



To be submitted to the Council at its meeting on 17th December 2020

LICENSING AND COMMUNITY PROTECTION COMMITTEE

9th September 2020
5.00 p.m.

Present:

Councillor Hasthorpe (Chair)
Councillors Barfield, Cairns, Harness, K. Swinburn, Watson (substitute for James),
Woodward

Officers in attendance:

- Eve Richardson-Smith (Deputy Monitoring Officer)
- Adrian Moody (Licensing Manager and Environmental Protection Manager)
- Rob Close (Scrutiny and Committee Support Officer)
- Tracey Cook (Senior Licensing Officer)

Also in attendance:

- Ian Millership (CTS Transport)

L.1 APOLOGIES FOR ABSENCE

Apologies for absence received for this meeting from Councillors Callison, Green, James and Rodwell.

L.2 DECLARATIONS OF INTEREST

There were no declarations of interest received in respect of any item on the agenda for this meeting.

L.3 MINUTES

The minutes of the Licensing and Community Protection Committee meeting held on 19th February 2020 were agreed as a correct record.

In accordance with legislative requirement, for the following items the Committee was sitting as the 'Community Protection Committee'

L.4

HACKNEY CARRIAGE UNMET DEMAND SURVEY

The committee considered the findings of a survey carried out to ascertain whether there was any unmet demand for Hackney Carriages in North East Lincolnshire.

Mr Moody explained that this was a follow up report after the Licensing and Community Protection Committee resolved to commission a survey to ascertain where there was any unmet demand for Hackney Carriages in North East Lincolnshire on 19th February 2020. The decision was supported by North East Lincolnshire's Hackney Carriage association.

Mr Millership explained that the aim of an unmet demand survey was to identify any unmet demand in a licensing area, and, to evidence that information so the committee could make an informed decision whether it was reasonable to support the limit policy. He noted all evidence presented was collected in advance of the Covid-19 pandemic.

In mid-February 2020 rank observation and on street interviews were collected. Drivers were surveyed from mid-February 2020 until mid-March 2020. A small number of stakeholders were consulted in advance to the lockdown. Surveys could not be carried out in November 2019 because of the High Street rank revisions in Cleethorpes. The impact of this was included in what had been observed.

He reminded the committee that the fleet currently sat at 230 Hackney Carriages. The limit was removed between 2005 and 2009, in which time the number of Hackney Carriages almost doubled. The limit was set to 220 in 2012 but had slowly risen to 230 since that time. The level of Private Hire licensed vehicles had been reducing since 2007. Local Transport Policy supported licensed vehicles as being important and complementing the overall transport mix. After 2012, focus was directed to increasing the overall levels of wheelchair accessible vehicles in the Hackney Carriage fleet. The level had risen from 26 per cent to 33 per cent. That was ahead of the similar English value for the area, with a mix of wheelchair accessible, and, saloon style vehicles in the Hackney Carriage fleet. This equated to 23 per cent of accessible Hackney Carriages.

211 hours of rank observation had taken place over February. In that period 8430 passengers were estimated for a typical week. That represented an 18 per cent increase of the value from 2016. This was an even more significant increase as the 2016 value was taken from a November survey which was commonly busier than February. That suggested a significant growth in Hackney Carriage passengers.

Grimsby station remained the busiest rank with 58 per cent of passengers and had seen three per cent growth in passengers since 2016. The High Street, Cleethorpes rank saw the biggest growth, with 21 per cent of passengers therefore becoming the second busiest rank in

the area. This has particular weight as it only saw the majority of it's business overnight at weekends. Market Street, Cleethorpes was the third busiest with 10 per cent. Victoria Street, Grimsby rank's patronage had halved since last surveyed. Freeman Street, St Peters Avenue and Cleethorpes Station ranks all saw abuses of cars parking over them. Although, all ranks were seen as being active over some point in the week.

Approximately six per cent of the trade responded when contacted. This was only half the number of responses received when compared to 2016. 18 per cent of responses avoided hours which typically saw my disruptive passengers.

There were two companies that offered both Hackney Carriage and Private Hire vehicles, and one purely Private Hire vehicle company. These three companies accounted for 66 per cent of the pre booking services. This evidenced that a number of Hackney Carriage licensed drivers also worked on a Private Hire booking basis. 50 per cent of the Hackney Carriage respondents were independent. 94 per cent of licensed drivers supported the limit, and 97 per cent felt there were sufficient Hackney Carriages in the area. Many of the 94 per cent of licensed drivers were actually Private Hire drivers, they were supportive of the limit as they felt it gave stability to the area.

Licensed drivers were asked where they would prefer the licensed plate moved to. 29 per cent apposed the new siting, 29 per cent supported the new siting and 24 per cent felt the current position was acceptable. 71 per cent of drivers felt the fares should remain the same price, while 23 per cent wanted an increase.

Stake holders such as supermarkets, public houses and hospitals were approached for comments, but no real response was received. If there was an issue with unmet demand Mr Millership felt a response would have been received.

40 per cent of the public consultees had used a licensed vehicle in the past three months. 43 per cent had used a licensed vehicle in Grimsby and 30 per cent in Cleethorpes. 37 per cent across the area stated they had never used a licensed vehicle. In Grimsby 1.7 trip per person per month were made by licensed vehicles. In Cleethorpes that number was 0.5. An estimated 72 per cent of licensed vehicle trips in Grimsby, and, an estimated 27 per cent of licensed vehicle trips in Cleethorpes were made by Hackney Carriages. 32 per cent of consultees in Grimsby couldn't recall when they had last used a Hackney Carriage, this figure rose to 63 per cent in Cleethorpes. 37 per cent said they had used licensed vehicles from ranks. Three per cent of consultees said they used smart phone apps for licensed vehicles. Overall both Hackney Carriages and Private Hire licensed vehicles were well appreciated by the public.

12 wheelchair users at Grimsby Station and two at Freeman Street market, were observed using Hackney Carriages. The total figure of wheelchair users observed using Hackney Carriages in 2016 was 10. A further 64 non-wheelchair using disabled people were seen using Hackney Carriages in the area. When consulted, a disability representative who stated that relevant and accurate contact details for wheelchair accessible vehicles had made a significant impact to wheelchair accessible people's needs. Responses did suggest that there was potentially higher need for wheelchair accessible vehicles in this area. The current maintenance of the wheelchair accessible vehicles list provided significant accessibility benefits and maintenance of the list should remain a priority.

The flow profile for the area was thin, over the midnight hour on a Saturday there was a lot more demand. Current Saturday demand was met with approximately a third of the fleet active. The index of significance of unmet demand (ISUD) increased from 1.92 in 2016 to 3.5, although, a significant score of 80 was still a long way off. Average passenger delay (APD) and off-peak proportion with delay both reduced. Latent demand had increased. A seasonality index was set to 1.2 and there was an APD of one minute or more. Mr Millership stated the current fleet of Hackney Carriages would be able to handle the demand well until reviewed again in 2023.

In conclusion, Mr Millership explained that there was no evidence of unmet demand. This covered both latent and patent demand. The current limit policy provided public benefit and stability to the trade. It was strongly supported by both the Hackney Carriage, and, Private Hire trade. Rank revisions that had happened had generally benefitted the trade. National passenger numbers had increased approximately eight per cent since 2016, this was similar to the results for this area. There was a positive benefit to keeping rank markings current and clear, ranks that needed re-marking should be done so urgently. Redundant ranks should be relinquished and removed. Fresh rank observations should be undertaken preferably by November 2022 or at latest by March 2023. A further review should be given to the impact of the Covid-19 pandemic.

The committee queried if information regarding unused taxi ranks was shared between teams within the local authority. Mr Moody explained any necessary information would be shared with highways officers.

The committee thanked Mr Millership for such a detailed and comprehensive piece of work. They appreciated his comments regarding the impact of Covid-19 and its recovery.

RESOLVED –

1. That the current limit of Hackney Carriages be retained at the current level.
2. That this decision be reviewed after three years.

L.5

DEPARTMENT FOR TRANSPORT GUIDANCE

The committee considered the guidance issued by the Department for Transport to all licensing authorities.

Mr Moody explained that this report related to the new Department for Transport guidance which had been recently updated since 2010. Licensing authorities were expected to implement the recommendations unless there was a strong and compelling reason not to. Any changes made would have to be reflected in the Local Authority's Taxi Licensing policy and Elected Members' Guidance.

He read out each recommendation of the Department for Transport guidance and answered any questions arising.

1. *'Licence holders to notify within 48 hrs of arrest, release, charge of conviction for sexual offence, violence, dishonesty, or any motoring offence'*

The current policy was that licensing officers be informed within seven days. He recommended that this Department for Transport recommendation replaced the current policy.

2. *'Drivers to register with the DBS update service and be routinely checked every six months'*

Currently, a DBS was carried out every three years. He recommended an annual check rather than every six months as recommended in the Department for Transport guidance. This would be more manageable and would coincide with other annual checks Licensed Drivers would have to undertake. In addition, any changes would slowly be introduced as each driver had to renew their DBS anyway.

3. *'Have Safeguarding Training'*

All new drivers were already required to undertake a BTEC qualification which covered elements of Safeguarding. In addition, all of drivers undertook specific Safeguarding training in 2015. He recommended investigating the feasibility of introducing refresher training for all current drivers. He added that currently North East Lincolnshire Council were likely more compliant than other local authorities, but, he would like to see an improvement if possible.

4. *'Local Authorities to test both oral and written English'*

All new drivers were already required to undertake a BTEC qualification which required a potential driver to have a minimum standard of English. Although, issues had arisen of drivers being unable to communicate clearly. He recommended investigating the feasibility and implementation

of oral tests. With current Covid-19 restrictions in place, it wouldn't be practicable to introduce such tests immediately.

The committee worried that people's ability to articulate themselves wouldn't necessarily reflect their understanding of communications. In addition, they were concerned about discriminating against people who either lived with a learning disability, or, who English wasn't their first language. Mr Moody agreed with the comments made, however, he stressed that the Department for Transport were recommending that both oral and written English tests be introduced. He suggested initially piloting a model to determine its effectiveness.

5. *'A basic DBS carried out for vehicle proprietors (when not a licensed driver)'*

Mr Moody recommended this be implemented as recommended by the Department for Transport, adding that it should be reviewed annually.

The committee queried if there was an expiry date on the current DBS for vehicle proprietors. Mr Moody explained that there was currently a policy requiring an advanced DBS for drivers but not for proprietors.

6. *'Private Hire Operators have a basic DBS carried out annually'*

There were a few Private Hire Operators that were not also Licensed Drivers, he explained this recommendation would close that gap. Currently Private Hire Operators have a DBS every three years, this would be changed to annually.

7. *'All Private Hire Operator staff taking bookings to have a basic DBS and the Private Hire Operator to have a policy in place for employing ex-offenders'*

This would be a new condition introduced but existing Private Hire Operators were made aware of it as it was discussed as part of 2019's annual Private Hire Operator Inspections. No current operators carried these out for their staff. Mr Moody was supportive of this recommendation, adding that the information that licensed drivers were aware of, could be used for less than reputable purposes.

The committee noted that anyone with a criminal conviction came before the Hackney Carriage Sub-Committee anyway to decide if they're a fit and proper person, they asked why then was it necessary for the individual companies to have a policy for dealing with ex-offenders when the Hackney Carriage Sub-Committee had already taken that decision. Mr Moody explained that it would be prudent of companies to carry out, what was in essence, their own fit and proper person test with regard to staff members, such as receptionists who take bookings, which is not the remit of the Committee. Ms Cook referred to one operator who currently had 19 staff taking bookings, none of whom had been subject to a DBS.

The committee suggested that anyone employed by an operator such as cleaners and office staff, could be aware of the same information as drivers and operators. They asked why a DBS was not required for these other staff. Ms Cook didn't feel that staff who were not taking bookings would necessarily have access to the same level of knowledge. Mr Moody added that the operator would have to finance any DBS personally, this would make it difficult to justify a decision to subject all staff to a DBS.

The committee asked if the Rehabilitation of Offenders Act 1974 would protect some ex-offenders, and, how this recommendation would deal with spent convictions. Mr Moody noted that if only a basic DBS was carried out, the information wouldn't be as extensive as an advanced DBS. Ms Cook reminded the committee that spent convictions were not included in a basic DBS. Ms Richardson-Smith reiterated Ms Cook's points, and suggested that's why the recommendation was merely for a basic DBS. In addition, a return on a DBS didn't necessarily prevent potential employment, a policy would be required to determine the appropriate and reasonable levels, steps and precautions.

8. *'Private Hire Operator Booking records to include which member of staff responded to the booking and dispatched the vehicle.'*

This was not part of the current Private Hire Operator booking record conditions, but, Mr Moody suggested that it could be beneficial.

The committee referred to the automatic telephone service, and, smartphone apps that could be used to order a taxi. They asked how this would be recorded in a way to adhere to this recommendation. Mr Moody explained that regardless, a record would always have to be created. Ms Cook noted that that automated services did still record all information provided.

RESOLVED –

1. That the recommendations be agreed as laid out within the report.
2. That the Elected Members' Guidance be updated to reflect these changes as laid out within the report.

There being no further business, the Chair declared the meeting closed at 5:58 p.m.