



Licensed Trade Meeting
15 August 2018
10am – 12pm
Jacob Rivers Meeting Room, Council House

Present	Cllr M Barker – (MB) (Chair)		
	Cllr A Holmes (AH)		
	Cllr P Pegg (PP)		
	Cllr R Skelton (RS)		
	Mr J Akhtar (JA) Licence Holder		
	Mr S Baldwin (SB) (Licence Holder)		
	Mr B Bhogal (BB) (Licence Holder)		
	Mr W Coupland (WC) (Licence Holder)		
	Mr S Quayum (SQ) (Licence Holder)		
	Mr L Roach (LR) – D.A.T.A		
	Mr I Wigley (IW) (DATA)		
	Mr M Nizer (MN) (DATOA)		
	Richard Antcliff (RA) – Director of Public Protection and Streetpride		
	Dave Basford (DB) - Licensing Enforcement Officer		
	Lucie Keeler (LK) - Litigation Solicitor		
	Sandra Mansell (SM) – Team Leader		
	Ann Walker (AW) - Senior Environmental Health Officer		
	Lorraine Strong (LS) – PA, Minute taker		
Apologies	Cllr Potter, Mike Kay, Olu Idowu,		
		Who	When
	<p>Cllr M Barker (Chair) welcomed everyone to the meeting.</p> <p>Previous minutes DATA had felt that some important issues had been missed out of the previous minutes, as below:</p> <ul style="list-style-type: none"> Yellow cab issue regarding colour, the drivers would be happy to have a wrapped yellow bonnet and boot to help the visually impaired, and that although you can get a new cab in yellow but this won't be the Derby yellow required by licensing, you still have to respray the majority black cabs if you bought second hand. 		



	<ul style="list-style-type: none"> • D.A.T.A answered all the council's concerns when it came to the colour issue but they were not mentioned in the minutes especially the environmental concerns that we have and the waste of money and resources. • D.A.T.A feels that these were not adequately covered in the minutes and would like to include them in the next meeting minutes. <p>It was agreed that the minutes are not taken as verbatim.</p> <p>Matters arising</p> <p>Carabiner SM is awaiting a response from Cab Direct on the clarification on the CE certification over 25km load rating requirements.</p> <p>Derby Medicals SM confirmed that a letter had been sent in relation to concerns with the inconsistency in the fees charged by different practices/practitioners.</p> <p>Yellow cab and wrapping and adaptations The Chair reported that the issues raised at the last meeting around the discussions on the colour of the cabs, wrapping options and adaptations are being explored by officers and will be reported on in due course. This can be discussed at a subsequent meeting and will go out to consultation.</p> <p>DATOA had expressed that they are happy with the existing yellow colour cab.</p>		
1	<p>Age restriction consultation We believe the age restriction consultation seems to be nothing more than a legal process that is required by law going through the motions - how can two basic questions be giving the drivers a say on an age restriction proposal or anyone a say for that matter, Is it a done deal already this is the impression we are getting.</p>	DATA	
	<p>The Chair confirmed that the consultation paper had been approved prior to it going out; however the outcome is not yet known.</p> <p>The Chair also stated that following pressures with older vehicles in the city, there is a duty to protect the public and that's why this has resulted in</p>		



	<p>concerns going out for consultation.</p> <p>DATA also felt that the questions were not very clear. However, the Chair clarified that the questions need to be readable by all stakeholders and has to be written in Plain English. The direction to consult on new vehicles and inspections had come from Licensing committee and had been sent to the Communication team to put the consultation together. SM confirmed that DATA were asked beforehand about the consultation questions and a full explanation had been given directly to them.</p> <p>DATA felt that an 'upper age limit' should have been a question.</p> <p>DATA also felt that this consultation should have taken place after the CAZ consultation, however LK clarified that a report had been received in November from Derbyshire Constabulary, and had also gone to the Cross Party Working Group for consideration. This was prior to any consultation on CAZ.</p> <p>DATA stated that in terms of the condition of the vehicle, that this should be an element of the point system which would be more beneficial rather than penalising all drivers.</p> <p>The Chair re-iterated that the consultation had now ended, the results were not yet in, and therefore the outcome is not yet known.</p> <p>LK clarified the consultation ended on 22nd July.</p> <p>Cllr Skelton stated that the emission standards is the main relevance for future compliance.</p> <p>RA clarified that the CAZ is mandated by Central Government and the consultation is allowing stakeholders their views. The business model for CAZ looks very different. Hackney Cabs do not use apps currently. RA is happy to work with Colleagues around Air Quality and officers in Licensing for joined up working for CAZ and the future of the licensed trade.</p>		
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2	<p>Sitting Down with the trade Associations D.A.T.A would like clarification if the council are prepared to sit down with the trade associations before any policy is passed or isn't passed on a age restriction, we feel this is absolutely necessary being this decision will make such a impact on drivers lives financially, A 90 minute trade meeting simply isn't long enough to be able to talk about and debate such a important situation.</p>	DATA	
	<p>The Chair clarified that it would not be feasible or legal to meet with one particular group and specified that this consultation covers a broader view from differing stakeholders, however, the Chair clarified that it would be beneficial to have a separate meeting about CAZ and the impact on the Licensed Trade once Defra/the Courts have determined what options they accept.</p> <p>DATA asked if 'retro fit devices' are going to be considered.</p>		
3	<p>Why Are Operators and Drivers choosing Other Licensing Authorities? It's becoming apparent more and more drivers are choosing to licence in places like Wolverhampton, its estimated there could be up to 1000 drivers working in Derby who are licensed elsewhere, Our question is why? What is it making drivers and now operators who have Wolverhampton operators licences and others by pass Derby's licensing department.</p>	DATA	
	<p>The Chair clarified the 3 main issues around this:</p> <ul style="list-style-type: none"> • That Derby were not prepared to drop the councils standards • Legislation • Operators <p>DATA stated that an email had been sent to Mike Kay on 26 June, on the request for DCC licensed drivers to display notices on dashboards informing customers of there right to request a DCC licensed driver and there advantages of doing this, however no response had been received to date.</p> <p>A lengthy discussion was made around the legislation, around the wording, and whether this could be direct discrimination and restriction of trade. LK stated that DCC need to act within legislation. DATA felt that the age restriction and CAZ would not affect the out of town drivers.</p>		



	<p>Discussions were made around customers stating they wanted a Derby licensed driver; Cllr Pegg stated that this is an automated system, which made this difficult.</p> <p>RA stated that the Trade needed to consider collective action, in relation to other authorities issuing annual licensing, out of town drivers not having any local knowledge tests etc.</p> <p>DATA also clarified that testing stations are authorised by Wolverhampton for testing third part vehicles.</p> <p>The Chair clarified that the LGA are trying to update the Taxi Licensing Law which is very old.</p> <p>The Chair stated that when third party vehicles started operating in Derby, the authority addressed the concerns including that Operators must inform the customer that they use third party vehicles via web page, apps and pre-recorded messages.</p> <p>The Chair stated that DCC is fully aware of this issue and is doing as much as they can through the right legal channels to bring this to an end.</p>		
4	<p>Door signs for private hire We would like the rule which requires door signs to be displayed on the front doors only to be changed to allow door signs to be displayed on the rear doors as an alternative, where due to the shape of modern day cars they won't fit properly on the front.</p>	DATA	
	<p>SM clarified that this had also been discussed at the 2013 committee, and was refused for the reasons given, however the Chair agreed that this can be taken back to a future committee meeting. The Chair asked that an email to be sent to SM pointing out the reasons for the request and which models were affected.</p>	SM	
5	<p>School Transport Can the council confirm the situation which is going to become compulsory from April 2019, No school contract work will be given to any driver without different wording on a drivers DBS certificate to that which licensing require ,can you also clarify the situation in regard to licensed drivers from other authorities working on derby operators platforms, are they able to undertake Derby city council contract work via a derby operator, my we suggest licensing</p>	DATA	



	<p>invite a member from the councils education transport department to the next trade meeting if this series of questions falls outside licensing's remit, This is a major concern not only for drivers but also the council not being able to cover school contracts .</p>		
	<p>LK clarified that this cannot be covered within this meeting and will need to be directed to the relevant persons within the school transport team. SM to transfer the complaint to the appropriate team.</p> <p>DATA queried whether the wording on the DBS could be changed, SM clarified that this could not be done.</p> <p>RA stated that there may be broader issues around contracting and the criteria for drivers. RA is happy to work within the relevant team to look at any issues around contracting/local knowledge issues to fit in with Derby contract/Derby standards.</p> <p>Cllr Pegg re-iterated that the contracts do need looking at.</p> <p>The view of the Councillors was that no Wolverhampton drivers should be picking up school children on their contract.</p> <p>It was agreed that the school transport department should be aware of who is responsible for contracting and in relation to safeguarding implications.</p>	SM	
6	<p>New Online badge renewal process</p> <p>There doesn't seem to be any provision for drivers who have no Access to a computer, The licensing desk hold no renewal application forms for drivers wishing to collect one from the council house, drivers can download and print a form but that's not possible if they haven't a computer or a printer, since when did a licence requirement require drivers to have computers and printers.</p>	DATA	
	<p>SM clarified that this was the result outcome of the consultation, which had clarified that 65% of drivers had wanted the on line renewal process to be in place.</p> <p>SM also stated that drivers can use the Council library to complete the on line process, if they do not have access to a computer or printer. Also any issues can be made by email to the team/ or by</p>		



	phone message and that a paper licence can be obtained if needed.		
7	<p>Minutes from trade meetings</p> <p>D.A.T.A would like to point out that lots of important issues discussed seem to be completely left out the meetings minutes, particularly the yellow cab issue regarding colour ,we mentioned at the last meeting drivers would be happy to have a wrapped yellow bonnet and boot to help the visually impaired, and that although you can get a new cab in yellow but this won't be the Derby yellow required by licensing , you still have to respray the majority black cabs if you bought second hand and that D.A.T.A answered all the council's concerns when it came to the colour issue but they were not mentioned in the minutes especially the environmental concerns that we have and the waste of money and resources. D.A.T.A feels that these were not adequately covered in the minutes and would like to include them in the next meeting minutes.</p>	DATA	
	This item was covered at the start of the meeting under previous minutes.		
8	<p>Uber Concerns</p> <p>SB read out the following question from the pre circulated report.</p> <p>'Why have the 'Licensing Committee of this Council permitted the grant of an operators licence to 'Uber Britannia Limited' (UBL) when Ubers operational software functions in complete antithesis to section 56 (1) of the Local Government (Miscellaneous Provisions Act 1976'?</p>	Mr Baldwin	



	<p>The Chair confirmed that the operating licence within Derby would have been passed and all compliant, and there have been no issues identified at this stage. Any complaints that are made, the Enforcement Officers will go out to investigate.</p> <p>SB felt that there are issues around the way the Uber software works.</p> <p>LK stated that way in which the software works was not in her view plying for hire.</p> <p>SB gave reference to the model for the Transport of London stating that the software had changed to geofenced to work in London.</p> <p>LK re-iterated that there have been no issues with the operation in Derby. However SB clarified that Leeds had also identified the same issue in the report.</p> <p>The Chair acknowledged that there have been numerous cases within the Transport of London not being up to speed with the modern day technology. However there have been no prosecution/no law that is saying what Uber are doing is illegal at this present time.</p>		
9	<p>Wolverhampton Concerns</p> <p>SB read out the following question below from the report:</p> <p>'What direct action is Derby City Council's Licensing Committee taking against the proliferation of Wolverhampton licensed vehicles and drivers in out city?'</p> <p>'What direct action is being taken against Wolverhampton Council's licensing of Derby Private hire agents that have no intention whatsoever of using heir Wolverhampton operators licence to make provision, invitation or acceptance in Wolverhampton?'</p>	Mr Baldwin	
	<p>This is an overarching issue with Wolverhampton licensing operators using it to sub contract, and the city is being flooded. SB stated this is a breach of the section 80 miscellaneous act.</p> <p>The Chair and Cllr Pegg both clarified that this cannot be addressed as deregulation allows</p>		



	<p>operators in Derby to sub contract work.</p> <p>SB stated that the rules are not being adhered to outside of Derby.</p> <p>The Chair clarified that DCC are proud of the standards and that it is important that the drivers understand the standards we want.</p> <p>The Chair also said that Licensing officers are under pressure with limited resources which can lead on occasions to the service not meeting the expectations of drivers .The Chair sent a warning out to the trade that verbal abuse , swearing and arguing with officers either directly or via the telephone would not be tolerated and should a report of such aggressive behaviour come to the Licensing Committee, the Chair would need to consider if the behaviour of the driver was in keeping with licensing conditions attached to the individuals driving permit and a sub committee could be convened. The Chair asked that the trade members present, to pass these concerns onto their membership and for drivers to treat officers with respect in their contact.</p>		
10	<p>Date and time of next meeting: 10 October 2018 @ 10 am.</p>		
	<p>SM clarified that it is essential that all attendees register their attendance and agenda items within the deadline set on the website, and there will be no exceptions to that.</p> <p>All other information on licensing is available on the website.</p>		

