



Public Document Pack

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Date Not Specified

Dear Councillor,

A meeting of **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **TUESDAY, 18TH SEPTEMBER, 2018 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

- | | Pages |
|---|-----------------|
| 1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc. | |
| 2. To receive apologies for absence. | |
| 3. To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 4. To confirm the Minutes of the meetings of the Committee held on 2 July 2018. | |
| 5. To consider any items that the Chairman agrees to take as urgent business. | |
| 6. Update to Licensing Committee on the use of the Penalty Points Scheme, Progress Towards the Introduction of White Livery for Hackney Vehicles, the National Register of Revocations and Refusals And Endorsement of Driver Safety Campaign | (Pages 3 - 10) |
| 7. Request for Increase in Hackney Carriage Fares 2018 an Annual Tariff Increase Based on a Percentage Formula | (Pages 11 - 18) |
| 8. Hackney and Private Hire Driver Code of Conduct | (Pages 19 - 22) |
| 9. Disability Act -Training for Licensed Drivers | (Pages 23 - 26) |

Working together for a better Mid Sussex



10. Proposal to Introduce Compulsory Safeguarding Training for Licensed Drivers **(Pages 27 - 30)**
11. Animal Welfare Licensing **(Pages 31 - 34)**
12. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

To: **Members of Licensing Committee:** Councillors Jim Knight (Chairman), Ginny Heard (Vice-Chair), Michelle Binks, Richard Cherry, David Dorking, Bruce Forbes, Steven Hansford, Chris Hersey, Margaret Hersey, Jacqui Landriani, Anthea Lea, Gary Marsh, Howard Mundin, Geoff Rawlinson and Peter Reed

Agenda Item 6

6. UPDATE TO LICENSING COMMITTEE ON THE USE OF THE PENALTY POINTS SCHEME, PROGRESS TOWARDS THE INTRODUCTION OF WHITE LIVERY FOR HACKNEY VEHICLES, THE NATIONAL REGISTER OF REVOCATIONS AND REFUSALS AND ENDORSEMENT OF DRIVER SAFETY CAMPAIGN

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Jon Bryant, Hackney Carriage & Private Hire Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076

Wards Affected: All
Key Decision No

Purpose of Report

- 1 To advise and update the Licensing Committee regarding the use of the Penalty Points Scheme for licensed drivers and operators by officers, the progress towards a white livery for hackney vehicles, the National Register of Revocations and Refusals and to seek the Licensing Committee's endorsement of a driver safety campaign.

Summary

- 2 The Penalty Points scheme for drivers and operators was introduced on the 1st April 2017 to encourage compliance with Licensing Conditions and Legislation. Since its inception points have been issued on 26 occasions.
- 3 With effect from 1st October 2022 all hackney Carriage vehicles will have to be white in colour.
- 4 The National Register of Revocations and Refusals has been commissioned by the Local Government Association. It will allow licensing authorities to record details of where Hackney or Private Hire driver licences have been refused or revoked and allow licensing authorities to check new applicants against the register. It should help prevent people found to be not fit and proper in one area gaining a licence elsewhere through deception of non-disclosure.
- 5 The National Private Hire and Taxi Association (NPHTA) are running a campaign in support of driver safety. They have designed a sticker for display inside the licensed vehicle and the endorsement of the Committee is sought for the use of this sticker in Mid Sussex licensed vehicles.

Recommendations

- 6 This report is for information purposes regarding the Penalty Points, Livery update and National Register of Revocations and Refusals and to seek endorsement from the Committee for participation in use of the driver safety campaign sticker.
-

Background

Penalty Points Scheme

- 7 The Penalty Points scheme was introduced on the 1st April 2017 to encourage compliance with Licensing Conditions and Legislation. In general terms it has been well received by the Trade. To date points have been issued on 26 occasions.
- 8 These include failure to display door signs, failure to display licence plate, failure to be in possession of or display driver badge, failure to inform the Licensing Department of damage caused to a licensed vehicle, change of address, failure to behave in an orderly manner and vehicle having a very dirty interior. Attached to the report is a list of the incidents that points have been issued for.
- 9 Only one driver has received points on more than one occasion. He currently has ten points.
- 10 Currently the highest number of points issued for a single incident is seven. This was for multiple issues found when a vehicle was inspected during compliance checks on district. The average number of points issued is three.
- 11 Since the introduction of the scheme officers have observed an improvement in compliance with licence conditions.
- 12 There are several matters on the points schedule which automatically accrue 12 points and are therefore dealt with directly by the Licensing Sub A Committee. To date there have been two incidents that have resulted in drivers going directly to the Licensing Committee. One driver was seen to be using his mobile phone whilst driving by an officer and also to have two defective tyres on his vehicle. He received a 14 day suspension of his licence. The second was found during a compliance check by an officer to be using his licensed vehicle with a defective tyre and without a current MOT. This driver's Hackney Licence was revoked.

Vehicle Livery Policy

- 13 When the Taxi policy was amended in October 2012 it was decided that all Hackney Vehicles will be white in colour from 1st October 2022.
- 14 There are 154 Hackney Vehicle licences issued by the Authority.
- 15 To date 35 vehicles have been changed to white, which is 22% of the fleet.

National Register of Revocations and Refusals

- 16 The simple objective of the national register is to ensure that authorities are able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked. Whenever the authority processes a new application for a hackney carriage/PHV driver's licence, or for a renewal, it will check the register at a suitably early stage of the process to confirm

whether the applicant was subject to a previous licensing decision that we should be aware of.

- 17 Every application must always be considered on its own merits. The authority must not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused. However, it will always be relevant for the authority to consider a previous refusal or revocation, and the reasons for that decision. That previous decision may in many cases warrant significant weight to be given to it. The authority will therefore wish to think carefully about taking a different view to an earlier decision. Depending on the nature and context of the earlier decision, they may require strong and new evidence to support a different view, having regard to the representations of the applicant.
- 18 The register is hosted by the National Anti-Fraud Network and it should assist in preventing individuals who have been found not to be 'fit and proper' gaining a licence elsewhere through deception or non-disclosure.

NPHTA Driver Safety Campaign

- 19 The NPHTA is the National Trade Association for Private Hire and Hackney licence holders and through the national trade newspaper Private Hire and Taxi Monthly it is currently mounting a campaign in support of driver safety.
- 20 As part of this campaign they have designed an A6 size sticker for display inside licensed vehicles. They wish to create a visual impact inside the vehicle to raise passenger awareness of the situation, and to indicate a 'zero tolerance' approach to violence, abuse, and any other crime committed by a passenger against a licensed driver.
- 21 The NPHTA appreciate that, because such a sticker or card would be displayed inside the licensed vehicle, it would require the approval of the Licensing Committee. If approved they would also wish to include the MSDC logo on the stickers issued to our licensed drivers. A copy of the sticker is attached to the report.

Background papers

APPENDIX 1
Schedule of Penalty points issued
Proposed Driver safety sticker

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Date	Reason	Points Issued
23/05/2017	Failure to provide DBS Certificate to Council as required.	4
23/05/2017	No door signs/ Plate not displayed/Internal badges not displayed/ drivers badge not worn or visible	7
24/05/2017	Rear Plate not correctly displayed.	3
30/05/2017	Failure to provide DBS Certificate to Council as required.	4
14/07/2017	Unreasonable prolongation of journey	3
17/07/2017	Failure to notify council of damage to vehicle within required time	4
17/07/2017	No door signs	3
27/07/2017	Failure to comply with driver condition - take all reasonable precautions for the safety of passengers	3
29/07/2017	Failure to have Taxi roof sign - parked on pavement and double yellow lines - very dirty interior of vehicle	5
22/08/2017	Failure to notify council of damage to vehicle within required time	4
22/08/2017	Failure to behave in a civil and orderly manner	3
05/09/2017	No door signs/ drivers badge not worn or visible	3
05/10/2017	Failure to notify change of address x3	5
19/10/2017	No door signs	3
19/10/2017	Failure to notify council of damage to vehicle within required time	4
17/11/2017	No door signs (Second matter)	3
18/12/2017	No door signs	3
04/01/2018	Failure to provide DBS Certificate to Council as required.	4
29/01/2018	Failure to behave in a civil and orderly manner	3
31/01/2018	Failure to notify council of damage to vehicle within required time	4
08/04/2018	Failure to notify council of damage to vehicle within required time (Third matter)	4
13/04/2018	Smoking in licensed vehicle	3
25/05/2018	Smoking in licensed vehicle	3
16/08/2018	No door signs	3
20/08/2018	Private Hire vehicle parking on Taxi Rank	3

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VERBAL & PHYSICAL

ABUSE

**WILL NOT BE
TOLERATED**

NO EXCUSE FOR ABUSE

**OFFENDERS WILL
BE REPORTED
TO THE POLICE**



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7. REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARES 2018 AN ANNUAL TARIFF INCREASE BASED ON A PERCENTAGE FORMULA

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Jon Bryant, Hackney Carriage & Private Hire Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076
Wards Affected: All
Key Decision No

Purpose of Report

- 1 The purpose of the report is for the Licensing Committee to consider an application from a section of the taxi trade requesting an increase in the Hackney Carriage fares.

Recommendations

- 2 Members are recommended to:
 - (a) Increase the Hackney Flag Tariff by 20p with no reduction in initial yardage.
 - (b) Reduce the distance covered for 20p thereafter from 160 yards to 153 yards.

Background

- 3 Station Taxis of Burgess Hill have approached the Council to request an increase in the Hackney Carriage fares (Letter Appendix 1). Initially a resolution was proposed at the Mid Sussex Taxi Association (MSTA) meeting to approach the Council to request a fare increase but the MSTA were unable to gather a quorum of members to consider the proposals.
- 4 Ordinarily the MSTA are the recognised channel of communication for such fare increases , however due to their inability to become quorate for a meeting other drivers have taken it upon themselves to organise a fare increase request.
- 5 Therefore Station Taxis conducted a petition of interested parties within the Taxi and Private Hire trade and then made representations for a fare increase direct to the Licensing Department. This was on the grounds that since the last Tariff increase on 1st April 2014 there has been a general increase in the cost of living, fuel costs and maintenance costs over the past 4 years.
- 6 Following the submission by Station Taxis the Licensing Department wrote to all Hackney Carriage Vehicle licence holders to canvas their views regarding this fare increase. A total of 134 vehicle licence holders were contacted. Individuals holding more than one vehicle licence received one letter. A total of 62 vehicle owners replied. Of these responses 39 (63%) were in favour of a fare increase and 23 (37%) against a fare increase.

- 7** The proposal is to:
- Maintain the minimum fare (flag) distance at 330 yards.
 - Increasing the flag fare by 20p from £3.00 to £3.20
 - Reduce the distance travelled for every 20p from 160 yards to 153 yards.
- 8** The current tariff is shown as Appendix 2, and the proposed tariff is shown as Appendix 3

Policy Context

- 9** By virtue of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 the Council is required to administer and enforce the activities of Hackney Carriages throughout the district.

Financial Implications

- 10** Amendments to the Hackney Carriage tariffs cost the Council approximately £900 for advertising the changes in the local newspapers. This cost is met within the existing budget.

Risk Management Implications

- 11** In accordance with the Council's Risk Management Strategy, consideration had been given to the potential risks associated with the recommendations set out in this report. The proposed changes will be advertised in the local newspapers and on the Council website so that members of the public will be given ample opportunity to submit representations. These will be considered prior to implementation.

Other Material Implications

- 12** None

Background Papers

Letter from Station Taxis – APPENDIX 1
Current Fare Tariff – APPENDIX 2
Proposed Fare Tariff – APPENDIX 3



Station Taxis

Tel: 01444 410410 / 230230
 Email: taxi@410410.co.uk
www.410410.co.uk

13a Station Road
 Burgess Hill
 West Sussex
 RH15 9DE
 Email: accounts@254444.co.uk

Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

15/06/2018

Dear Sirs

Re: Meter Increase

I am writing this letter on behalf of those signed below to ask the council to approve a pay increase to the meter for hackney carriages. We understand that at present the council will only speak to the MSTA. This seems rather unfair as at the last meeting held to vote for a small increase, out of a possible 250 plus drivers that could have attended only 13 actually did attend and therefore the meeting could not go ahead.

We believe that the council should now listen to other people and drivers who use the meter to calculate the fare as it has now been 4 years since the last meter rise.

I personally have worked in the trade for over 20 years and the attendance at MSTA meetings has always been a problem.

Fuel, our largest expense has risen by 15p a litre in the last seven weeks together with increased labour costs at garages, parts etc.

We think it is unfair that the council will only speak to the MSTA as we believe the association appears to be dead in the water, and the attendance at the last 2 meetings seems to back this up.

This proposal was initiated by Station Taxis, a company that has been operating in Mid Sussex for 63 years and complete 300,000 jobs each year, but has now been signed by over 100 drivers, many are independent taxi drivers. We feel that we are justified in asking the council to listen to others and not just the MSTA.

Many drivers have said they do not attend MSTA meetings because they do not believe those running it have their best interests at heart. One of the committee members actually



Station Taxis

Tel: 01444 410410 / 230230
Email: taxi@410410.co.uk
www.410410.co.uk

13a Station Road
Burgess Hill
West Sussex
RH15 9DE
Email: accounts@254444.co.uk

put derogatory comments about the licensing officer in writing to drivers down the rank.
Not the actions of someone striving for a strong relationship with the council or its officers.

Those of us whose main job is supplying a valuable service to the people of Mid Sussex can no longer do this if we are working on rates from 2014 and fuel is 28p per litre more than in 2014.

I hope the council will listen to us, as all those signed below believe that the trade is being held back by a group of independent taxi driver who do not agree with an increase. As the meter rate is the maximum that can be charged surely those that disagree can charge less?

I enclose a chart showing what we are charging currently and what we propose, 0 to 20 miles on the meter is an average increase of 5.5% I would also like to propose that future increases are in line with what local government award. If the council workers do not get an increase then the meter rate does not increase.

We are hoping the council will meet with us and realise we are not trying to obtain a pay increase out of line with inflation/cost of living. We just want a small but fair increase which we will not get if we have to rely on the MSTA.

Yours faithfully

Mark Humphrey
Director
Station Taxis

Tariff 1- Applies to all hirings except those mentioned in Tariffs 2 and 3

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£3.00p
For the next 146 metres (160 yards, or part thereof)	20p
Waiting time for each period of 40 seconds	20p

Tariff 2- Applies to all hirings begun between 12 midnight and 6am on weekdays and 12 midnight and 8.30am on Sundays, after 8pm on 24 and 31 December, all day 26 December , Good Friday, Easter Sunday and public and bank holidays, and all Sundays which are followed by a bank holiday in lieu.

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£4.50p
For the next 146 metres (160 yards, or part thereof)	30p
Waiting time for each period of 40 seconds	30p

Tariff 3 - Applies to hirings from 00.01 hours on December 25 until midnight December 25

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£6.00p
For the next 146 metres (160 yards, or part thereof)	40p
Waiting time for each period of 40 seconds	40p

Additional Charges

Subject to the licensed capacity of the vehicle, the driver, when carrying **five passengers or more** is allowed to charge Tariff 2 when Tariff 1 charges apply, and Tariff 3 charges at times when Tariff 2 charges apply.

Soiling charge	£40
Booking Fee (Optional / only when advance booking made)	50p
Emergency Fuel Surcharge	
To be applied to each £5 of indicated metered fare, or part thereof, during periods when pump prices reach	
A £1.90 - £2.24p per litre	20p
B £2.25 - £2.49p per litre	40p
C £2.50 per litre	60p

Any enquiries, please contact:

01444 458166

www.midsussex.gov.uk/taxi

Mid Sussex District Council

Oaklands Road

Haywards Heath

West Sussex

RH16 1SS

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Maximum Hackney Carriage Fares from

Local Government (Miscellaneous Provisions) Act 1976 Section 65



Tariff 1- Applies to all hirings except those mentioned in Tariffs 2 and 3

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£3.20p
For the next 140 metres (153 yards, or part thereof)	20p
Waiting time for each period of 40 seconds	20p

Tariff 2- Applies to all hirings begun between 12 midnight and 6am on weekdays and 12 midnight and 8.30am on Sundays, after 8pm on 24 and 31 December, all day 26 December , Good Friday, Easter Sunday and public and bank holidays, and all Sundays which are followed by a bank holiday in lieu.

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£4.80p
For the next 140 metres (153 yards, or part thereof)	30p
Waiting time for each period of 40 seconds	30p

Tariff 3 - Applies to hirings from 00.01 hours on December 25 until midnight December 25

Initial distance not more than 302 metres (330 yards) or a combination of distance and time, or part thereof.	£6.40p
For the next 140 metres (153 yards, or part thereof)	40p
Waiting time for each period of 40 seconds	40p

Additional Charges

Subject to the licensed capacity of the vehicle, the driver, when carrying **five passengers or more** is allowed to charge Tariff 2 when Tariff 1 charges apply, and Tariff 3 charges at times when Tariff 2 charges apply.

Soiling charge	£40
Booking Fee (Optional / only when advance booking made)	50p
Emergency Fuel Surcharge	
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Any enquiries, please contact:

01444 458166

www.midsussex.gov.uk/taxi

Mid Sussex District Council

Oaklands Road

Haywards Heath

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Agenda Item 8

8. Hackney and Private Hire Driver Code of Conduct

REPORT OF: Tom Clark, Head of Regulatory Services.

Contact Officer: Jon Bryant, Hackney Carriage & Private Hire Licensing Officer

Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076

Wards Affected: All

Key Decision No

Report to Licensing Committee

Purpose of Report

- 1 To seek the Committee's views regarding the introduction of a Code of Conduct for all licensed drivers as detailed in the attached document. The Code would apply to all licensed drivers and would form part of the Council's Taxi Licensing Policy

Recommendations

- 2 **The Committee is asked to express a view whether this matter should be forwarded to Scrutiny Committee to consider endorsing the introduction of a Code of Conduct for all licensed drivers.**
-

Background

- 3 Hackney Carriage and Private Hire Operators, Drivers and Vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 4 The purpose of the proposed Code of Conduct for Licensed Drivers is to promote the Taxi and Private Hire licensing objectives which are
 - The protection of public health and safety
 - The establishment of a professional hackney carriage and private hire trade
 - Access to an efficient and effective public transport service; and
 - The protection of the environment
- 5 The Council's Licensing Department have received complaints from hackney carriage drivers regarding the conduct of other drivers whilst on the taxi ranks in recent months. It is therefore felt appropriate to consider introducing a code of conduct.
6. The Licensing Department have had a meeting with the Mid Sussex Taxi Association (MSTA) to seek their initial views on introducing a code of conduct and they were supportive of the principle.
- 7 There have been reports of conduct and driver behaviour which is not specifically covered within the byelaws or the Hackney Carriage and Private

Hire Driver and Vehicle licence conditions. This can prove to be an obstacle when attempting to deal with complaints relating to these incidents either from the trade or from members of public.

- 8 The proposed Code of Conduct is designed to remind all drivers of their responsibilities whilst operating as a licensed driver and to ensure a professional level of service is provided to the travelling public.
- 9 Codes of Conduct have been successfully introduced by other local authorities including Ashford Borough Council, Portsmouth City Council, Crawley Borough Council and Wealden District Council.
- 10 It is proposed that any breaches of the Code of Conduct could be dealt with under the penalty point scheme. Breaches of the code would attract 4 penalty points. The penalty point scheme would be amended accordingly.
- 11 The proposed Code of Conduct would be added to Appendix 11 in the current policy.

Background papers

Proposed Code of Conduct - Appendix C

CODE OF GOOD CONDUCT

This Code should be read in conjunction with the other statutory and policy requirements set out in this document. Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Code of Good Conduct can be dealt with by use of the Penalty Points System contained with the Licensing Enforcement Policy of the Council.

1. Responsibility of the hackney carriage and private hire trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire trade by

- (a) Complying with this Code of Good Conduct;
- (b) Complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- (c) Behaving in a civil, orderly, non-discriminatory and responsible manner at all times.

By accepting their licence, the holder is deemed to have accepted the above terms and conditions.

2. Responsibility to Passengers

Licence holders shall:

- (a) maintain their/your vehicle(s) in a safe and satisfactory condition at all times;
- (b) Keep their/your vehicles clean and suitable for hire to the public at all times;
- (c) Attend punctually when undertaking pre-booked hires;
- (d) Assist, where necessary, passengers into and out of the vehicle;
- (e) Provide reasonable assistance to passengers with their luggage.
- (f) Take all reasonable steps to assist disabled passengers

3. Responsibility to Residents

- (a) not sound the vehicle's horn illegally between 11:30pm and 7:00am or from a stationary vehicle (except when another road user poses a danger);
- (b) keep the volume of music being played within the vehicle to a minimum;
- (c) switch off the engine if required to wait; and
- (d) take whatever additional action is necessary to avoid disturbance to residents , which might arise from the conduct of your business.

4. Responsibility at Ranks

Hackney Carriage Licence holders shall;

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in attendance of their vehicle;
- (c) not allow the music being played within the vehicle to cause a disturbance to residents and businesses;
- (d) take whatever action is necessary to avoid disturbance to residents and businesses in the area that may arise from the conduct of your business;

APPENDIX 1

- (e) not to sound the vehicle's horn from a stationary vehicle whilst sitting waiting at the taxi rank. This includes using the horn to request other drivers to move up the rank.
- (f) Where a rank feeder system is in place at Railway Stations proceed at all times to the rear of the feeder route and to join the main rank only via the feeder system,

5 General

Drivers shall:-

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public; non-tailored shorts and flip-flops or loose sandals are not to be worn; Footwear should fit around the heel of the foot
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians;
- (d) obey all Traffic Regulation Orders and directions at all times;
- (e) undertake a visual check on the vehicle before starting their shift and in particular ensure the lights of the vehicle are working and to check the condition of the tyres;
- (f) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive whilst having misused legal or taken illegal drugs;
- (h) fulfil their responsibility to ensure that adequate rest periods are taken during and after the working day;
- (i) not eat in the vehicle in the presence of passengers; and
- (j) respect Officers and Council members of staff at the Authority offices and elsewhere during the normal course of their duties;

PLEASE NOTE:

The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Agenda Item 9

9. Disability Act -Training for Licensed Drivers

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control
Email: yonnel@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Licensing Committee
18th September 2018

Purpose of Report

To seek the Committee's views about adding a condition to Mid Sussex District Council's Taxi Licensing Policy whereby attendance at Disability Awareness and Equality Act Training is compulsory for all current and new private hire and hackney carriage and forms part of the 'fit and proper person' test.

Recommendations

The Committee is asked to express a view whether this matter should be forwarded to Scrutiny Committee to consider endorsing a change in the Taxi Licensing Policy.

Background

1. Private Hire and Hackney Carriage drivers frequently encounter passengers with various disabilities and Officers considered it necessary that all licensed drivers are aware of the needs of disabled passengers. Introducing Disability Awareness training as a pre-condition to obtaining a licence would benefit both the customer and driver.
2. Disability Awareness training provides drivers with a better insight on what it means to be disabled and what is required of them when undertaking their job. Current guidance on this matter suggests that it is no longer sufficient to acknowledge discrimination due to disability as unlawful but positive action needs to be taken to address such problems. By introducing compulsory training as a pre-condition it will go some way in addressing this.
3. We are all aware that disability is a complex matter and any training needs to cover the following as a minimum;
 - Deafness as regards communication
 - Visual Impairment
 - Learning Disability
 - Mobility Issues - different types of walking issues, appropriate types of vehicles, and wheelchairs/power chairs if appropriate
 - People with mental health issues
 - Working with assistance dogs
4. Existing drivers may claim that they are experienced in dealing with customers with disabilities, but there is no guarantee that what they are doing is appropriate either for the customer or driver. Recent complaints have demonstrated that there is poor practise across the trade and suggests that training is needed for existing and new drivers.

5. The Equality Act 2010 focused on the needs of people with protected characteristics, which includes disabilities. Public bodies, including local authorities, have a lawful duty of regard to:
 - a. eliminate unlawful discrimination, harassment and victimisation;
 - b. advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - c. foster good relations between people who share a protected characteristic and those who do not.
6. The Department for Transport's recently published Draft Accessibility Action Plan, described refusals of assistance dogs by taxi and PHV drivers as "unacceptable and illegal", noting the serious impact of refusals on people's confidence and ability to live independently. The plan commits the UK Government to publish best practice guidance for licensing authorities, recommending that disability equality training be mandated in their licensing policies.
7. The Licensing Team has received complaints about drivers refusing to take disabled passengers and those with assistance dogs. To date the Council has prosecuted two drivers for refusing to take assistance dogs and partially sighted passengers, another one is being considered for court proceedings. In addition two drivers were placed before the Licensing Committee for failing to transport a wheelchair bound passenger. There is a similar case pending.
8. The process to train current and new drivers will be via a Council approved external training company at the drivers expense. If this amendment is accepted as policy it is anticipated that current drivers would be given twelve months to get themselves trained. New drivers would be under an obligation to become trained within twelve months of being licensed. Failure to do so will result in the driver appearing before the Licensing Committee to determine whether he/she is still a fit and proper person to hold a licence.
9. The proposed amendment is as follows ;

Insert after Paragraph 5.15 Mid Sussex DC Taxi licensing Policy

All new applicants and current licensed drivers are required to undertake recognised Disability Awareness and Equality Act training in relation to disabled and vulnerable passengers as part of their professional development. The Training will be organised by MSDC and delivered through a provider of their choice. This is to ensure that all drivers operate to a consistent standard and are able to provide a safe and suitable level of transport service to disabled and vulnerable passengers.

Disability awareness training for all new drivers must be undertaken within 12 months from the date of issue of the licence.

Existing MSDC licensed drivers that have not previously undergone recognised Disability awareness training must attend a session within 12 months from implementation of this revised policy.

Failure to attend this training during the timescales outlined above will result in the driver being required to attend the Licensing Committee to explain why he has missed the training and why he should continue to be regarded as a 'fit and proper person to hold a licence'.

Background Papers

Mid Sussex District Council Taxi Licensing Policy
<https://www.midsussex.gov.uk/media/1186/taxi-licensing-policy.pdf>

The Equality Act 2010 Part 12, Chapter 1
<http://www.legislation.gov.uk/ukpga/2010/15/part/12/chapter/1>

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Agenda Item 10

10. PROPOSAL TO INTRODUCE COMPULSORY SAFEGUARDING TRAINING FOR LICENSED DRIVERS

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control
Email: yonnel@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Licensing Committee
18th September 2018

1. Purpose of Report

To seek the Committee's views about adding a condition to Mid Sussex District Council's Taxi Licensing Policy whereby attendance at Safeguarding Training for all current and new private hire and hackney carriage drivers is compulsory and forms part of the 'fit and proper person' test.

Recommendations

The Committee is asked to express a view whether this matter should be forwarded to Scrutiny Committee to consider endorsing a change in the Taxi Licensing Policy.

Background

2. A hackney carriage or private hire vehicle driver will often find themselves in a position of transporting children who are either on their own or accompanied by adults. They will have the opportunity of observing behaviour that might be indicative of abuse, child sexual exploitation (CSE) or human trafficking. In addition they may find themselves as a potential target for unfounded allegations of CSE or abuse. It is therefore important for drivers to recognise and be aware of the signs and know how to react to them, and in doing so safeguard children and themselves.
3. There have been a number of high profile and significant cases in recent years pertaining to the sexual exploitation of children (CSE). Within the report 'Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) Alexis Jay OBE August 2014' states that the role of taxi drivers in facilitating the abuse of children was identified and highlighted.
4. A recent case of CSE, centred in Oxfordshire under the name Operation Bullfinch, resulted in 13 convictions for CSE. A report "Child Sexual Exploitation – Making a Difference" was released in June 2015 by Maggie Blyth of Oxfordshire Safeguarding Children's Board. Within the recommendations there are references to:
 - (a) Mandatory safeguarding training for taxi drivers, and
 - (b) Robust contracts for the transportation of vulnerable children to school:
5. The aim of the making Safeguarding training compulsory for all licensed drivers and private hire operators is to:
 - Give them an understanding of the need to protect vulnerable adults, young people and children,

- Allow them to identify possible victims of abuse and exploitation by understanding indicators of risk,
 - Provide them with sources of advice and pathways for reporting concerns,
 - Help them understand their role and responsibilities in relation to safeguarding children they are transporting.
6. It must be stated here that there is no suggestion this training is being conducted because we suspect the trade of being involved in CSE. It is undertaken to enable drivers to be made aware of how CSE manifests itself, what it is and very importantly what to do if something is suspected.
7. The Licensing Team at MSDC has previously organised a total of twelve sessions of CSE Awareness Training for Private Hire and Hackney Carriage Drivers and Private Hire Operators. These sessions took place during February and March 2016 and January 2018 and were delivered by Barnados. The sessions lasted for about 90 minutes including questions and discussion afterwards.
8. Despite the training being offered to drivers for free and a selection of sessions being offered there are 135 drivers from a total of 604 who have not attended one of these sessions.
9. At present attendance at safeguarding training has been voluntary and paid by the Council. This could continue if Members feel that it is the appropriate way forward. Our concerns are that whilst it is voluntary we have no way of knowing what awareness training newly licensed drivers or those who have not taken up the free training(135 drivers) have received.
10. We suggest that if it is made compulsory the process to train current and new drivers will be via a Council approved external training company at the drivers expense. If this amendment is accepted as policy it is anticipated that current drivers would be given twelve months to get themselves trained. New drivers would be under an obligation to become trained within twelve months of being licensed. Non attendance would result in the driver appearing before the Licensing Committee who will determine whether he/she is still a fit and proper person to hold a licence.
11. The proposed amendment is as follows ;

Insert after Paragraph 5.15 Mid Sussex DC Taxi licensing Policy

All new applicants are required to undertake recognised safeguarding training in relation to children and vulnerable passengers as part of their professional development. The Training will be organised by MSDC and delivered through a provider of their choice. This is to ensure that all drivers operate to a consistent standard and are able to provide a safe and suitable level of transport service to children and vulnerable passengers.

CSE training for all new drivers must be undertaken within 12 months from the date of issue of the licence.

Existing MSDC licensed drivers and operators that have not undergone CSE awareness training delivered by Barnados through MSDC during February and March 2016 and January 2018 must attend a session within 12 months from implementation of this revised policy.

Failure to attend this training during the timescales outlined above will result in the driver/operator being required to attend the Licensing Committee to explain why he has missed the training and why he should continue to be regarded as a ‘fit and proper person to hold a licence’.

Background Papers

Mid Sussex District Council Taxi Licensing Policy
<https://www.midsussex.gov.uk/media/1186/taxi-licensing-policy.pdf>

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11. Animal Welfare Licensing

REPORT OF: Tom Clark, Head of Regulatory Services.
Contact Officer: Yvonne Leddy Business Unit Leader Environmental Health and Building Control
Email: yonnel@midsussex.gov.uk Tel: 01444 477300
Wards Affected: ALL
Key Decision: No
Report to: Licensing Committee
18th September 2018

Purpose of Report

1. To inform the Committee about new Animal Welfare Regulations which become law on 1st October 2018.

Recommendations

The Committee is requested to note the new regulations.

Background

2. On 1 October 2018 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 come into force. These regulations will replace a number of pieces of existing legislation set to be repealed at the end of 2018 and will provide a new single licensing regime for a number of animal licensing activities.
3. Those undertaking the following activities will need to be licensed under the new regime :
 - (a) Selling animals as pets
 - (b) Providing or arranging for the provision of boarding for cats or dogs (including kennels, home boarding and day care)
 - (c) Hiring out horses
 - (d) Breeding dogs
 - (e) Keeping or training animals for exhibition
4. The currently licensing arrangements are made under various Acts of Parliament, the oldest of which is dated 1925. Over the course of a number of years local authorities, including this one, has adopted conditions for the different type of animal licences. Most notably we have responded with bespoke conditions to an increase in home boarding for dogs and 'dog day care crèches'.
5. To provide some context, we currently licence:
 - (a) Twelve dog kennel sites
 - (b) Nine pet shops
 - (c) Three dog breeding sites
 - (d) Three day care sites for dogs
 - (e) Thirty three Home Boarding for dog sites
 - (f) Eight Riding establishments

6. The new Regulations bring the licensing under one set of rules. It sets out general conditions specific to all licences and specifies others according to which type of licence is issued. It details action to be taken before a licence can be granted. This includes inspections of the premises to assess compliance with the new conditions and whether the applicant is a 'fit and proper' person to hold a licence.
7. The Regulations formalise a suspension, variation and revocation procedure; something that is not apparent in the myriad of current legislation. Similar to the Food Hygiene Rating Scheme the regulations have introduced a star risk rating. It will provide a star risk rating for each premises based upon the outcome of the inspection and their record keeping. Businesses can appeal their scores or request a further inspection.
8. Under the new Regulations requires the business to display the local authority licence number and name of the issuing authority.
9. It further introduces requirements on the sale of some animals in order to deal with the increase problem of puppy farms. From the 1st October no puppy under the age of eight weeks may be sold. All such dogs offered for sale must have their photograph displayed in the advert and the puppy may only be shown to a prospective purchaser if it is with its biological mother.
10. Section 15 of the Regulations allow the local authority to suspend vary or revoke a licence if it is satisfied that
 - (a) The licence conditions are not being complied with
 - (b) There has been a breach of the regulations
 - (c) Information supplied by the licence holder is false or misleading
 - (d) It is necessary to protect the welfare of an animal
11. The procedure to vary or suspend a licence without consent of the licence holder is staged.
 - (a) A decision to suspend or vary a licence takes effect seven working days starting on the day the notice is issued to the licence holder. (an exception to this is if the licence is suspended to protect the welfare of an animal- this takes effect immediately)
 - (b) The licence holder may make representation which must be received within seven working days of the notice being issued.
 - (c) Within seven days of receipt of any representations and having considered them , the authority must
 - i. Suspend or vary the licence
 - ii. Cancel the original decision to suspend or vary the licence
 - iii. Confirm the suspension or variation if the suspension was immediate to protect the welfare of an animal
 - iv. To reinstate a licence or cancel its variation in the case where it was immediately suspended.
12. Regulation 16 sub section (11) deals with a licence that has been suspended for twenty eight days by placing a duty on the authority to;

- (a) Reinstate the licence without varying it
 - (b) Vary and reinstate the licence as so varied
 - (c) Revoke the licence.
13. If the authority fails to comply with paragraph 11 above the licence is deemed to be reinstated without variation.
14. It is proposed that a Licensing sub committee determines the action to be taken as outlined in Regulation 16 sub section (11) above. This will give the committee the opportunity to hear all evidence relating to the matter and provides them with alternative decisions
15. If the authority revokes the licence there is a right of appeal to the First Tier Tribunal.
16. There will be sufficient time for arrangements to be made for a Committee to hear the matter and the necessary papers to be served on all parties. It is likely that internal procedures will be put into place to provisionally arrange a Committee Hearing immediately it becomes necessary to suspend a licence.
17. Table of Delegation of Licensing Functions

Matters to be dealt with	Sub-Committee	Officers
Application for new licence	If a there is a recommendation to refuse	If no recommendation to refuse
Application for existing licence renewal	If a there is a recommendation to refuse	If no recommendation to refuse
Request for re inspection		All cases
'Star Rating' Appeal		All cases
Regulation 15 Suspension/Variation of Licence		All Cases
Regulation 16 Suspension/Variation of Licence		All Cases
Regulation 16 Sub Section (11) Variation/Reinstatement/Revocation of Licence	All cases	

Policy Context

18. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 contains prescribed procedures as outlined above.

Background Papers

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. <http://www.legislation.gov.uk/uksi/2018/486/contents/made>

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