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Nottingham City Council

Regulatory and Appeals Committee

Minutes of the meeting held at Loxley House, Station Street, Nottingham, NG2 3NG on 27 February 2023 from 10:10am – 10:45am

Membership

Present

Councillor Gul Nawaz Khan (Vice Chair)
Councillor Roger Steel

Councillor Linda Woodings (Substitute for
Councillor Adele Williams)

Absent

Councillor Cheryl Barnard
Councillor Merlita Bryan
Councillor Azad Choudhry
Councillor Audrey Dinnall
Councillor Corall Jenkins
Councillor Angela Kandola
Councillor Jawaid Khalil
Councillor Salma Mumtaz
Councillor Toby Neal
Councillor Shuguftah Quddoos
Councillor Nick Raine
Councillor Adele Williams

Colleagues, partners and others in attendance:

Ann Barrett - Team Leader, Legal Services
Mike Carey - Governance Officer
Nick Burns - Licensing and Policy Manager
John Davis - Taxi Licensing Compliance Manager

6 Apologies for absence

Councillor Cheryl Barnard – other Council business.
Councillor Audrey Dinnall – personal.
Councillor Angela Kandola – other Council business.
Councillor Jawaid Khalil – unwell.
Councillor Salma Mumtaz – other Council business.
Councillor Nick Raine – work commitments.
Councillor Adele Williams – other Council business.

7 Appointment of Chair

As Councillor Audrey Dinnall gave apologies, Vice-Chair Councillor Gul Nawaz Khan chaired the meeting.

8 Declarations of interests

None.

9 Minutes

The minutes of the meeting held on 8 August 2022 were confirmed as a correct record and were signed by the Chair.

10 Hackney Carriage & Private Hire Licensing Policy & Procedures Manual

John Davis, Taxi Licensing Compliance Manager, presented the report on the Hackney Carriage & Private Hire Licensing Policy & Procedures Manual. The following points were highlighted:

- (a) the Department for Transport published the ‘Statutory Taxi & Private Hire Standards’ (“the Statutory Standards”) in July 2020, which recommend that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing.
- (b) the principal purpose of the Hackney Carriage and Private Hire Licensing Policy & Procedures Manual is to consolidate current policies and good practice guidance into a single document that aligns with the Statutory Standards and is easier to access so as to facilitate compliance. The aim is to emphasise the importance of the Standards in underpinning safeguarding to protect the vulnerable and promote public safety;
- (c) the Council will recognise the policy manual as a method to be clear about the standards the authority expects in carrying out its Hackney Carriage and Private Hire licensing function. The key issues that the policy manual promotes are:
 - protecting the public, safeguarding children / the vulnerable and prevention of crime / disorder;
 - the health and safety of the public and drivers;
 - vehicle safety, comfort and access;
 - encouraging environmental sustainability;
- (d) in promoting these licensing aims and objectives, the Council expect to see all licence holders and applicants continuously demonstrate they meet or exceed the standards set by the Authority;
- (e) In bringing existing policies into one document it is not the intention that they are re-adopted hence the consultation process will only relate to those parts of the Manual which are new or where change is proposed. It is therefore recommended that the Policy and Procedures Manual (save for appendices A-B and I-Q, which reflect already adopted policies and procedures) be released for consultation.

In the discussion which followed and in response to questions from the Committee, the following points were made:

- (a) Some members of the Committee felt that the installation of CCTV is to be encouraged, as it increases the safety of both passengers and drivers. Mr Davis confirmed that CCTV is not being made mandatory at this stage. Very

few Councils have made CCTV compulsory due to issues around data protection. This may be revisited in the future but will be a large piece of work;

- (b) if a driver wishes to fit CCTV, they can, but the proposed revised conditions will require it to be fitted properly and in accordance with industry standards set out in the Manual. Currently a lot of drivers use dash cams facing out, but they do not meet ICO data protection regulations. CCTV should record at all times rather than being able to be switched off and on by the driver at will. It should run for a period of time after the ignition is switched off rather than ending straight away. It should not record audio at all times due to data protection issues, but there should be an additional button the driver can press if there is an incident and they would like to record speech;
- (c) indications are that the private hire trade are supportive of CCTV, as it protects drivers as well as passengers from attacks and malicious complaints. CCTV can be fitted easily to Hackney Carriages or private hire vehicles, in a way that is unobtrusive and no risk to passengers if fitted by a competent company. The cost is estimated to be around £500/£600. The consultation enable feedback from the trade, and see if there is a difference of opinion between the hackney carriage and private hire trades;
- (d) information sharing through the NR3S national database, which allows officers to carry out checks on drivers and initial applicants to see if they have had licences suspended or revoked or applications refused by authorities elsewhere in the country, is part of the statutory standards;
- (e) if convicted of a criminal offence, drivers currently have to inform the Authority within seven days. It is proposed that this is requirement to notify the Authority will be extended to other issues, such as being arrested, being charged, being released without charge, and being summonsed. There is often a long delay between being charged and being convicted, so this is a sensible measure;
- (f) the Authority will take relevant information into account when deciding what action to take in response to being notified, it will not necessarily mean revoking the licence. It will depend on factors such as the nature and seriousness of the offence. If notified by the police that a driver has been arrested for a serious offence, the licence can be revoked with immediate effect;
- (g) the Authority receives feedback from the public about drivers leaving their engines idling while stationary. Reducing this would contribute to clean air targets. There are designated no idling zones, where it is an offence for a driver to refuse to switch their engine off if asked by an officer. There is a balance to be struck, as drivers may have to have their engine idling to keep warm in cold weather when waiting for extended periods of time. The electric LEVC Hackney fleet are quiet and clean, and they have a generator that can be kept running, as it is not an engine and does not fall under the same legislation;

- (h) the public and drivers have also approached the Council to ask for cash machines to be made compulsory. Drivers have asked for it to be made compulsory as they have felt other drivers use it as an excuse not to take customers on short journeys. The proposal carries a cost, but has a number of advantages: it has become an expectation among the public to pay using card, and the Council have received complaints about drivers who only accept cash; it is safer for the driver to carry less cash; it prevents situations where passengers have to be driven around looking for a cash point or refused a journey late at night. It is important that cash continues to be an option as well, to make taxis accessible for all customers. It is proposed that a condition requiring a card machine to be fitted to Hackney Carriage vehicles be introduced and the team will seek feedback on this, and about the impact of the cost on drivers, through the consultation;
- (i) the Licensing team are going to approach the Police and Crime Commissioner to enquire about any grant funding opportunities, in support of passenger safety for instance, that may help to mitigate the cost of any changes on drivers around card machines;
- (j) the consultation is due to run for eight weeks.

Resolved to accept the recommendation that the Policy and Procedures Manual (save for appendices A-B and I-Q, which reflect already adopted policies and procedures) be released for consultation.