council for adoption.

The meeting commenced at 6.30pm and concluded at 7.50pm

Chairman

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