

LICENSING & SAFETY COMMITTEE

Wednesday 12 October, 2016 at 6.00 pm

In a Conference Room at the Council House, Walsall

Present:

Councillor S. Fitzpatrick (Chair)
Councillor Sarohi (Vice-Chair)
Councillor Barker
Councillor C. Bott
Councillor Clarke
Councillor D. Hazell
Councillor Hussain
Councillor Kudhail
Councillor Murray
Councillor Nawaz
Councillor Rochelle
Councillor Sears
Councillor Worrall

1724/16 Apology

An apology for non-attendance was submitted on behalf of Councillor S.Ditta.

1725/16 Declarations of Interest

There were no declarations of interest.

1726/16 Minutes

Resolved

That the minutes of the meetings held on 20th July and 31st August, 2016 copies having previously been circulated to members of the committee, be approved and signed by the Chairman as correct records.

1727/16 Local Government (Access to Information) Act, 1985 (As amended)

That the public be excluded from the meeting during consideration of the items set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act, 1972.

Review of Driver Training Policy

The report of the Director of Public Health was submitted:-

(see annexed)

The Regulatory Services Manager (David Elrington) enlarged upon the report for the benefit of the committee and drew attention to the salient points contained therein. He indicated that on 6th September, 2016 a report had been taken to the Taxi Liaison Group advising that driver training had not been updated for ten years and, in the authority's view, it was due for modernisation. Prior to the Liaison Group meeting the Licensing service had consulted the trade through a written letter and online questionnaire on the proposed changes. On 2nd August, 2016 1931 consultation letters and questionnaires were sent out. 232 responses had been received by 21st August, 2016 when the consultation period closed.

The syllabus for the updated training would include:-

- Enforcement issues and road safety
- Licence conditions and regulations that apply to the trade
- Personal safety for drivers
- Customer of the care
- Safeguarding, disability awareness and protecting vulnerable people e.g. older people, children at risk of sexual exploitation and vulnerable adults
- Practical demonstration on how to load and secure a wheelchair in a vehicle and otherwise assisting wheelchair users

Two options were presented to the group for consideration:-

Option 1: the Council would pay the cost of all drivers training on a one off basis for a period of 18 months from the date of the decision of this matter. Thereafter the full cost of the course would be charged on all applications for new and renewals grant licences.

Option 2: Only existing drivers licensed by Walsall Council would be offered free training during the initial 18 month period. In addition, the liaison group recommended to the Licensing and Safety Committee that on the grounds of equality and fairness all drivers had to undertake the driver training course by 31st May, 2018. This training would be undertaken every three years.

Following discussion between the parties, it was agreed that option 2 would be recommended to the Licensing and Safety Committee as the preferred option together with further caveats made in response to views expressed by the trade and members of the group. The Liaison Group also recommended that the training should cost no more than £80 and that the testing requirement for the additional elements (safeguarding and the practical demonstration) would be removed.

It was also important that attendees give the course their full attention so mobile phones should be handed in or left at home prior to the training commencing. It was recommended that, if in the opinion of the trainer, an attendee did not show sufficient attention to the content of the course, the trainer could mark this as a non-attendance and the candidate would have to re-attend the course.

Referring to paragraph 3.6 of the report, Mr Elrington stated that all applicants who did not hold a driver's licence issued by Walsall Council would, from 1st December 2016, be required to undertake the new driver training course and pay the fee for that course. Drivers would be tested on those elements of the new course which were contained in the existing course but there would be no testing on the newly introduced elements of the course. Thereafter, those drivers would be required to attend a driver training course at least once every three years.

Existing drivers, whose licences became due for renewal between 1st December, 2016 and 31st May, 2018 would receive an invitation to attend the driver training course. The invitation would give a specified time and date upon which the course would be held. That date would be prior to the expiry of the driver's existing licence. The training would be free of charge and there would be no testing of those drivers. The training would remain valid for three years. Any driver licensed by Walsall Council applying for renewal of his licence would need to provide evidence that he had recently attended the revised driver training course. For existing drivers whose licence renewal was due between 1st June, 2018 and 30th November, 2019 the Liaison Group made the recommendation that existing licensed drivers should undertake new training before the 31st May, 2018. If any existing licensed driver on a voluntary basis attended the course prior to 31st May, 2018 that training would be sufficient for any application within the following three years of undergoing the training.

No charge would be made for the driver training course prior to 31st May, 2018 and existing holders with drivers licences issued by the Council would not be tested on any part of the course.

Finally, Mr Elrington advised the meeting that the charge for the driving course would be no more than £80 until 30th November, 2019.

The Legal Representative (Mr Javed) drew the committee's attention to paragraph 3.8 of the report and confirmed that existing drivers would not be charged for attending the driver training course prior to 31st May, 2018.

Councillor Nawaz referred to the detailed discussion on this matter at the Liaison Group meeting when it had been recommended that there should be no charge for existing drivers for 18 months to enable them to receive the revised training and there should be no testing of drivers on that training. He referred to the fact that Hackney Carriage and Private Hire drivers helped to sustain Walsall's economy and not

having to pay for the training would help them in these difficult economic times.

Councillor Hussain concurred with Councillor Nawaz's remarks and indicated that drivers did a good job some times in difficult situations. He felt that providing training free of charge for 18 months to existing drivers and not testing them was an excellent way to promote the new training package.

Councillor Kudhail asked why CSE had been removed from the training package. Mr Javed replied that it had not been removed it had been included with other general training. He added that it was hoped that the improved training would make Walsall's drivers the best in the West Midlands.

Councillor Worrall asked who would deliver the training. Mr Elrington replied that the Licensing Section was in discussion with a number of training providers to obtain the best price for the training. However, the cost would not exceed the £80 agreed by the Liaison Group as a maximum figure.

Councillor Hazell asked how many drivers would be trained per class. Mr Elrington replied that as there would be no testing of drivers, large groups of 30-40 could be catered for. One or two classes would be held on a weekly basis.

Mr Javed informed the meeting that the venue chosen would have to have adequate parking to enable drivers to attend with their vehicles.

Councillor Hussain felt it was essential that the training centre should be as convenient as possible for drivers to attend.

The Walsall Private Hire Association representative (Mr Ali) stated that initially the private hire drivers were not happy with the proposals as they felt that they were being unfairly singled out. However, since it had been made clear that other groups had received training, it seemed sensible to have revised training for drivers especially as the original training was over ten years old. His members were also happy with the proposal to provide training free of charge to existing drivers until 31st May, 2018. He asked if discretion could be applied so that a driver would not lose his licence if he missed his designated driving slot because of exceptional circumstances.

Mr Ali asked if any support could be given to new applicants as an increase in the training fee from £25 to £80 was a big increase. He indicated that the association would accept the training provided that the costs remained below the £80 maximum and the venue was as convenient as possible. He added that his members were not happy that the training should have to be repeated every three years and requested that this requirement be removed. If any changes required additional training, this could be discussed at the Liaison Group then referred to this committee for addition to the training syllabus.

Mr Ali referred to paragraph 3.3 of the report and asked for confirmation that the practical demonstration on how to load and secure wheelchairs in a vehicle and assisting wheelchair users would only apply to Hackney Carriage drivers as at present.

Referring to paragraph 3.5 of the report, Mr Ali stated that it should not be necessary for drivers to hand in mobile phones at the training sessions; they could simply be told to turn them off at the commencement of the course.

Finally, Mr Ali referred to how this matter would be dealt with in press releases. He asked that it be dealt with sensitively. Drivers did not want to have to display stickers in their vehicles stating “child safe” or anything similar.

With reference to press releases, Councillor Nawaz suggested that officers should liaise with the trade representatives to produce a joint press release on the revised training package. He added that the three years training refresher should be discussed at the Taxi Liaison Group in the first instance.

Councillor Hussain supported Councillor Nawaz’s remarks and argued that the need for a three year training review should be discussed further to obtain a consensus or compromise.

The Walsall Hackney Carriage Association representative (Mr Ahmed) reported that his members had no objection to the revised training proposals and were happy to carry out the proposed wheelchair training. His members did not want to have to complete the training every three years. There should be no written English test.

Mr Ahmed referred to the fact that some drivers had to go abroad to visit family or for religious reasons. He asked if their licence expired during the period that they were away, would they have to undertake the training before their licence was renewed. Mr Javed replied that this was correct. All drivers would have to undertake the training module before licence renewal could be completed.

Mr Ahmed commented that if drivers had to pay out £80 for training every three years, it would pose a financial hardship for them.

Councillor D. Hazell asked if officers would notify drivers well in advance of their licence renewal date that they must undertake the revised training course. Mr Elrington replied that officers would contact drivers three months before their licence expired with a date for the training course. If for some reason the driver could not attend on that date then an alternative training date would be offered before the driver’s licence expired.

Councillor Murray referred to paragraphs 3.9 and 4.1 of the report and asked how the sum of £80 for the training had been calculated. He felt it was a big increase from the £25 currently charged for training. He

referred to the need for two additional staff to administer the training. Mr Elrington advised the committee that the college had charged the £25 for training for several years and it needed to be increased. The £80 fee proposal included the need to cover the cost of venue hire, refreshments etc as well as the training element. He added that the £80 quoted was a maximum figure and it was hoped that it could be negotiated down to a smaller sum.

Councillor Worrall reminded the meeting of the Council's challenging financial position and asked officers to obtain the best deal they could on the revised training package. He felt that further financial implications would emerge as the scheme developed. He suggested that the training package should be reviewed within the first three year period.

Councillor Barker referred to paragraph 4.1 of the report and asked how the figure of £63077 for two posts had been arrived at. Mr Elrington replied that it was based on the administrative grade G5 plus associated on costs. He added that to get 1800 drivers through the course in 18 months would be quite challenging. However, once this had been accomplished then the scheme could be reviewed and staffing reduced if appropriate to do so.

After further discussion it was moved by Councillor Nawaz and seconded by Councillor Hussain.

"That the recommendations contained in the report at paragraphs 2.1, 2.2 and 2.3 be approved with the removal of the sentence "All drivers will be required to attend the course every three years" from paragraph 2.1".

It was then

1728/16 **Resolved (Seven members voting in favour and three voting against)**

That the committee:-

- (1) Agrees to change the policy on the information required from a driver on an application for a licence. The requirement will therefore be that all applicants for drivers licences will be required to provide information that they have attended and passed (where relevant) the updated driver training course as contained in paragraphs 3.5-3.9 of the report now submitted;
- (2) Agrees that the course is offered free of charge for a period of 18 months from 1st December, 2016 until 31st May, 2018 for existing drivers, and that a charge of no more than £80 is made for applications for new drivers licences. The charge of £80 will be made for all applications for licences made after 31st May, 2018.

- (3) Agrees that no driver may, after 31st May, 2018, hold a licence to drive a private hire vehicle or Hackney carriage unless he has, by that date, attended the updated driver training course.

1729/16 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the remaining item on the agenda, the committee considers that the item for consideration is exempt information for the reasons set out therein under Section 100A of the Local Government, 1972 and accordingly resolves to consider that item in private.

Summary of item considered in private session

1730/16 **Application for discreet plates/ identification stickers on a private hire vehicle**

The Committee considered the application and made a decision thereon.

(Exempt information under paragraphs 1, 2 and 3 of part one of Schedule 12A of the Local Government Act, 1972) (as amended).

1731/16 **Termination of meeting**

There being no further business, the meeting terminated at 7.55pm.