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To: Councillor Tony Sharps (Chairman)

Councillors: Glyn Banks, David Cox, Adele Davies-Cooke, Rob Davies, Chris Dolphin, Rosetta Dolphin, Brian Lloyd, Ted Palmer, Mike Reece, Ralph Small and Martin White

6 October 2017

Dear Councillor

You are invited to attend a meeting of the Licensing Committee which will be held at 10.00 am on Thursday, 12th October, 2017 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

## **A G E N D A**

### **1 APOLOGIES**

**Purpose:** To receive any apologies.

### **2 MINUTES (Pages 3 - 4)**

**Purpose:** To confirm as a correct record the minutes of the meeting held on 27<sup>th</sup> June 2017.

### **3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

**Purpose:** To receive any Declarations and advise Members accordingly.

### **4 MANDATORY SAFEGUARDING AWARENESS TRAINING FOR ALL LICENSES PRIVATE HIRE / HACKNEY CARRIAGE (JOINT) DRIVERS AND OPERATORS (Pages 5 - 8)**

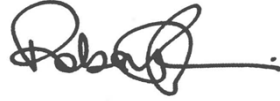
**Purpose:** For Members to consider the introduction of mandatory safeguarding awareness training for licensed Private Hire / Hackney Carriage (Joint) Drivers and Operators.

5

**INTRODUCTION OF A WHEELCHAIR ACCESSIBLE VEHICLE LIST  
UNDER THE EQUALITY ACT 2010** (Pages 9 - 12)

**Purpose:** To inform Members if changes introduced by the Equality Act 2010 and to seek approval of a list of designated wheelchair accessible vehicles

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins  
Democratic Services Manager

## **LICENSING COMMITTEE** **27<sup>th</sup> JUNE 2017**

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Tuesday 27<sup>th</sup> June 2017.

### **PRESENT: Councillor Tony Sharps (Chairman)**

Councillors: David Cox, Rob Davies, Mike Reece, Ralph Small and Martin White.

### **APOLOGIES:**

Councillors: Glyn Banks, Chris Dolphin, Brian Lloyd and Ted Palmer.

### **IN ATTENDANCE:**

Public Protection Manager, Team Leader - Licensing & Animal and Pest Control and Team Leader - Democratic Services

## **1. APPOINTMENT OF VICE-CHAIR**

The Chair sought nominations for the role of Vice-Chair of the Committee for 2017/18. Councillor David Cox was nominated which was duly seconded.

### **RESOLVED:**

That Councillor David Cox be appointed Vice-Chair of the Committee for 2017/18.

## **2. MINUTES**

The minutes of the meeting held on 17<sup>th</sup> November 2016 had been circulated with the agenda.

### **RESOLVED:**

That the minutes be approved as a correct record and signed by the Chair.

### **RESOLVED:**

That the report be noted.

The Chair advised Members that the formal meeting had ended and the remainder of the morning would be a training session. Copies of the slides from the officers were handed out at the meeting with the legal slides being sent to Members separately.

## **3. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press or public present.

(The meeting commenced at 10.00 a.m. and ended at 10.15am)

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**Chairman**



## LICENSING COMMITTEE

<b>Date of Meeting</b>	Thursday 12 <sup>th</sup> October 2017
<b>Report Subject</b>	Mandatory safeguarding awareness training for all licensed Private Hire / Hackney Carriage (Joint) Drivers and Operators.
<b>Report Author</b>	Chief Officer (Planning & Environment)

### EXECUTIVE SUMMARY

For Members to consider the introduction of mandatory safeguarding awareness training for all Flintshire licensed Private Hire / Hackney Carriage (Joint) Drivers and Operators.

### RECOMMENDATIONS

1	That the Committee support the introduction of mandatory safeguarding awareness training for all of Flintshire's licensed Private Hire / Hackney Carriage (Joint) Drivers and Private Hire Operators.
2	That the Committee support the amending of the Private Hire Driver and Operator conditions to include the following condition:  The driver / Operator must complete a Safeguarding Awareness training course when required to attend by the Licensing Section.
3	That Members support the proposal that Private Hire / Hackney Carriage (Joint) Drivers, and Private Hire Operators who fail to attend the mandatory safeguarding training will be reported to the Licensing Sub Committee.
4	That a consultation with Private Hire / Hackney Carriage (Joint) Drivers and Private Hire Operators is undertaken, following which, the matter will be reported to Members for final consideration.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE REASONS FOR INTRODUCING MANDATORY SAFEGUARDING TRAINING</b>
1.01	The primary role of the Licensing Section and Licensing Committee Members is the protection, safety and wellbeing of the public.
1.02	A number of high profile safeguarding issues around the country have been publicised – particularly in relation to child sexual exploitation (CSE).
1.03	The independent inquiry into CSE in Rotherham (1997-2013) led by Alexis Jay OBE highlighted significant concerns regarding safeguarding controls for Private Hire and Taxi licensing in Rotherham. It was found that taxi and private hire vehicles had been used extensively by those involved in the sexual exploitation of children to move children around the city and to other cities.
1.04	The safeguarding of children, young people and adults at risk is everyone's business. Licensed trades are often the critical eyes and ears of the community and often come in to contact with people who may be vulnerable.
1.05	The Private Hire (and Hackney Carriage) trade in Flintshire are responsible for transporting many people on a daily basis. Some of these journeys will involve transporting children and vulnerable persons. Occasionally this will be as part of a contract with this Authority.
1.06	The Licensing Section wishes to strengthen safeguarding practice and raise awareness and standards by providing the Private Hire and Hackney Carriage trade with the information and skills to know their responsibilities and what course of action to take if they have concerns about the safety or welfare of an individual.
1.07	Many Local Authorities have been reviewing their Private Hire and Hackney Carriage procedures and policies to ensure they can make the best use of the powers they have to protect the public. Many of our neighbouring authorities have already introduced mandatory safeguarding training.
1.08	It is felt that this proposal will increase and raise awareness of safeguarding children and vulnerable people across the Private Hire and Hackney Carriage trade, and will provide drivers and operators with the means to report any suspect behaviour.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	North Wales Police will provide the training, therefore resource implications will be minimal. Rooms, invitations and refreshments would need to be paid for by the Council.
2.02	Drivers and Operators have a right of appeal to the Magistrates Court

	following changes to their licence conditions, which may involve a cost to the Authority.
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<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
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3.01	It is proposed to consult with Drivers and Operators if support to this scheme is given by the Committee.
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<b>4.00</b>	<b>RISK MANAGEMENT</b>
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4.01	The nature of the role of a Private Hire / Hackney Carriage Driver means the licence holder is likely to be in contact with children and vulnerable adults on a regular basis.
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<b>5.00</b>	<b>APPENDICES</b>
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5.01	None
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
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6.01	<p><b>Independent Inquiry into Child Sexual Exploitation in Rotherham</b></p> <p><a href="http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cs_e_in_rotherham">http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cs_e_in_rotherham</a></p> <p><b>Contact Officer:</b> Gemma Potter – Community Protection Team Leader  <b>Telephone:</b> 01352 703371  <b>E-mail:</b> <a href="mailto:gemma.potter@flintshire.gov.uk">gemma.potter@flintshire.gov.uk</a></p>
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<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
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7.01	<p><b>Private Hire</b> – a type of licensed vehicle which can only be booked through a licensed Operator’s office.</p> <p><b>Hackney Carriage</b> – Black Cab style taxi or purpose built vehicles which have distinguishable features and can be hailed from the street.</p> <p><b>Joint Driver</b> – a dual licence to drive both Hackney Carriage and Private Hire vehicles</p> <p><b>Private Hire Operator</b> – the person who holds a licence to allow bookings for Private Hire Vehicles to be taken</p>
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## LICENSING COMMITTEE

<b>Date of Meeting</b>	Thursday 12 <sup>th</sup> October
<b>Report Subject</b>	Introduction of a Wheelchair Accessible Vehicle list under the Equality Act 2010
<b>Report Author</b>	Chief Officer (Planning & Environment)

### EXECUTIVE SUMMARY

To inform Members of the changes introduced by the Equality Act and to seek approval of a list of wheelchair accessible vehicles.

### RECOMMENDATIONS

1	That Members consider the content of this report and the advice contained in the Equality Act 2010 and the Department for Transport's guidance, and approve the introduction of a published list of wheelchair accessible vehicles.
2	That Members delegate the setting of the implementation date to the Licensing Team Leader in consultation with the Community and Business Protection Manager.

### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE REASONS FOR INTRODUCING A LIST OF WHEELCHAIR ACCESSIBLE VEHICLES</b>
1.01	The Equality Act 2010 brings together a number of different pieces of legislation concerning discrimination. Sections 160 to 173 deal specifically with private hire vehicles and Hackney Carriage vehicles.
1.02	There are already offences in place for failing to carry assistance dogs. The

	Equality Act 2010 (Commencement No.12) Order 2017 brought into force sections 165 (passengers in wheelchairs) and 167 (lists of wheelchair-accessible vehicles) on 6 April 2017 which will introduce similar offences for discrimination against wheelchair users.
1.03	The Government has indicated that it now expects Council's to introduce and maintain a list of designated vehicles, which, in turn, will create offences for breaches of the duties that will be imposed. The Department for Transport (DfT) have recently issued formal statutory guidance asking Local Authorities to introduce those parts of the Equality Act that provide protection for wheelchair users.
1.04	A vehicle can be on the designated list if it conforms to such accessibility requirements as the licensing authority thinks fit but generally, consideration will be given to the ability to get in and out of vehicles in safety and being able to travel in safety and reasonable comfort – whether the disabled person is staying in their wheelchair or not.
1.05	Section 165 will impose certain duties on drivers of designated vehicles such as; <ul style="list-style-type: none"> <li>• Carry a passenger while in the wheelchair</li> <li>• Not to make an additional charge for doing so</li> <li>• If the passenger decides to sit in a passenger seat, to carry the wheelchair</li> <li>• To take steps to ensure passengers are carried in safety and comfort</li> <li>• To give the passenger such mobility assistance as is reasonably required</li> </ul>
1.06	Mobility assistance is assistance; <ul style="list-style-type: none"> <li>• To enable the passenger to get in and out of the vehicle</li> <li>• If the passenger wishes to remain in the wheelchair, to enable the passenger to get in and out of the vehicle while in the wheelchair</li> <li>• To load the passengers luggage into or out of the vehicle</li> <li>• If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle</li> </ul>
1.07	Any vehicles placed on the list will not be required to carry all wheelchairs but instead must be capable of carrying some.
1.08	A driver will be able to apply for an exemption certificate if they have a medical condition, disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require.
1.09	If a driver successfully receives an exemption, they will not be required to perform any of the duties requiring passenger assistance. The Council will be considering information supplied by a GP.
1.10	The Licensing Section propose to begin contacting owners of vehicles which would be included on the list. If a driver indicates their intention to apply for

	an exemption, a reasonable time will be given to apply for the appropriate medical certification.
1.11	If agreed by the Committee, it is proposed that the publication of the designated list will take place within six months of this hearing. Following this date, it will become an offence for a driver to fail to give reasonable assistance to a wheelchair passenger.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The Equality Act enables vehicle owners to appeal against the decision of the Council to include their vehicle(s) on the designated list. The appeal must be made to a Magistrate's Court within 28 days of being included on the designated list.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	It is proposed that the Licensing Section will contact owners of vehicle to be included on the list.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Department for Transport Guidance  <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf</a></p> <p>Equality Act 2010  <a href="https://www.legislation.gov.uk/ukpga/2010/15/contents">https://www.legislation.gov.uk/ukpga/2010/15/contents</a></p> <p><b>Contact Officer:</b> Gemma Potter – Community Protection Team Leader  <b>Telephone:</b> 01352 703371  <b>E-mail:</b> <a href="mailto:gemma.potter@flintshire.gov.uk">gemma.potter@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Private Hire</b> – a type of licensed vehicle which can only be booked through a licensed Operator's office.

	<p><b>Hackney Carriage</b> – Black Cab style taxi or purpose built vehicles which have distinguishable features and can be hailed from the street.</p>
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