

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 24 OCTOBER 2018 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

3 - 12

4 MINUTES

To confirm and sign the Minutes of the meeting held on 19 September 2018.

13 - 92

5 DEPARTMENT OF TRANSPORT TASK AND FINISH GROUP ON TAXI & PRIVATE HIRE VEHICLE LICENSING

Report of the Acting Director of Regulation & Enforcement

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6 UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

Report of the Acting Director of Regulation & Enforcement

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		Item Description
<u>157 - 158</u>	13	<u>SCHEDULE OF OUTSTANDING MINUTES</u>
		To consider the schedule of Outstanding Minutes.
	14	<u>OTHER URGENT BUSINESS</u>
		To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
	15	<u>AUTHORITY TO CHAIRMAN AND OFFICERS</u>
		Chairman to move:-
		'In an urgent situation between meetings, the Chairman jointly with the relevant Chief Officer has authority to act on behalf of the Committee'.

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 19 SEPTEMBER 2018

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 19 SEPTEMBER 2018 AT
1000 HOURS IN COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan,
Adam Higgs, Mike Leddy, Hendrina Quinnen, Sybil Spence,
and Simon Morrall.

NOTICE OF RECORDING/WEBCAST

- 1048 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1049 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

There were no declarations of interest.

APOLOGIES

- 1050 Apologies were received from Councillors Neil Eustace, Nagina Kauser, Mary Locke, Mike Sharpe and Martin Straker-Welds for non-attendance.
-

MINUTES

- 1051 Referring to the first bullet point on page 709 of the previous Minutes, Councillor Nicky Brennan indicated that the word 'girl' should be replaced with word 'woman'.

Subject to the above amendment, the Minutes of the meeting held on 23 July 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

In the absence of the presenting officer, the Chair indicated her intention to postpone consideration of agenda item 5 and move on to agenda item 6.

REQUEST TO INTRODUCE ADVERTISING ROOF SIGNS FOR HACKNEY CARRIAGE VEHICLES

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 1)

Charles Jepson and Nick Smith, Wedooh Ltd attended the meeting.

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report.

Charles Jepson and Nick Smith outlined the company's proposals to the Committee as set out in the presentation in the appendix of the report.

The Chair indicated that she had concerns relating to the content of the advertising and the brightness of the screens which she felt would cause distraction if too bright.

Charles Jepson and Nick Smith responded to questions from Members of the Committee by making the following points:-

- a) The taxi tops were owned by the company and had a life expectancy of 7 years. They were made of recyclable materials with a light level of 300 candela and had two light sensors.
- b) The system operated on 5G network in London so would be compatible if and when 5G was introduced in Birmingham.
- c) The company had heard from taxi drivers in London that the income from the taxi tops offset their insurance costs for the year.

- d) Adverts will be screened by the company to ensure they comply with regulations/the law. Political messages would not be allowed in Birmingham.
- e) There would be no videos and movement would be kept to a minimum in the adverts. There were six adverts in a loop and customers could pay to have adverts shown by post code or at a certain time of day on a first come first served basis.
- f) The Company provided 24/7 access to a call centre for assistance and operated from Edgbaston Stadium. Routine servicing of the units would be undertaken at this location and would require the driver to visit whilst the unit was exchanged.
- g) The Company had 30 double-sided units that would be positioned on the taxi so that pedestrians could view the adverts. There was a on off switch in the cab to allow the driver to turn off the unit when he was, say, returning home late at night.
- h) It was the intention to supply 100 units in Birmingham.
- i) Complaints would be handled through the call centre, email or phone. Complainants would receive a reference number and it was the intention to reply within 4 days.
- j) The intention in Birmingham was not to make payments to the Council following advice from officers but some airtime could be made available for Community and emergency content. The average spend of clients was between £1,000 to £2,000. It was estimated that there was 75% of repeat business.
- k) The company was willing to accept the officers' additional requirements in respect of the proposals.
- l) From the experience in London there were no issues of public safety as rigorous testing had been carried out on the units before they were accepted by TfL. The brightness emitted was lower than what it would be normal to prevent distraction.
- m) The units were approximately 600mm height which was determined by height restrictions at London Euston Station and it was the intention to use the same type of units. A small sticker in the cab would remind the driver of the height of his vehicle.

In respect to the last point, Chris Arundel advised that it was the intention to only fit the units to TX type London taxis as the units were designed for that type of vehicle.

The Chair put the recommendations to the meeting and they were unanimously agreed.

1052

RESOLVED:-

- (i) That the request put forward by Wedooh Ltd in relation to roof top advertising signage on Birmingham hackney carriage vehicles be agreed; and
 - (ii) that the recommendations made at paragraph 5.1 in this report be adopted.
-

At 1052 hours the meeting was adjourned.

At 1057 hours the meeting was reconvened.

The Chair indicated her intention to return to agenda item 5.

LICENSING AND PUBLIC PROTECTION BUDGET MONITORING 2018/19 – QUARTER 1

The following report of the Acting Director of Regulation and Enforcement and Corporate Director Finance and Governance was submitted:-

(See Document No. 2)

The Committee was advised that the meeting had not been entered in the Finance Officer's diary and Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report.

The Chair indicated that the report was good news and Councillor Mike Leddy congratulated officers in achieving balanced budget for the first quarter of the financial year. He requested a report be presented to Committee outlining why the reserves in appendix 5 were been held and why. Chris Neville gave a brief response but indicated that a report giving more detail would be presented to a future meeting of the Committee.

Councillor Bob Beauchamp welcomed the contents of the report but queried what the problem was to cause the pressure for Highway Licensing and Chris Neville indicated that it was because of increased payments to an external contractor.

1053

RESOLVED:-

- (i) That the latest Revenue budget position at the end of June 2018 (Quarter 1) and Forecast Outturn as detailed in Appendix 1 be noted;
- (ii) that the position for the Savings Programme for 2018/19 as detailed in Appendix 2 be noted;
- (iii) that the expenditure on grant funded programmes in Appendix 3 be noted;
- (iv) that the position on Capital projects, as detailed in Appendix 4 be noted;

- (v) that approval be given to the appropriations to and from reserves relating to Proceeds of Crime Act; and
- (vi) that the position on reserves and balances, as detailed in Appendix 5 be noted.

CARD PAYMENTS IN HACKNEY CARRIAGE VEHICLES – RESULTS OF PUBLIC CONSULTATION

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 3)

Chris Arundel, Principal Licensing Officer, made introductory comments relating to the report and responded to questions from Members relating to the card terminals available, drivers not being able to pass on the service charge, the continuation of other payment methods and that drivers would bear the costs associated with the proposals.

The Chair put the recommendations to the meeting and, following a show of hands, by 8 in favour to 0 against with 1 abstention it was-

1054

RESOLVED:-

- (i) That it be agreed that with effect from 1 January 2020, provision of card payment facilities will be compulsory in all Birmingham licensed hackney carriage vehicles;
- (ii) that drivers and proprietors have the freedom of choice as to which processing company or agent they use to provide their credit card processing equipment;
- (iii) that the conditions of licence should be amended to reflect the new requirement with effect from 1 January 2020 as agreed at (i), with the new condition as at paragraph 5.5 in the re[port applying to all licences on renewal, after that date; and
- (iv) that Outstanding Minute 920 be discharged.

CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 4)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report confirming he would now include in the

conditions those relating to roof advertising and credit card payments agreed earlier in the meeting.

At the invitation of the Chair Mr Rashid, Birmingham and Solihull Taxi Alliance, which represented hackney carriage drivers, private hire drivers and private hire operators, explained that views expressed at trade meeting were not reported to the Committee. In addition responses from the trade to consultation were gathered by the organisation were not taken in to consideration by the Council.

Shawn Woodcock responded to comments made by Councillor Armstrong relating to the low response to the consultation and in respect of Mr Rashid's comments emphasised that Mr Rashid had responded to the consultation, referred to on page 78 of 192 in the document pack, but had failed to provide evidence of the survey undertaken. Had such information been forthcoming then it could have been considered.

The Chair put the recommendation to the meeting and it was unanimously agreed:-

1055 **RESOLVED:-**

That the Committee approve the proposed conditions for Hackney Carriage Vehicles and these are introduced with effect from Monday 24th September for both new and renewed vehicle licences.

VEHICLE ENGINE SIZES

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 5)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report and responded to comments and questions made by Members relating to licensing very small vehicles, which would still fail to meet other conditions for example the number of doors and vehicles exempted from the current engine size policy.

The Chair put the recommendations to the meeting which were unanimously agreed:-

1056 **RESOLVED:-**

- (i) That it be agreed to remove the policy requirement for private hire vehicles to have a minimum engine size with immediate effect; and
 - (ii) that Outstanding Minute No. 992 be discharged.
-

REPORT ON THE CHANGES FOLLOWING THE INTRODUCTION OF THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 6)

Vikki Allwood, Senior Animal Health and Welfare Officer, made introductory comments relating to the report and responded to comments and questions made by Members relating to how domestic breeders would be identified and the cost of licences. Chris Neville, Acting Director of Regulation and Enforcement, added that the cost of licences were determined on a cost recover basis similar to other licences and to prosecute individuals would not provide a income to the Council as the money derived from fines when to Central Government.

Councillors Bob Beauchamp and Simon Morrell felt that the cost of the licences would drive activities underground with Councillor Morrell noting the impact on small businesses.

Councillors Nicky Brennan and Olly Armstrong spoke in support of the proposals

The Chair put the recommendations to the meeting and, following a show of hands, by 6 in favour to 0 against with 2 abstentions it was-

1057

RESOLVED:-

That the proposed new fees in the appendix to the report be approved and the report be noted.

PENALTY POINTS SYSTEM FOR LICENSED DRIVERS AND VEHICLE PROPRIETORS

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 7)

Shawn Woodcock, Licensing Operations Manager, made introductory comments relating to the report.

Councillor Mike Leddy commented that the proposals did not go far enough to make the taxi operators who took the drivers on responsible for the actions of those drivers and the maintenance of standards. Shawn Woodcock emphasised that operators rarely owned vehicles and it was the drivers responsibility to ensure the vehicle was roadworthy. He added that operators were subject to inspection.

The Chair had reservations about the proposals in paragraphs 5.4 to 5.8 creating Officer Review Meetings as she felt this should be in the remit of the Licensing Sub-Committees and would be more transparent. Shawn Woodcock explained the reasoning behind the proposals for the creation of Officer Review Meetings.

Shawn Woodcock responded to further member questions relating to how the number of points for each misconduct was determined, the benefits and pitfalls in operation of similar systems in other authorities and how some misconduct such as smoking/use of mobile phones could be identified.

In response to a further comment that the proposals may encourage drivers to apply for a licence in other authorities and work in Birmingham, the Chair indicated that she did not believe that Birmingham should lower its standards.

The Chair put the recommendation in paragraph 2.1 to the meeting and, following a show of hands, which were unanimously agreed.

The Chair then put the recommendation in paragraph 2.2 to the meeting and, following a show of hands, by 7 in favour to 0 against with 1 abstention it was agreed.

Therefore it was-

1058

RESOLVED:-

- (i) That approval be given to the introduction of a penalty points system attached at Appendix 1 of the report for licensed drivers and vehicle proprietors; and
- (ii) that the administration of the scheme be delegated to Licensing Enforcement Officers and above as described in paragraphs 5.4 – 5.8 of the report.

PROSECUTIONS AND CAUTIONS – MAY, JUNE AND JULY 2018

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 8)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report highlighting some the cases.

In response to a comment from Councillor Mike Leddy relating to the lack of detailed information on the recovery of costs, Chris Neville indicated that following previous requests from the Committee work had been undertaken to correctly identify and allocate costs recovered and he would present a further report to Committee on the issue.

1059 **RESOLVED:-**

That the report be noted.

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS: JUNE-JULY 2018

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 9)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report and in response to a comment from Councillor Olly Armstrong indicated that the Councillor would be able to establish which previous appeals had been allowed by looking at previous reports on line.

1060 **RESOLVED:-**

That the report be noted.

ACTIONS TAKEN BY THE CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING AUGUST 2018

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 10)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report.

1061 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUED MAY TO JULY 2018

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 11)

Chris Neville, Acting Director of Regulation and Enforcement, made introductory comments relating to the report.

1062 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See Document No.12)

Chris Neville, Acting Director of Regulation and Enforcement, commented on various Outstanding Minutes.

1063 **RESOLVED:-**

That Outstanding Minute Nos. 920 and 992 be discharged and all other Outstanding Minutes be continued.

OTHER URGENT BUSINESS

1064 There were no items of Other Urgent Business.

AUTHORITY TO CHAIR AND OFFICERS

1065 **RESOLVED:-**

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

The meeting ended at 1253 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

**DEPARTMENT OF TRANSPORT TASK AND FINISH GROUP
ON TAXI AND PRIVATE HIRE VEHICLE LICENSING**

1. Summary
 - 1.1 This report summarises the recommendations of the Department of Transport Task and Finish Group on Taxi and Private Hire Vehicle Licensing.
2. Recommendations
 - 2.1 That the report be noted.
 - 2.2 That a letter be sent to the appropriate Government Minister(s) on behalf of the Committee, urging a swift response to these proposals.

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 9780
E-mail: emma.rohomon@birmingham.gov.uk

3. Background

3.1 The Task and Finish Group was started in the summer of 2017 by the then Minister of State for Transport the Rt Hon John Hayes CBE MP, and met for the first time in September 2017 with the aim of considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified.

3.2 The group comprised:

- Helen Chapman -Director of Licensing, Regulation & Charging, Transport for London
- Rt Hon Frank Field MP --Member of Parliament for Birkenhead
- Saskia Garner -Policy Officer, Personal Safety, the Suzy Lamplugh Trust
- Ellie Greenwood -Senior Adviser (Regulation), Local Government Association
- Dr Michael Grenfell -Executive Director, Enforcement, Competition and Markets Authority
- Anne Main MP -Member of Parliament for St Albans
- Steve McNamara -General Secretary, Licensed Taxi Drivers' Association
- Mick Rix -National Officer for Transport and Distribution, GMB union
- Donna Short -Director, National Private Hire and Taxi Association
- Steve Wright MBE -Chairman, Licensed Private Hire Car Association

3.3 Birmingham City Council Licensing Service was not asked to contribute to the group. The report of the Select Committee itself is 68 pages long. It is available to view online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745098/taxi-and-phv-working-group-report.pdf

4. Summary of Task and Finish Group Recommendations

4.1 The summary of Select Committee Conclusions and Recommendations is attached at Appendix 1 to this report.

4.2 Many of the recommendations require the Government to introduce either Legislation or Statutory Guidance.

4.3 A number of proposals suggest that Licensing Authorities should make the recommended changes in anticipation of revised guidance or legislative change, risking different approaches being taken in the various authorities – one of the very things the group is seeking to avoid.

- 4.4 The Task and Finish Group is only able to make recommendations. It is expected the Government will publish a response to this document, at which point a further report will be brought to this Committee.
- 4.5 There have been previous reports and groups established to consider the effectiveness of the existing Hackney Carriage and Private Hire licensing regimes, most notably the 2011 Law Commission review which reported back in 2014. Those proposals were not taken forward.
- 4.6 The Legislation is outdated and is in serious need of updating or replacing. The situation at the moment is detrimental to public safety as well as to the trade itself, with many legal loopholes being widely exploited, leaving Licensing Authorities powerless to respond.
- 4.7 The subject has been raised with various Ministers many times, but Officers have suggested that the Chair write to the current Minister expressing the urgency for this matter to be responded to conclusively.
5. Implications for Resources
- 5.1 At this early stage there are no implications for resources, although, if the proposals are all adopted by Government, there will be serious implications for the future of the Licensing Service.
- 5.2 Once the Government has responded to the proposals the likely impact of any changes will be clearer.
6. Implications for Policy Priorities
- 6.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.
7. Public Sector Equality Duty
- 7.1 This report is for information only. An Equalities Impact Assessment is not required.
8. Consultation
- 8.1 The Task and Finish Group was limited in its constitution and did not call for evidence from all Local Authorities.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

**Task and Finish Group on Taxi and Private Hire Vehicle Licensing:
Recommendations and Comments.**

Recommendations	Current Position / Officer Comments
Recommendation 1	
Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.	Agreed
Recommendation 2	
Government should legislate for national minimum standards for taxi and PHV licensing -for drivers, vehicles and operators (see recommendation 6). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England. Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.	This panel should include better representation for Licensing Authorities outside of London.
Recommendation 3	
Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision. Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.	Agreed

Recommendation 4	
In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm. Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.	The current Birmingham City Council Licensing Service administers and enforces across more than just HC&PH licensing. This would have a significant impact on the way in which the service operates, and would require the City Council to relinquish control of it's licensing function to the Mayor's Office.
Recommendation 5	
As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades. Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks. Government should convene a panel of regulatory experts to explore and draft the definition.	The existing case law has informed our approach to date. If clarification leads to better understanding and therefore better compliance, or better results at Court, then this is to be welcomed.
Recommendation 6	
Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).	This would help to address the discrepancies between regulation of operators and radio circuits etc
Recommendation 7	
Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.	The Licensing service operates on a cost recovery basis. Any 'mitigations' offered to the trade would ultimately be funded by the trade. Unless additional funds are provided by Government or the City Council

Recommendation 8	
Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.	There is already scope to limit hackney carriage licences, it would be sensible to apply the same provisions to private hire.
Recommendation 9	
All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.	Clarification would be required as to who would take the enforcement action? The licence issuing authority, or the one which had experienced the obstruction?
Recommendation 10	
Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (recommendation 2) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (recommendation 11).	The issue of how this enforcement would be funded needs to be addressed. If an area is 'flooded' with externally licensed vehicles then the cost of compliance checks will increase. The nature of the trade means this will not be a case of the burdens being balanced across the areas.
Recommendation 11	
Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see recommendation 6) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.	It has been suggested that this proposal would have a detrimental impact on other matters such as air quality - but this would seem to be one way of dealing with the issue of cross border problems.
Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.	There are no such restrictions currently.

Recommendation 12	
Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.	The fee structure is calculated according to the previous year's expenditure, but with regard to future circumstances. This means, if it is felt expenditure is required in a particular area, and this is considered to be a reasonable and justifiable expense, it will be implemented. The fee calculation methods differ across authorities.
Recommendation 13	
Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.	n/a
Recommendation 14	
The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.	The income from the FPNs would also need to be ring-fenced. Who would be liable – the driver or the vehicle proprietor? Also, is this just for vehicular failings or driver /operator (i.e. badge offence etc)
Recommendation 15	
All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.	This can be addressed through conditions
Recommendation 16	
The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.	

Recommendation 17	
<p>In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards. To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.</p>	<p>There have been many contradictory opinions on the subject of CCTV in licensed vehicles/ Specific guidance on this subject would be welcomed - particularly with regard to the data controller role.</p>
Recommendation 18	
<p>As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.</p>	<p>As with recommendation 7, any 'mitigations' offered to the trade by the Licensing Service would ultimately be funded by the trade.. Unless additional funds are provided by Government or the City Council</p>
Recommendation 19	
<p>National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only. All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.</p>	<p>It is already a requirement for the drivers to wear a badge. It is not clear what 'other means' would be able to be employed in this situation. (It is assumed that the reference to PHV's in this recommendation means PHV Operators – not the vehicles..)</p>

Recommendation 20	
All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards. All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.	The current requirement for BCC Licensed drivers is 3 yearly checks. This would be a significant increase in the administration time.
Recommendation 21	
Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.	In the absence of national standards, Birmingham Licensing and Public Protection Committee agreed to adopt the Institute of Licensing guidance as best practice.
Recommendation 22	
The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.	This is absolutely essential. There are significant inconsistencies of approach with regard to the information willingly shared by the police.
Recommendation 23	
All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).	We are awaiting the account details to be able to participate in this initiative.

Recommendation 24	
As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.	This is a matter of absolute urgency. A register of this kind is essential for the safeguarding of the public.
Recommendation 25	
Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.	This is already a requirement for Birmingham licensed drivers.
Recommendation 26	
All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.	This is already the case in Birmingham, although a nationally accredited training scheme would be helpful to ensure consistency across the country.
Recommendation 27	
Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).	Definitely. It would be helpful if the PCV application process also included the need to check the NAFN register.
Recommendation 28	
Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.	Communication skills form part of the Knowledge tests (both HC and PH)
Recommendation 29	
All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.	This is already a requirement for Birmingham licensed drivers.

Recommendation 30	
Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.	This is an area of concern which requires further investigation.
Recommendation 31	
Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.	This is a statutory requirement. This list is available on our website.
Recommendation 32	
Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.	This is already the case in Birmingham.
Recommendation 33	
The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.	If there is evidence of convictions, cautions or similar for breaches of this kind, they may be considered as part of the application process. It is difficult to adduce unsubstantiated complaints which relate to an area outside of our jurisdiction. That is to say, the licensing service should not be expected to carry out investigations into pay and conditions
Recommendation 34	
Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.	This is a very important measure to safeguard both the public and the drivers

Taxi and Private Hire Vehicle Licensing

Steps towards a safer and more robust system

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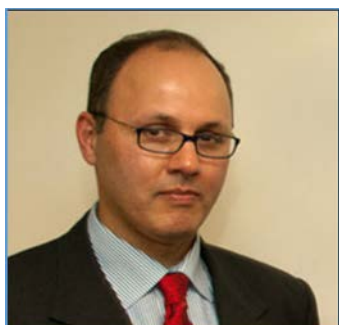
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Acknowledgement

In preparing this study and throughout the work of the Task and Finish Group the expertise, endeavour and understanding of its members has been exceptional.

Whilst preparing and writing this report I have been supported throughout this process by the officials at the Department for Transport; without exaggeration I conclude that none of what has been achieved would have been possible without the support of these officials who personify all that is admired about the British Civil Service.

I would like to wholeheartedly thank all those who have shared with the Group their valuable knowledge and experience in the trade and its regulation, and their views on the way forward.



Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing

Foreword

This report is about public wellbeing. Its genesis and mission were framed by the vision of the then Minister of State at the Department of Transport, the Rt. Hon. John Hayes CBE MP. In commissioning me to lead this vital work, he made clear that in his view the current regulatory regime for the taxi and private hire vehicle (PHV) sector is no longer fit for purpose.

In scoping the work together we were determined, above all, to chart a future which ensured public safety for all, a working environment for those in the trade which guaranteed fair working conditions and whilst maintaining a competitive, dynamic market, preserve the character, integrity and aesthetics of this time-honoured trade.

It is clear that the status quo whereby taxi and PHV licensing is inconsistent, ineffective and incompatible with the protection of vulnerable people must not be allowed to continue. Alongside other incidents of criminality, the events in Rotherham, Rochdale, Oxford and elsewhere have brought the fundamental flaws in the licensing regime into the sharpest possible focus; these oblige uncompromising determination to make taxis and PHVs safe for all.

Our efforts should also be informed by the Prime Minister's determination that the economy must work for all, and that those who, despite their hard work and skill, are 'just about managing' to provide for their families, must not become victims of the 'sweated economy' by those who accept little or no regard to the notion of social responsibility.

I have drawn on the insight of those who know best, and worked with a first-class group of colleagues. It is their sharp minds, commitment, professionalism and cool heads that have enabled the critical thinking and discussions that underpin my recommendations. Members of the Group have strongly held, sometimes polar opposite opinions and, while this means that it has not always been possible to reach a consensus, I am of no doubt that all have the best interests of passengers and the trade foremost in their thoughts. I am grateful to them all.

I learned from the collective wisdom of the Group that there is no single solution to the challenges facing the taxi and PHV sector. So, each aspect of this study and the consequent recommendation is dependent on others. The report aims to produce a holistic ecosystem and solution to the problems it was devised to address and, as a result, to set out a comprehensive platform for the changes necessary to protect and promote the public interests in the common good.

I would like to make it clear that it is in the public interest to allow, indeed encourage, competitive markets. The arrival of new businesses and new modes of business are the healthy expressions of a market economy. So, provided that public safety and employee working conditions are assured and that appropriate emphasis is placed on congestion, air quality and similar concerns, market change can be welcome.

Licensing conditions should be demanding, arguably to a greater degree than at present, but should not, in effect, prohibit market entry for new businesses.

As my task is now complete, the onus falls to the Secretary of State for Transport Chris Grayling, MP and his Ministers, in particular Nusrat Ghani, and Parliamentarians to take the ideas of the report further and to begin to craft the legislation that it will, in some instances, require. In other instances, I trust that Parliament and the Department will lead the cultural change which is necessary to ensure that passengers, workers, operators, and neighbouring authorities are treated fairly. I look forward to the Government's prompt response to this report in order to maintain the momentum for improvement. Undue delay would risk public safety.

Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing.

1. List of Recommendations

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

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All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

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Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

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The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.

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Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

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All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

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Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).

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Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations**.

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All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

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Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

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Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

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Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

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The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

2. Group membership and task

Introduction

- 1 The Task and Finish Group was brought together between July and August 2017 by the then Minister of State for Transport the Rt Hon John Hayes CBE MP, and met for the first time in September 2017.
- 2 The Group's objectives were confirmed in the Terms of Reference agreed by its members. The Group was tasked with:
 - Considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - Considering, in particular, the adequacy of measures in the licensing system to address those issues;
 - Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

Chairman of the Task and Finish Group

Mohammed Abdel-Haq is a professor in Banking and a Director of the Centre for Islamic Finance at the University of Bolton. Prof Abdel-Haq has a wealth of practical experience in a long career in banking in major financial institutions including Citi Bank, Deutsche Bank, and HSBC. He is the CEO of Oakstone Merchant Bank, Director of the Centre for Opposition Studies at the University of Bolton.

Professor Abdel-Haq was a member of the Council of the Royal Institute for International Affairs (Chatham House) from 2011-2014. In 2011 Prof Abdel-Haq was appointed Chairman of the UK Ministerial Advisory Group on Extremism in Universities and FE Colleges. He was Vice President of The Disability Partnership. Several of his articles on various issues related to public life have been published. Prof Abdel-Haq is a Freeman of the City of Oxford, a member of Amnesty International, a Fellow of the Royal Society of Arts. Prof Abdel-Haq was a Prospective Parliamentary Candidate for Swansea West in the 2005 General Election.

- 3 Membership of the Task and Finish Group:
 - Helen Chapman - Director of Licensing, Regulation & Charging, Transport for London
 - Rt Hon Frank Field MP - Member of Parliament for Birkenhead
 - Saskia Garner - Policy Officer, Personal Safety, the Suzy Lamplugh Trust
 - Ellie Greenwood - Senior Adviser (Regulation), Local Government Association
 - Dr Michael Grenfell - Executive Director, Enforcement, Competition and Markets Authority
 - Anne Main MP - Member of Parliament for St Albans
 - Steve McNamara - General Secretary, Licensed Taxi Drivers' Association
 - Mick Rix - National Officer for Transport and Distribution, GMB union
 - Donna Short - Director, National Private Hire and Taxi Association
 - Steve Wright MBE - Chairman, Licensed Private Hire Car Association
- 4 To ensure that the Group heard views from a wide cross-section of the sector, it sought written evidence from a range of stakeholders, and further invited a selection of organisations to give oral evidence to the Group. The Group received submissions from 39 organisations and heard evidence from 11.
- 5 Secretariat functions for the Group were provided by officials in the Department for Transport.
- 6 Group members were each able to submit a short summary of their views of this report if they wished to do so; those summaries are attached at Annex A.

3. Market function and regulation

Current regulation

- 3.1 The UK Government is responsible for setting the regulatory structure within which local licensing authorities in England license the taxi and PHV trade. Regulation of taxi drivers in Scotland, Wales and Northern Ireland is devolved to the Scottish Government, Welsh Government and Northern Irish Assembly respectively. This report is focussed on the sector in England only.
- 3.2 Taxi and PHV licensing in England is decentralised; there are 293 licensing authorities. The national legislation is enabling in its nature, giving licensing authorities the discretion to set standards for drivers, vehicles and PHV operators that they deem to be appropriate. There are significant variations in both policy and practice between licensing authorities.

A changing industry

- 3.3 The Task and Finish Group heard from many stakeholders about the age of the legislation that underpins taxi and PHV licensing, and how it is no longer fit for the modern world. Taxi licensing in England outside Greater London rests on the Town Police Clauses Act of 1847, which of course pre-dates the motor car. PHV licensing outside Greater London rests on the Local Government (Miscellaneous Provisions) Act 1976; significantly less old, but still pre-dating the mobile phone and the internet, both of which are increasingly important means of booking taxis and PHVs. Greater London PHV legislation is newer still, passed in 1998, but this still pre-dates near universal mobile phone use, and smartphone apps.¹
- 3.4 Legislation has been out of date for many years now, but it seems that the rise of smartphone booking apps, in particular, has thrown the need for an urgent update on legislation into sharp focus. PHV legislation was written for a world where radio signals were unlikely to reach outside the licensing authority area, and people had to go to a local minicab office, or telephone it using a landline, to book a car. The new way of using apps to book PHVs has an ease (as well as safety features and usually value for money) that has proved very popular with passengers, but the law was not written with such technology in mind and so it can be hard to apply to what is happening in reality.
- 3.5 The effectiveness of the highly localised taxi and PHV licensing system has become unsustainable in the face of new internet and smartphone app-based technology and the public's widespread adoption of those methods of arranging taxi and PHV trips. Government, both central and local, should acknowledge such changes and manage

¹ For simplicity, this report does not describe the separate legislation that licenses PHVs in Plymouth, the Plymouth City Council Act 1975. For the level of detail in this report, it is sufficient to say that its provisions are broadly the same as those in the Local Government (Miscellaneous Provisions) Act 1976.

them to ensure that alongside the benefits being achieved, any negatives are minimised for passengers, the trade and wider communities.

- 3.6 We should also recognise that the changes in how the sector works are being driven by public demand. It is unacceptable to require the public to restrict its reasonable demands to support an outdated framework. It is the market and regulation that must adapt while maintaining high standards.
- 3.7 This report makes a number of specific recommendations about what Government and licensing authorities should do with their taxi and PHV powers, but there is an urgent overarching need to update legislation to reflect much better the reality of the way the trade is operating today. The Government implicitly acknowledged as much by asking the Law Commission to review the legislation in 2011, and it is deeply regrettable that the Government has not yet responded to the report and draft bill which the Commission subsequently published in 2014. Had the Government acted sooner the concerns that led to the formation of this Group may have been avoided.

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

- 3.8 Regardless of technological change, the Government should legislate for national minimum standards for the licensing of drivers, vehicles and operators. These minimum standards should be set at a high but still proportionate level that would in practice reduce the need (actual or perceived) for individual authorities to add their own further checks or conditions - **'minimum' should not be understood or treated as meaning 'minimal'**.
- 3.9 The current level of discretion given to local licensing authorities has resulted in very significant and unacceptable variations in standards. Failures by some authorities to uphold high standards for the assessment of drivers, for example, have contributed to the involvement of the taxi and PHV trade in well-documented sexual abuse and exploitation of hundreds of children.
- 3.10 Significant variation in standards and the application of these in the licensing of drivers provides an opportunity for individuals to 'forum shop' for licences. Although factors such as service levels and total licensing cost (i.e. inclusive of fees and training requirements) may provide the motivation for most individuals that seek to obtain a licence from an authority other than that in which they intend to predominantly work, this also enables individuals who would not be deemed 'fit and proper' by one authority to potentially obtain a licence elsewhere. The Government has a responsibility to set a national framework that enables safe and effective licensing, and local authorities have a wider responsibility towards all people both within and beyond their boundaries. Better information sharing amongst authorities is also essential, and this is discussed further in Chapter Four.
- 3.11 The Law Commission recommended that all PHV standards should be set at a national level without the ability for licensing authorities to add additional local conditions, but that taxi standards should be 'minimum standards' which could be supplemented locally. This, in the Commission's view, reflected the more localised

nature of taxi markets, particularly the ability to be hired immediately on the street and the requirement for local knowledge that this brings.

- 3.12 However, other recommendations made in this report would restore the link between licensing authorities and PHVs operating in their area and so national minimum standards are more appropriate in this framework. Taxis and PHVs serve a range of very different localities across England, and local licensing authorities should not be prevented from applying extra conditions to their drivers or vehicles where there is an evidenced need. An example of this might be vehicle conditions, to help address local air quality challenges.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

- 3.13 In advance of national minimum standards, the Department for Transport's Best Practice Guidance should be updated; both this and the forthcoming Statutory Guidance should be more directive, to make clearer the requirements and standards that the Government considers are necessary.
- 3.14 All licensing authorities should adopt the Department's recommendations, which should be viewed as the pre-cursors to national minimum standards. Early adoption of these recommendations will therefore assist in the transition for the industry. It will also assist joint working by licensing authorities and in particular support stronger cross-border enforcement activity. The Task and Finish Group heard about current and developing best practice in areas such as Merseyside, West Yorkshire and Greater Manchester. Common standards are the keystone of effective enforcement within regions, giving enforcement officers one set of rules to check drivers and vehicles against, regardless of which authority issued the licences.
- 3.15 There are few barriers that prevent the licensing of operators and drivers in multiple areas, but this is not true for the licensing of vehicles, as requirements in different areas may be contradictory. These variations can include colour; livery; vehicle age restriction both at first licensing and maximum age; whether tinted windows are permissible; seat configuration; engine size (or if electric vehicles can be licensed); and visible signage/ID conditions. It is in the interest of licensing authorities (ease of enforcement), passengers (increased availability) and the trade (increased flexibility to meet demand) for multiple licensing to be possible.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations after very careful consideration and in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

- 3.16 In the long term, greater consistency in licensing that will result from national minimum standards raises the question of the appropriate 'level' of taxi and PHV licensing - that is, which administrative level should undertake this function.
- 3.17 The licensing regime should be rationalised. People are increasingly mobile and the licensing regime should reflect the way in which the public use taxi and PHV services. There may be significant benefits to raising the administrative level of taxi/PHV licensing in some areas, whether as part of wider reform or as a distinct proposal.
- 3.18 An example of the benefits that may accrue from raising the licensing level can be seen in the way the system operates in Greater London in comparison to other large urban areas. Transport for London licenses 108,709 vehicles and 142,199 drivers. By way of contrast, Greater Manchester has 10 authorities licensing a total of 13,392 vehicles and 18,085 drivers².
- 3.19 Without Transport for London, London's 33 local authority districts would be able to set its own policies, requirements, taxi fare rates etc. In addition, each of these would have to replicate the associated administration, likely resulting in increased licensing costs which may ultimately increase passenger fares. Importantly, this would also result in immense enforcement problems in the absence of agreements between the districts to enable their enforcement officers to take action against each other's licensees.
- 3.20 The variance in the costs of obtaining licences (fees and to meet requirements) in different licensing areas within one conurbation can be considerable, by matters of hundreds of pounds. The example of licensing in Greater Manchester was highlighted in the Urban Transport Group's report 'Issues and options for city region taxi and private hire vehicle policy'³ (see fig. 1). The time and cost it takes to obtain a licence can also vary greatly and influence licensing behaviour, exacerbating the number of 'out-of-area' drivers. It is unsurprising that a driver, who is indeed fit and proper by any measure, may still choose to license in a neighbouring authority even if the costs are higher if they will get their licence in a few months rather than two years, and therefore start earning much sooner.
- 3.21 It has not been possible within the timeframe of the Task and Finish Group to make a recommendation as to precisely which authorities (and how many) should be

² Data as of 31 March 2017 - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

³ http://www.urbantransportgroup.org/system/files/general-docs/UTG%20Taxi%20Report_FINALforweb.pdf

responsible for taxi/PHV licensing across the country. However, direct electoral accountability must be maintained to ensure that the needs of all residents in any expanded licensing areas are considered.

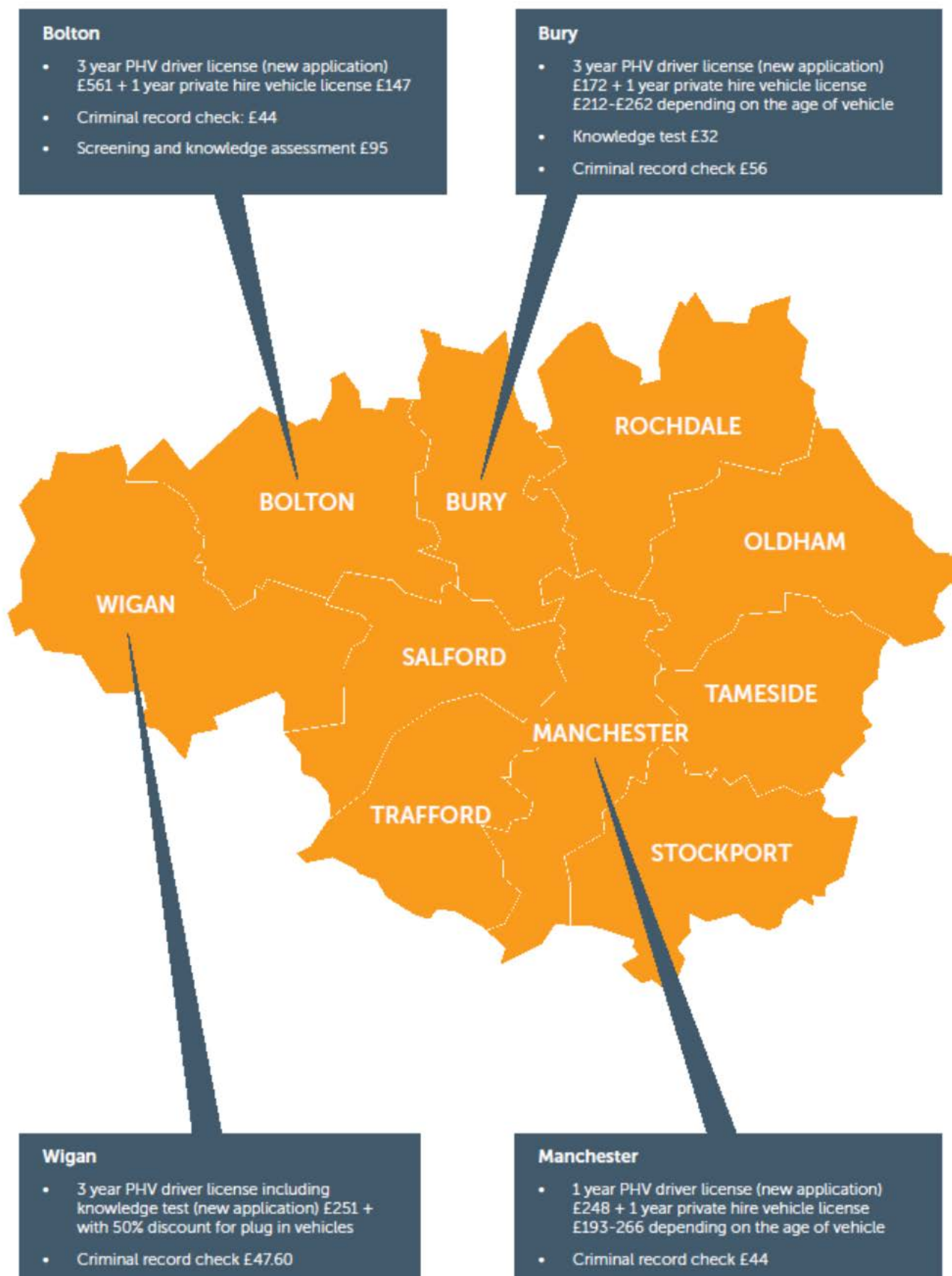
- 3.22 There seems a clear case that large urban areas, particularly those with Metro Mayors, should each be covered by one taxi and PHV licensing authority. Outside those areas, Government should strongly encourage much greater collaboration and joint working between neighbouring authorities, and subsequently review over time whether formal consolidation of more licensing areas is needed.
- 3.23 Where taxi licensing is concerned, larger licensing authorities areas could still retain more localised requirements of taxi regulation, such as quantity restrictions, fare setting, local knowledge testing at the same granular level as now (if deemed beneficial) through the use of taxi zones as are already used in a number of licensing authority areas.

Recommendation 4

In the short term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years

Figure 1 - Licensing in Greater Manchester ⁴



⁴ <http://www.urbantransportgroup.org/resources/types/reports/taxi-issues-and-options-city-region-taxi-and-private-hire-vehicle-policy>

The two tier system

- 3.24 Only taxis are available for immediate hire, be it hailed in the street or at a designated rank. Nevertheless, the potentially very short gap between booking a PHV via an app and getting in the vehicle, may appear similar to members of the public to getting a taxi. Indeed the speed and convenience of using an app might be an easier and more attractive option in some circumstances than hailing a taxi.
- 3.25 This increased ease and speed of PHV hiring has significantly eroded the differentiation in service and the potential additional earnings that taxis' ability to ply for hire can provide. The regulation of the sector has not adapted to reflect this erosion. The Task and Finish Group unanimously agreed that there is still merit in the two-tier taxi and PHV system. For example, the setting of maximum fare tariffs for taxis provides an important element of passenger protection, as people are not able to research fares with alternative providers when hiring immediately. This can protect both visitors to an area, who may have no notion of the distance of their journey and what this might reasonably cost, and also local residents who are protected from the charging of excessively high fares when demand is high. At the same time, the unregulated fares of PHVs enable price competition to the benefit of many consumers.
- 3.26 The Group received many submissions which requested that a statutory definition of 'plying for hire' and 'pre-booked' should be introduced to make clearer the different services that taxis and PHVs can provide.
- 3.27 The Law Commission deliberated whether 'plying for hire' should be defined as part of its work, and ultimately recommended that different terms should be defined. In my view, if we are to be supportive of the two-tier system, it is inevitable that we must be able to effectively distinguish those two tiers. Defining 'plying for hire' is essential to that.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

- 3.28 Taxi 'radio circuits' or taxi smart phone apps undertake a similar function as PHV operators but are not subjected to a 'fit and proper test' as they do not require a licence. PHV operators are under an obligation to ensure that the drivers and vehicles used are licensed by the same authority and that vehicles are insured and in a suitable condition.
- 3.29 A freedom of information request found that in the 12-month period running from 08 January 2016 to 07 January 2017, 1,290 Transport for London licensed taxis were reported for not having a second MOT test, six months from the date the taxi licence

was granted. However, it is unknown whether any of these vehicles were used for 'taxi radio circuit' work. Transport for London's data for the period April to December 2017 indicated that 27.1% of PHVs and 35.8% of taxis stopped were non-compliant⁵. In both cases, the total number non-compliant vehicles may be higher as these vehicles were identified as a result of 'on-street' enforcement.

- 3.30 It is true, of course, that unlike PHVs where there must be an operator to take a booking for the transaction to be legal, taxis are able to ply for hire. The booking recording function of a PHV operator evidences that a journey has been pre-booked and is essential in ensuring compliance and preventing a PHV from working illegally as a taxi. However, data from Transport for London's Black cabs and Minicabs Customer Satisfaction Survey (Q3 2016/17) evidence that a decreasing proportion of taxi journeys are engaged by hailing or at a rank, down from 83% in 2013 to 66% in 2016. This trend suggests that it is now appropriate for these intermediaries to be regulated in the same way as PHV operators are.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

- 3.31 Central Government and local regulators must acknowledge that new technology has fundamentally changed the market and act if the two-tier system is to remain viable. The competition between taxis and PHVs has increased, but taxis are often subject to additional regulation and, where purpose built vehicles are required, significantly higher costs than their PHV counterparts. If the benefits of a two tier system (e.g. there is a higher proportion of wheelchair accessible vehicles (WAVs) in the taxi fleet) are to be maintained, regulators should consider ways to support the taxi trade. The way to do this is not by 'punishing' the PHV trade, but by reducing the additional cost burden that WAV owners face.
- 3.32 Central Government has already recognised the different costs the two sectors can face; the maximum Plug-in-Taxi Grant (for the purchase of wheelchair accessible zero-emission capable (ZEC) purpose-built taxis) is £7,500, compared to the £4,500 maximum Plug-in-Car Grant available for other vehicles; this kind of approach should be explored further. Government and licensing authorities should explore additional financial assistance that could be provided to off-set the additional costs of WAV and/or ZEC vehicles.
- 3.33 There are various mechanisms that could encourage more rapid adoption of ZEC vehicles in area where air quality is or may become an issue; Transport for London's delicensing scheme, for example, provides a payment of up to £5,000 to delicense older (10+ years old) vehicles. All new taxis licensed by Transport for London must now be ZEC.
- 3.34 Taxis, particularly in London, are perceived by the public as reliable "work horses" on the roads for long hours every day. This perception could be at the forefront of changing opinions and attitudes towards electric vehicles, in general, and specifically

⁵ <https://tfl.gov.uk/cdn/static/cms/documents/phv-licensing-compliance-and-enforcement-january-2018.pdf>

as viable options for commercial and small goods vehicles. The wider benefits of supporting drivers to get such vehicles on the roads could be considerable.

- 3.35 Funding could be allocated to subsidise a tiered taxi and PHV licensing structure that exempts or reduces fees for zero emission capable vehicles and/or those which are wheelchair accessible. This would assist those who make the additional investment to use wheelchair and/or accessible vehicles such as the 'black cab' and reflect the additional benefits these would provide the public.

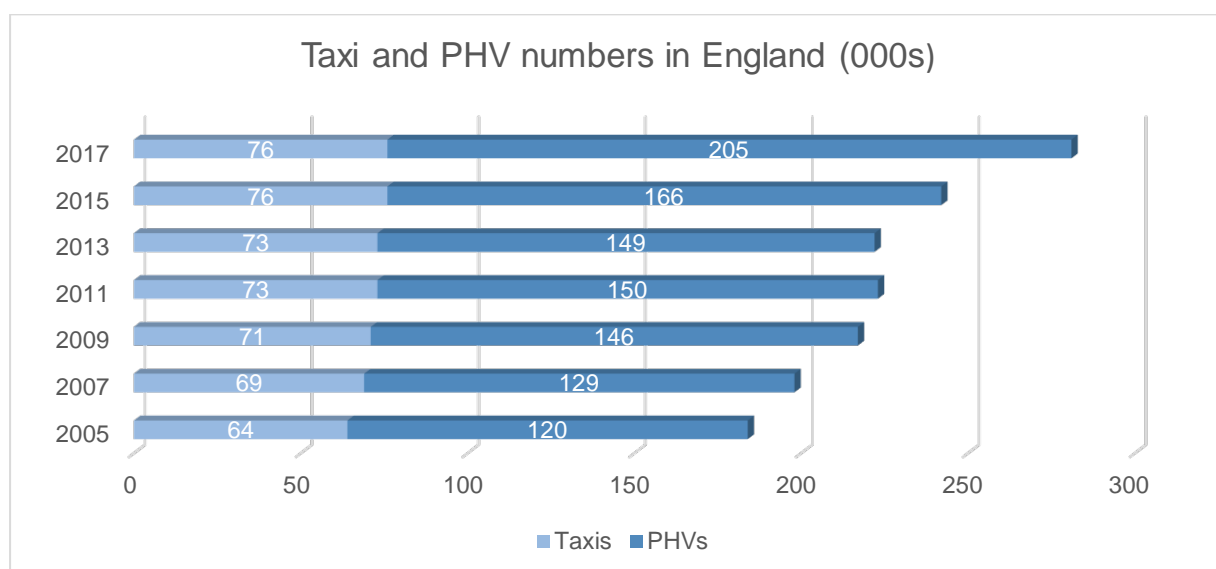
Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

A growing industry

- 3.36 The sector has seen rapid growth in recent years. The total number of licensed taxis and PHVs in England reached record levels in 2017, increasing by 26% since 2011 to 281,000⁶. This growth has not been uniform across the two tiers, but was driven by the 37% increase in PHVs over the period, compared to the 3% increase in taxis. In 2017, 73% of all licensed vehicles in England were PHVs; in 2011 this proportion was 67%.
- 3.37 The increase in licensing numbers is also inconsistent across England; to give just some examples, the number of PHVs licensed by Transport for London increased by 39% between 2011 and 2017 to 87,400; in the same period, the number of PHVs licensed by Wolverhampton City Council increased by 434% to 2,949; but decreased by 37% in Tandridge District Council to just 46.

Figure 2 - Taxis and PHVs in England (DfT survey 2017)⁷



⁶ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642761/taxi-private-hire-vehicles-2017.zip

- 3.38 Currently, licensing authorities outside Greater London have the ability to restrict the number of taxis they license. As of 31 March 2017, 90 English authorities do, to balance the supply and demand of services. Legislation does not currently allow PHV licences to be restricted in such a way, and the Group received a number of submissions arguing in favour of changing this.
- 3.39 Granting licensing authorities the power to cap the number of PHVs could give them an extra tool to help reduce levels of congestion in areas where high numbers of PHVs operate and thereby address in part air quality issues. To use the power for those purposes would require a public interest approach, not merely the "unmet demand" test currently applied to allow the limiting of taxi numbers.
- 3.40 There are potential drawbacks to licence restriction, including administrative burden, restriction of competition and restriction of work opportunities for drivers. Carrying out a clear, well evidenced and considered public interest test before a numbers restriction can be applied would enable an authority to weigh up those factors and make a balanced decision.
- 3.41 This matter was considered as part of the Law Commission's review, albeit in the case of taxis rather than PHVs, but their consideration of what a public interest test should include could equally apply to both segments of the trade. Any test should include matters such as:
- the interests of taxi and PHV users, particularly those of disabled people
 - the interests of licensees
 - the need to avoid traffic congestion, and
 - the need to preserve the environment
 - and for taxis, the need to avoid excessive queues at ranks

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Cross-border and out-of-area working

Background

- 3.42 Although taxis and PHVs are locally licensed, the passenger journeys they can carry out are not restricted solely to their licensed area.

Cross-border / out of area working: a simplified summary

- **Taxis** can only ply for hire (to be flagged down or hired from a rank) in their licensed area, but can generally undertake pre-booked work anywhere.
- A **PHV** driver, vehicle and operator must all be licensed in the same area for a journey to be carried out legally - but the journey itself does not need to be in that licensed area: e.g. a London-licensed vehicle and driver can be booked through a London-licensed operator to carry out a passenger journey that takes place entirely in St Albans.
- A **PHV** booking can also be sub-contracted: e.g. a St Albans-licensed operator could take a booking, and arrange for another operator to carry it out: this could be another St Albans-licensed operator, or an operator licensed by any other authority, who would need to fulfil the booking using a driver and vehicle licensed by the same authority as they are.

- 3.43 The ability for a PHV journey to take place anywhere, so long as the driver, vehicle and operator are all licensed by the same authority, comes from the original licensing legislation (the 1998 Act for London, and the 1976 Act elsewhere). It was always possible for a PHV operator to sub-contract a booking to an operator licensed in the same area. Greater London operators have always been able to sub-contract bookings to operators in other areas, and that ability was extended to PHV operators outside Greater London by Section 11 of the Deregulation Act 2015.
- 3.44 Although all PHV operators have always been able to accept bookings regardless of the start and end point of a journey, in practice the advertising of their services and the ability of operators to maintain contact with drivers reduced the likelihood of booking requests from distant locations being received.

The issue

- 3.45 New technology has changed the landscape. The members of the public who use apps for booking PHVs carry with them the ability to request a vehicle anywhere. It is not necessary for the subcontracting process to be undertaken to facilitate the dispatching of an out of area driver to fulfil a booking. An operator could currently, if it chose to, operate nationally on a single licence. It is unlikely that this is what was intended when the legislation was drawn up, and it underlines that it is no longer fit for purpose.
- 3.46 Not all 'cross-border' work is a concern: many journeys will naturally start within one licensing authority and end in another, and the framework should allow this. In areas near to the boundaries of licensing authorities, and particularly in city and urban locations with multiple authorities, there will be high levels of cross-border working. Operators will sometimes fulfil bookings out of their licensing area to reduce dead

mileage, or meet vehicle type requirements (e.g. wheelchair accessible vehicles) when none are available locally. A passenger may have confidence in the safety and quality of a service that a particular operator provides and would prefer to use that favoured operator regardless of the start and/or end points of their journey. This is perhaps more likely in the executive and chauffeur segment of the PHV market.

- 3.47 However, the Group have heard from many sources about the increasing numbers of drivers who now work entirely at (sometimes considerable) distance from the authority that licensed them. The Group saw no evidence of precise numbers but anecdotal evidence is that it is widespread, particularly of drivers licensed by Transport for London but living in cities far away making it highly unlikely that they would travel to London before working. Figure 3 show a map of the home addresses of Transport for London licensed drivers by postcode.
- 3.48 It is difficult for licensing authorities to be effective in monitoring the activities of drivers who are working in this way. The enforcement officers of one authority cannot undertake enforcement action against taxis or PHVs licensed by other authorities. An authority could send its enforcement officers to carry out checks in known 'hot-spots' for its drivers, but while this seems reasonable for an adjoining licensing area, it seems an inefficient solution when the distances involved can be so great. In conjunction with the earlier recommendation on national minimum standards, all licensing authorities should have the powers to take enforcement action against those standards regardless of where a specific driver or vehicle is licensed. So, for example, a Bristol City Council licensing enforcement officer should be able to stop and question any taxi or PHV driving in Bristol regardless of which authority issued the licence. The Group heard evidence that taxis and PHVs can carry passengers across different boundaries and nobody can monitor their compliance or question them. This is simply wrong.

Recommendation 9

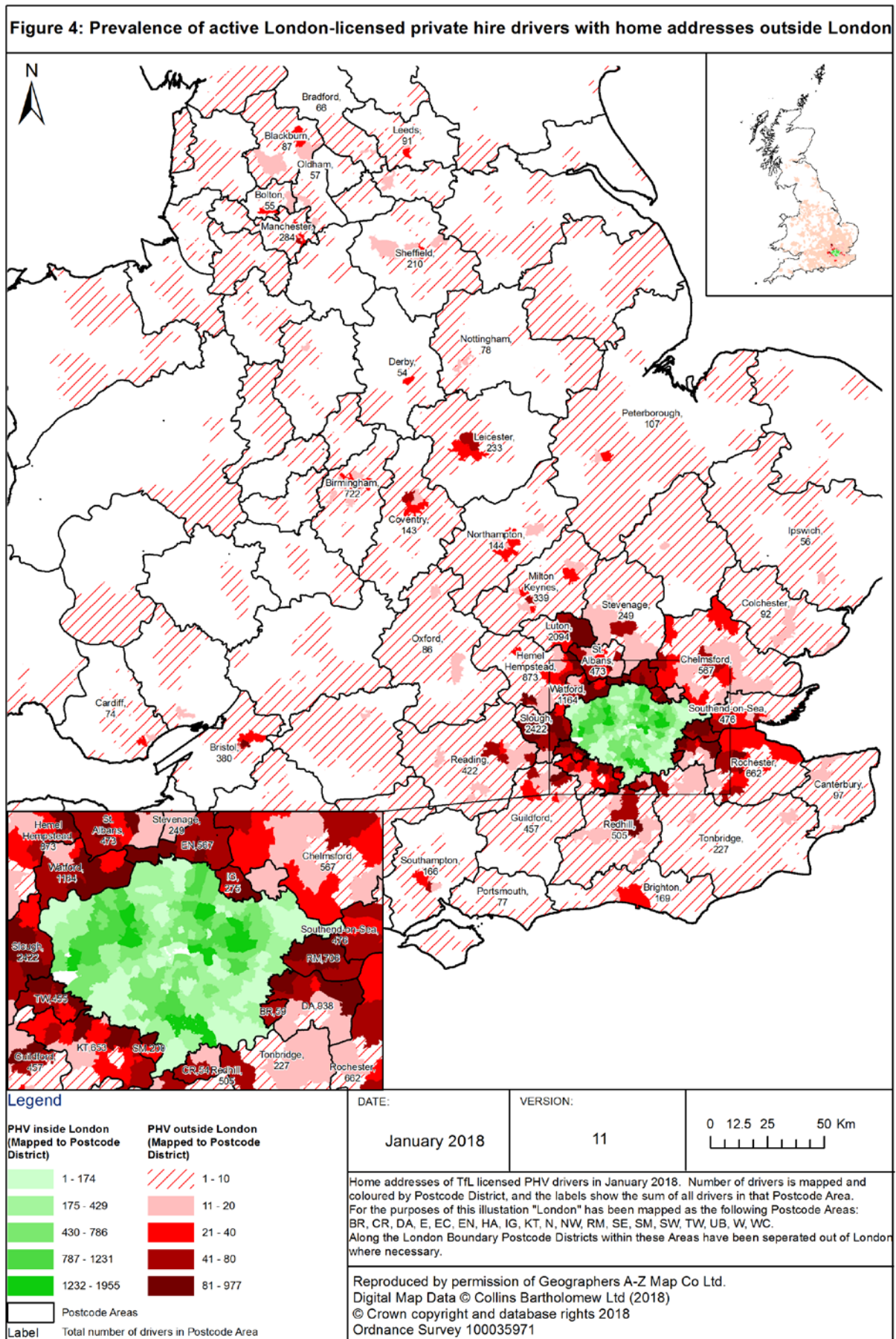
All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

- 3.49 This report has already recommended that licensing authorities should be able to restrict the number of taxi and PHV licences they issue. However, without a method to prevent vehicles licensed in other areas from working within the "capped" area, any restriction could be easily circumvented by someone licensing elsewhere and simply working remotely within the "capped" area.

Figure 3 - Home postcodes of active Transport for London licensed PHV drivers, January 2018



- 3.50 A number of submissions to the Group supported a proposed restriction that taxi and PHV journeys should only be permitted where the start and/or end point are within the licensing area of the driver, vehicle and (for PHVs) operator. This was primarily proposed to address concerns over the drivers operating predominantly or exclusively outside of the area in which they are licensed.
- 3.51 That proposal is the most effective on the table. There would be a need to carefully consider any flexibilities that may be needed to allow for specific destinations to continue to be served without disruption (e.g. airports), business models to continue (e.g. in the chauffeur / executive hire sector), or specific services for the disabled to not be disrupted.
- 3.52 All those matters would need careful further work, to reduce the risk of causing damage legitimate business models and passenger choice. The potential negative aspects of the proposed restriction would be greatest in inner-city areas which have many boundaries. Without the reduction of licensing authorities proposed in recommendation 4, and the resulting larger areas, all parties would be detrimentally affected. With small geographic areas and more borders, passengers in these areas may no longer be able to use their favoured PHV operator even if these were the closest but simply as a consequence of being the wrong-side one of the many boundaries.
- 3.53 Rationalising the number of licensing areas in these locations would have benefits in its own right, but would also significantly reduce the negative impacts of a start/end point restriction.

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHVs and taxis – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross-border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Licensing fee income

- 3.54 Taxi and PHV licensing fees must be set on a cost recovery basis. They should reflect the true costs of the regime, and should not be used by licensing authorities to make profit or be subsidised by the council tax payer. Licensing authorities should ensure that the administration, compliance and enforcement of taxi and PHV licensing is sufficiently funded to enable an efficient process.
- 3.55 Resourcing functions based on revenue received approaches the issue the wrong way around. Licensing authorities should of course aim to deliver value for money by working efficiently, but that is not the same as at the lowest possible cost. Licensing authorities should first establish what resources are required to adequately administer and enforce the regime and set the licensing fees based on this. For example, the Group received evidence of how the funding of a police intelligence liaison officer can significantly improve cooperation and the flow of information. The resourcing of initiatives such as this may be beneficial but prove prohibitive for some

of the smaller licensing authorities, the restructuring proposed in recommendation 4 would result in authorities operating at a scale which enable them to resource these activities but removing administrative duplication and spreading the costs across a wider pool of licensees.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Pedicab regulation in London

- 3.56 One result of having different taxi legislation applicable to London and the rest of England is that pedicabs (sometimes called rickshaws) cannot be regulated in the former. Case law has established that they are classed as "stage carriages" in the context of London taxi law, and therefore out of scope of taxi regulation. While there should be a place for a safe and responsible pedicab trade, particularly in Central London, there has been much justified criticism in recent years of rogue pedicab operators taking advantage of tourists with excessive charges and absence of safety checks.
- 3.57 It is not acceptable that Transport for London is unable to regulate pedicabs to ensure a safe service; the Government announced in 2016 that it would rectify this, and the legislation should be brought forward as soon as possible.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Fixed Penalty Notice for minor compliance infringements

- 3.58 The enforcement of minor licensing infringements can be excessively burdensome on licensing authorities and frustrates their efforts to raise standards within their area. There are important benefits to setting a culture where licensees know that they must adhere to the basics or else face sanctions, freeing up officials and enabling them to focus on more serious matters.
- 3.59 Transport for London has proposed that it should be enabled to issue Fixed Penalty Notices to PHV drivers as it already is to taxi drivers who have breached minor licensing requirements such as failing to wear their badge. Transport for London's view is that this immediate financial deterrent would expand the enforcement options available to them to increase compliance and reduce the need to resort to more expensive measures that ultimately increase licensing fees for the majority of drivers that are compliant. The Local Government Association's initial submission to the working Group also called on licensing authorities to have modern enforcement tools such as Fixed Penalty Notices and stop notices.

- 3.60 Transport for London has elected not to make use of the powers it currently has to issue Fixed Penalty Notices until it is able to apply the same to PHVs. As stated elsewhere in this report, the two tiers of the trade should as far as practicable be treated equitably. Elsewhere in this report the case has been made for greater consistency in regulation across England in part to underpin national enforcement powers of national standards. Therefore it would be appropriate for the powers to issue Fixed Penalty Notices to be available to all licensing authorities, for both taxis and PHVs.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Ridesharing

- 3.61 Ridesharing services in this context refers to the sharing of taxis or PHVs for hire by individuals that are unknown to each other prior to the beginning their trips. This form of service may provide members of the public with cheaper fares as costs are shared, and better utilise the capacity of vehicles, thereby reducing congestion and pollution. But there are potentially increased risks, too.
- 3.62 The limited time available to the Group has required that attention was focussed on key areas of urgent concern. While the issue of ridesharing has not been considered in depth, it should be clear to all that use these services that that they consent to sharing a confined space with people that are unknown to them. Operator and drivers should be required to make this clear when booking and at the start of a journey.
- 3.63 Where a taxi or PHV is no longer used entirely for exclusive private hire, the arguments in favour of mandating CCTV are enhanced; the argument that CCTV may represent an invasion of privacy is reduced greatly if not entirely negated, as there can be no argument that the vehicle is a private space. The use of CCTV is discussed further in Chapter Three.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of the booking and commencement of the journey.

4. Safety in taxis and private hire vehicles

Public protection

- 4.1 One of the most important considerations of any regulatory system is safety. It is of paramount importance that passengers using taxis or PHVs can get into a vehicle knowing that their driver has been rigorously checked and deemed to be a suitable person to carry passengers. The enclosed nature of a taxi or PHV affords a potential opportunity to a person who wishes to take advantage of the vulnerable. It is important to recognise that in different circumstances, it may be either the passenger or the driver who is vulnerable.
- 4.2 The vast majority of licensed taxi and PHV drivers in the UK are decent and law-abiding people. Nevertheless, there have been recent and numerous cases of licensed drivers participating in, or enabling, child sexual exploitation as well as isolated opportunistic attacks on passengers. Following these horrendous offences, many licensing authorities have acted to address the failings that contributed to enabling these incidents. The lessons from the Casey and Jay reports and the impact on the lives of those affected by these and other failures must not be forgotten. To do otherwise would compound the harm and injustice done to the victims. No licensing authority should consider that the lessons learned do not apply to them merely because there have not been significant reports of such activity in their area: many of the previous offences in these cases have only become known many years after the event. Neither central government nor licensing authorities can provide absolute assurances of safety, but licensing authorities have the powers to mitigate the risks now. In the long term it is for central government to act to enable the mandating of standards to force any complacent authorities to act.
- 4.3 The Policing and Crime Act 2017 gave the Government the power to issue Statutory Guidance to local licensing authorities on the way taxi and PHV licensing powers should be used to protect children and vulnerable adults. That guidance should ultimately form the core of the national safety standards for both the taxi and PHV sector, and it should be issued as soon as possible.
- 4.4 Until national minimum standards for the taxi and PHV sector are introduced, the Statutory Guidance provides an opportunity to take a significant step towards in greater consistency in how the safety elements of the 'fit and proper' test are applied.

- 4.5 The application of high standards with regard to safety would provide increased public confidence in the sector and mitigate the potential for drivers to seek out areas where standards are applied less rigorously.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

- 4.6 Under the current highly devolved regulatory framework, local licensing authorities have a pivotal role in the effectiveness of guidance. Once the guidance has been issued, licensing authorities should play their part and give it due consideration. The Department for Transport should also monitor the overall effect of the guidance; the policies outlined will only be as successful as their implementation.
- 4.7 Until such time as the Government brings forward legislation to mandate national minimum standards, licensing authorities should work collectively to increase consistency. As the recommendations made in the Statutory and Best Practice Guidance are the Government's views, it is reasonable to assume that these would be considered as the basis for national minimum standards. As noted earlier in this report, licensing authorities would not be acting in the long-term best interests of the trade to divert far from the recommendations, as this may result in a period of significant change in standards and requirements at a later date.

CCTV

- 4.8 The Group received a number of submissions and heard from witnesses about the benefits of having CCTV in taxis and PHVs. There were numerous positive comments regarding the potential benefits that CCTV might provide to both passengers and drivers. The vast majority of taxi and PHV passengers receive a good and safe service but the few drivers that abuse their position of trust undermine public confidence in passenger safety. CCTV can reaffirm or increase passenger confidence.
- 4.9 CCTV would not just protect passengers. In England and Wales, approximately 53% of taxi and PHV drivers are non-white, a much higher than average percentage of the workforce. The Group heard from the United Private Hire Drivers that 50% of drivers it surveyed had been threatened or assaulted and that 57% had been racially abused while working.
- 4.10 Where both cameras and audio recording is used, those who verbally and physically abuse drivers would do so knowing that the attack would be recorded, providing invaluable evidence to enforcement agencies. There are also incidents of false allegations being made against drivers, and CCTV evidence can protect drivers from potentially losing their licence and their livelihood.

- 4.11 Only a small number of licensing authorities in England currently require CCTV in their licensed vehicles⁸; however, there is a strong case for having CCTV in taxis and PHVs, and licensing authorities which do not already mandate CCTV should do so. The concern most commonly raised is the costs of installing and maintaining CCTV systems. These do not however appear to be unreasonable for owners of licensed vehicles to bear given an assumed operational life of a system and the potential for reduced damage to the vehicle. The majority of taxis and PHV are owner driven - these could benefit from reduced abuse and assaults by passengers, reduced fare evasion and potentially increased passenger usage through greater confidence in the sector.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

- 4.12 It is however not just the driver and passenger that CCTV can benefit. Licensing authorities are better able to make an informed decision whether to take no action, suspend or revoke a licence following a complaint. This evidence can be used at court should the driver appeal a decision, and it may even prevent the driver guilty of misconduct from launching an appeal. Society as a whole benefits from increased protection from crime.
- 4.13 Yet mandating CCTV in vehicles will incur extra cost for many small businesses, the vast majority of drivers currently consider as such. Recognising the benefits to society, ways of helping with individual and small business costs should be seriously explored.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicle both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

- 4.14 Technology has advanced rapidly in recent years and what may once have been an expensive and difficult to achieve is now common place. GPS has provided an accurate and reliable way to track vehicles for many years now. These advances can further public safety (driver and passengers) by recording the movements of vehicles and provide valuable evidence in proving or disproving an allegation. As part of the

⁸ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017> (Table 0106)

work that will be required to set an appropriate minimum standard for CCTV systems in taxis and PHVs, the Government should also consider whether and how GPS tracking could also be included.

- 4.15 As discussed previously in this report, the public often view taxis and PHVs as providing identical services. Plying for hire by PHVs and unlicensed vehicles is illegal and should not be tolerated under any circumstances. However, when the public see a licensed PHV they may attempt to hire this immediately through confusion between the two-tiers of the system. Raising public awareness of the differences between taxis and PHVs protects all parties; passengers use the appropriately insured and licensed drivers and vehicles, taxi drivers receive the benefits of their exclusive right to 'ply for hire' in recognition of meeting the relevant requirements and law-abiding PHV drivers will not face confrontation from refusing to carry passengers that have not pre-booked.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Background checks and information sharing

- 4.16 To enable licensing authorities to make the best decisions on applications they receive, and to support greater consistency, they should have as complete as possible a picture of the applicant's background. It is welcomed that all licensing authorities require an enhanced Disclosure and Barring Service (DBS) check for all drivers⁹; however, only 77% report that they currently also check the barred list for both taxi and PHV drivers, and there is no reason why this should not be 100%. This can be carried out at no extra charge.

⁹ Department for Transport's 2017 Taxi and Private Hire statistics - <https://www.gov.uk/government/collections/taxi-statistics>

- 4.17 The DBS update service is an online subscription that allows individuals to keep their standard or enhanced DBS certificate up to date and allows employers and regulators to check a certificate online. This subscription service therefore allows taxi and PHV drivers licensing authorities (as a nominee with the individual's consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in relicensing. This will more cheaply and easily allow licensing authorities to undertake checks other than at first application or renewal. Drivers are licensed for three years and vehicles usually on year however vehicles are routinely checked every 6-12 months to ensure they continue to meet the standards required. Interim checks on the continued suitability of driver does not therefore seem disproportionate.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

- 4.18 There is a concern that critical information about the risk posed by a driver is not always being shared with licensing authorities by the police, under the Common Law Police Disclosure (CLPD) provisions. It is vital that licensing authorities have access to this 'soft intelligence'; patterns of behaviour such as complaints against drivers (regardless of whether they were working) even when these do not result in arrest or charge may be indicative of characteristics that raise doubts over the suitability to hold a licence. Provision of this helps authorities to build a fuller picture of the potential risks an individual may pose. This information may tip the 'balance of probabilities' assessment that licensing authorities must undertake.
- 4.19 The CLPD provisions enable new information obtained by the police to be rapidly passed on to licensing authorities, rather than information becoming known to them through a DBS check some time after an incident. However, a survey carried out by the Institute of Licensing of its local authority members in 2017 shows that less than 25% of respondents consider that the current data sharing agreements are satisfactory. This process can be of huge benefit to protecting the safety of

passengers and it is imperative that the maximum protection this provides is being delivered.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of behaviours as well as crimes by taxi and PHV drivers (and applicants) is disclosed to and to ensure licensing authorities are informed immediately of any relevant incidents.

- 4.20 The current efforts of the Local Government Association to create a register of drivers who have been refused or revoked taxi or PHV driver licences, in conjunction with the National Anti-Fraud Network (NAFN), are to be welcomed. It was disappointing to see that the Private Members Bill brought by Daniel Zeichner MP, which would have made use of such a register mandatory, failed to pass its Second Reading in the House of Commons on 2 February when the bill was "talked out".
- 4.21 Without that Bill, it is hoped that all licensing authorities will use the register as only complete coverage will make the most of the benefits. It is unacceptable that a driver could have a licence refused or revoked on safety grounds by one authority, but gain a licence in another authority by virtue of not disclosing that history. A DBS check may not provide the cause for a refusal or revocation by another authority; this would depend, for example, on whether the decision was based on previous convictions or on 'soft-intelligence' received. The register will enable past revocations or refusals to be flagged, and the authority considering an application to seek further information from the refusing authority.
- 4.22 Even with that information, decisions must still be made in accordance with the policies of the authority that is handling the application - a refusal in one area must be fully understood and should not be an automatic bar to a licence being issued elsewhere; for example, if one refusal has been made on the basis of a conviction, but sufficient time has now passed during which the applicant has demonstrated continued good character to comply with the authority's convictions policy. The system will provide an extra safeguard for the public, not a blacklist of drivers; licensing authorities will continue to make independent judgements whether, on the balance of probabilities, an individual is fit and proper. The purpose of this database is to assist licensing authorities in this assessment by enabling as fully a picture of an individual as possible to be considered.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

- 4.23 In addition, a broader national database of all taxi and PHV licences, for drivers vehicles and operators should be introduced. This would be a significant aid to cross-border enforcement, complementary to the national enforcement powers recommended. In the current absence of such powers, it would still improve the ability of authorities to be able to identify where driver and vehicles are licensed in order to report concerns or issues to the "home" licensing authority, or indeed the police.

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Training and engagement

- 4.24 It is important that drivers are equipped with the skills and knowledge they need to identify situations where vulnerable passengers may be at risk. Over half of licensing authorities currently require their drivers to undertake child sexual abuse and exploitation (CSAE) awareness training, and this is good practice that all licensing authorities should follow. It is not sufficient to wait for evidence of a 'problem' within a licensing area before doing this.
- 4.25 As part of that training, and their wider engagement with drivers, licensing authorities should remember that their network of checked and trained, professional drivers can be an important source of intelligence about signs of abuse and neglect amongst their passengers. Poorly checked and trained drivers may pose risks, but well trained and supported drivers can be an important part of the solution. An example of the positive contribution the trade can play is that of Cherwell District Council driver Satbir Arora, whose awareness prevented a 13-year-old girl from meeting a 24-year-old male who was convicted of attempted abduction and the distribution and making of indecent images.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Improving decision making

- 4.26 Implementing national standards, including those on the consideration of convictions, will be a huge step toward greater consistency in licensing decisions. There have been examples of individuals that have been issued licences despite convictions for serious offences. However all licensing decisions are ultimately made by individuals, not policy documents. It is essential therefore that those involved in the determination of licensing matters have received sufficient training to discharge their duties effectively and correctly. This training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation, consideration of 'soft intelligence', and disability and equality, in addition to any other issues deemed appropriate. Training should not simply relate to procedures, but should also cover the making of difficult and potentially controversial decisions.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must have to undertake appropriate training. The content of the training must form part of national minimum standards.

Use of Passenger Carrying Vehicle (PCV) licensed drivers

- 4.27 Driving a Public Service Vehicle (a vehicle that can carry 9 or more passengers e.g. a minibus or bus) for hire or reward requires a PCV licence. PCV driver licences are issued by the Driver and Vehicle Licensing Agency (on behalf of Traffic Commissioners). Unlike taxi or PHV drivers, applicants for a PCV licence are not subject to any routine DBS checks (neither basic nor enhanced).
- 4.28 Applicants for a licence to drive passenger minibuses and buses must complete an application form and declare any convictions for non-driving offences as well as those relating to driving hours, roadworthiness or loading of vehicles as well as any.
- 4.29 The declaration of any offences will result in the DVLA notifying the relevant Traffic Commissioner so the applicant's suitability to hold the licence, in relation to their conduct, may be reviewed. Traffic Commissioners may grant refuse, suspend or revoke driving entitlement, taking into account passenger safety.
- 4.30 However, a number of areas have experienced issues whereby individuals whose taxi or PHV licence or application have been refused or revoked have applied to the Driver and Vehicle Licensing Agency and obtained a PCV licence, and these individuals have then carried passengers driving a minibus. In some cases, people who have had their licence revoked have even continued to work for the same operator.
- 4.31 This is an issue that has clear implications for passenger safety. Although it may technically be outside the scope of taxi and PHV licensing, there are evidently clear overlaps in practice. It is not acceptable that individuals that are deemed to be unfit to carry passengers in a vehicle that seats fewer than nine passengers are able to do under a different licensing system, simply because there are additional seats in a vehicle.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consider the appropriate licensing boundary between taxis/PHVs and public service vehicles (PSVs).

Language skills

4.32 It is important that drivers are able to converse effectively, and particularly so in emergency situations. Drivers should be able to:

- Converse with passengers to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests;
- Provide a customer with correct change from a note or notes of higher value than the given fare, and doing so with relative simplicity;
- Provide a legibly written receipt upon request.

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

5. Accessibility

The importance of the taxi and PHV market

- 5.1 As an introduction to this chapter, from the following quote from the evidence received from the Disabled Persons' Transport Advisory Committee (DPTAC) sets the scene appropriately:

'For those who cannot use public transport, either due to the nature of their conditions or because they live in areas with a poor public transport service, taxis can be the key element allowing them to live independently.'

Submission from DPTAC, November 2017

- 5.2 Evidence received by the Group highlighted that consideration of accessibility needs is essential in any reform of the sector. If the Government enacts national standards, accessibility considerations should be an integral part of their development, not a mere add-on. In the short term, it is important that licensing authorities use the powers they already have to improve access and passenger experience.

Training

- 5.3 The 2017 taxi and private hire statistics show that only 38% of licensing authorities in England require their taxi drivers to undertake disability equality training, and 35% require it for their PHV drivers. This training should be a national requirement as part of national standards, but licensing authorities have the power to require it now and should do. It is important that drivers working in a sector that can be a lifeline for those unable to use public transport understand that position, and how they can best support their passengers.

Recommendation 29

All licensing authorities should use their existing powers to require that their taxi and PHV drivers undergo disability equality and awareness and equality training. This should ultimately be mandated as part of national minimum standards.

Vehicle types and access

- 5.4 As can be seen in figures 4 and 5, the proportion of vehicles licensed by different authorities that are wheelchair accessible varies considerably. The 2017 statistics show that 63% of authorities require their taxi fleets to be a wheelchair accessible vehicle (WAV). These figures show that in England (excluding London) 41% of taxis are WAVs but this is only part of the story; in over a quarter of authorities, 5% or fewer of taxis are accessible. The situation is even worse for PHVs - nearly two-thirds of authorities have a fleet in which 5% or fewer of PHVs are wheelchair accessible.
- 5.5 Standard (non-WAV) vehicles remain important too: most disabled people do not use wheelchairs, and many people will find saloons easier to get in and out of. Mixed fleets are important, reflecting the diverse needs of passengers, but nonetheless, levels of WAV PHVs in particular (given the significant increase in PHVs in recent years) appears low in even the most populous areas. I have outlined one way in which licensing authorities can seek to increase availability in paragraph 3.35.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

- 5.6 It is welcome that in 2017, the Government brought sections 165 and 167 of the Equality Act 2010 into force, ensuring that drivers of wheelchair vehicles that a licensing authority designates for this purpose cannot charge wheelchair users more than non-wheelchair users, and must provide appropriate assistance.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

- 5.7 It is illegal for a taxi or PHV driver to refuse to carry an assistance dog, unless the driver has obtained a medical exemption certificate from their licensing authority. Despite this, a recent campaign by the Guide Dogs for the Blind Association indicates that nearly half of guide dog owners surveyed had experienced an access refusal in the past year. This is unacceptable, and licensing authorities should ensure that strong action is taken when instances are reported. Driver awareness is also

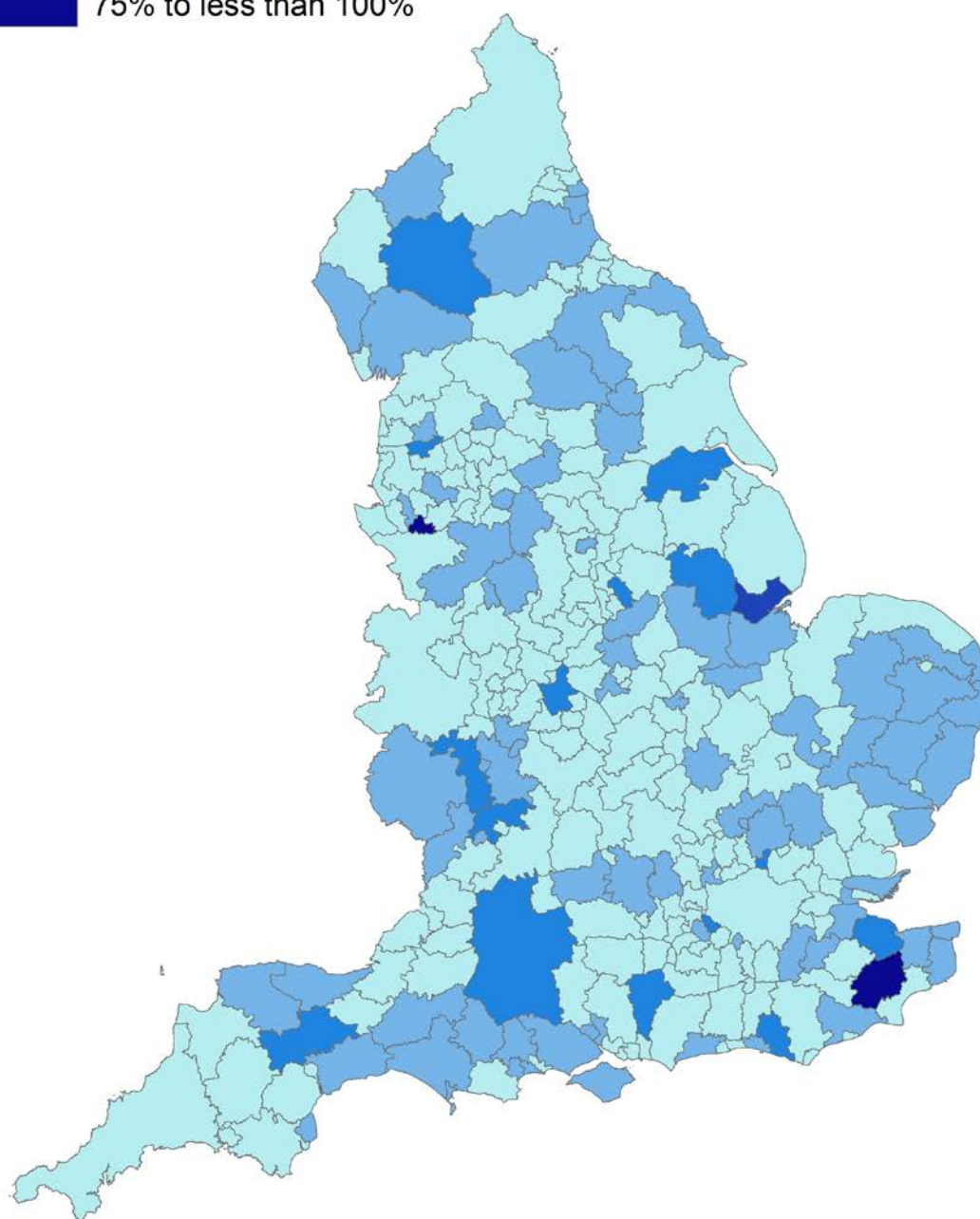
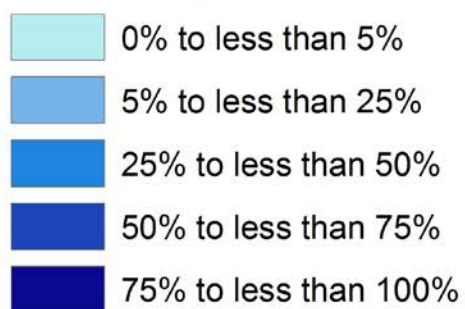
critical, and the earlier recommendation in favour of mandatory disability equality training would address this.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible for passengers to report disability access refusals.

Figure 4 - Wheelchair accessible PHVs in England¹⁰

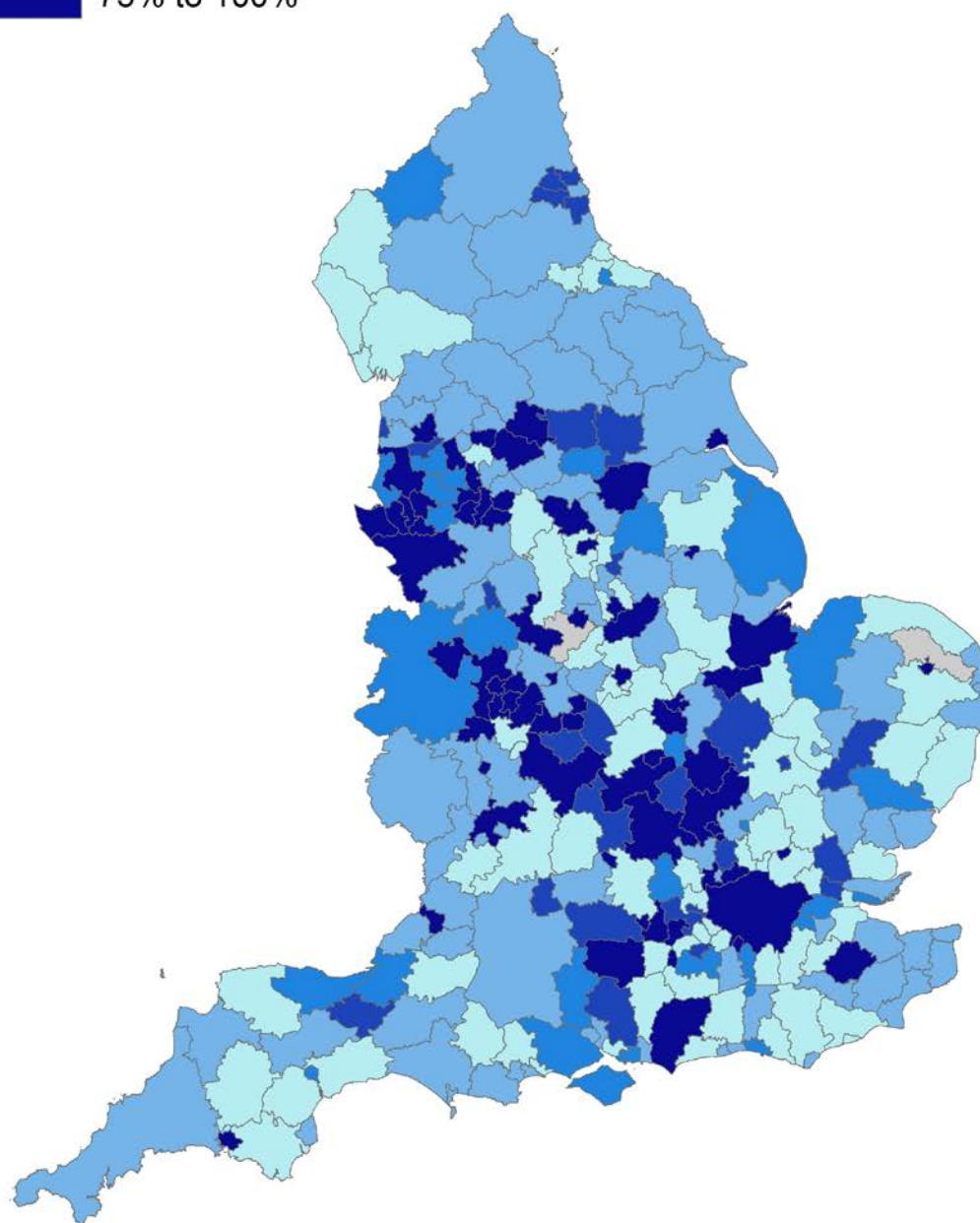
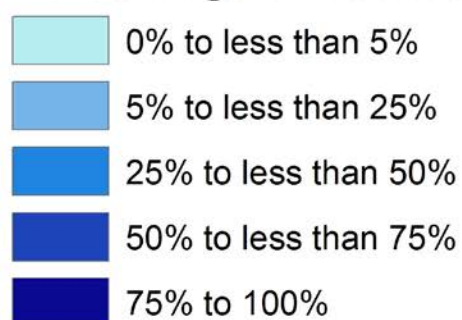
Percentage of accessible PHVs



¹⁰ Information provide by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

Figure 5 - Wheelchair accessible taxis in England¹¹

Percentage of accessible taxis



¹¹ Information provide by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

6. Working conditions

Characteristics of employment in the sector

- 6.1 Traditionally a large proportion of taxi and PHV drivers have been self-employed. In the PHV sector, the 'traditional' working model is largely based on drivers paying a fee to the operator to gain a place on its list of drivers. Although this does not guarantee an income, drivers are able to decide whether to renew this relationship at the end of the period, or in the interim should they not receive what they consider sufficient fares.
- 6.2 This absence of guaranteed income is now being repeated in the 'gig economy' PHV model, the difference being that the fee(s) paid to the operator is usually taken as a percentage of each fare. The 'gig economy' was defined as 'the exchange of labour for money between individuals or companies via digital platforms that actively facilitate matching between providers and customers, on a short-term and payment by task basis' in the Department for Business, Energy and Industrial Strategy's [2018] research paper¹².
- 6.3 However, even in the 'gig economy' PHV model, the relationship between the PHV operator and driver has changed very little from the 'traditional' model. Drivers still require an operator to act as the intermediary between them and the passenger. This means that PHV operators have control over the fare levels and the number of journeys a driver may receive.
- 6.4 The introduction of new technology in the private hire market has enabled new ways for the PHV operator to bring together drivers and passengers. This experience is not unique to this sector nor is the use of such technology unique to new entrants. There are many long-established companies that now use apps both in the PHV and taxi markets. At the same time I am aware that there are a number of ongoing legal disputes regarding the legal status of individuals that work in the PHV trade. While the reporting of these cases has focused on those involving app-based PHV operators the relationship between driver and operator appears similar in both the established and disruptive operator business models
- 6.5 On 7 February the Government's 'Good Work'¹³ document, which was published in response to the 2017 'Good Work – The Taylor Review of Modern Working Practices'¹⁴, acknowledged Taylor's seven point plan was important to achieve the overarching ambition that all work in the UK should be decent and fair. The second of the points is focused on seeking clarity in the gig economy. It acknowledges that platform-based working offers opportunities for genuine two-way flexibility, and that these should be protected. However, it also recognises the importance of ensuring fairness both for those who work in this way and those who compete with them. It

¹² <https://www.gov.uk/government/publications/gig-economy-research>

¹³ <https://www.gov.uk/government/news/governments-response-to-the-taylor-review-of-modern-working-practices>

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf

proposes that 'worker' status should be maintained but it should make it easier for individuals and businesses to distinguish 'workers' from those who are legitimately self-employed.

- 6.6 While it was not in the remit or expertise of the Group to decide the employment status of drivers, it did hear about and consider working practices in the sector. In particular, concerns were raised about the balance of risk and reward for PHV drivers and the effects this has on their welfare and, potentially for public safety.

Working practices and earnings

- 6.7 The Group heard concerns that drivers, of both taxis and PHVs, are working longer hours to maintain existing incomes due to the increasing numbers of drivers. Of particular concern was the suggestion that drivers may be working excessively long periods without adequate breaks and the possible consequences of this for public safety.
- 6.8 All operators must meet their statutory obligations to drivers. Where drivers are 'workers' or employees, operators must ensure that none takes home less than they are entitled under National Living Wage legislation. Operators however should have a duty of care to support their drivers regardless of their employment status. Such an approach would obviously benefit drivers but it is also in operator's interests to support good working environments. It can support the retention of good drivers and lead to benefits for passengers; a driver who is content with their relationship with the operator may provide a better service and lead to repeat custom.

The role of PHV licensing authorities

- 6.9 It is outside the expertise and scope of a local licensing authority to determine the employment status of drivers working with its licensed PHV operators. However, licensing authorities do have a responsibility to ensure that operators are 'fit and proper'. If a licensing authority has evidence of an operator persistently flouting employment law (for example, making no changes in response to an employment tribunal that is not being appealed, or can be appealed no further), that should legitimately be seen as casting doubt on whether that operator is "fit and proper", and would be worthy of thorough consideration.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV operator.

Working/driving hours and safety

- 6.10 As already noted, the Group heard the view from some stakeholders that erosion in drivers' earnings has resulting in drivers working for increased, and potentially excessive, hours to maintain their income. It is self-evident that, at some threshold,

tiredness and long hours of driving in any vehicle poses a risk to public safety through reduced alertness and response times. The Group did not see independent evidence of how many hours drivers are working however it heard from industry experts that the taxi and PHV industry is one which has historically lent itself to long working hours generally.

- 6.11 At present, taxi and PHV drivers are not subject to the Road Transport (Working Time) Regulations 2005¹⁵. Drivers can therefore choose the hours they work, and there are no rules that limit the number of hours they can work in a day or week.
- 6.12 That appears potentially problematic. A minibuss driver has limits on how long they can work and when they must take rest breaks. There is no logical reason why a taxi or PHV driver (possibly the same person as the minibuss driver) should be permitted to carry paying passengers in a car for an unlimited length of time. A taxi/PHV driver still needs to be aware of the road and environment around them and be able to respond in a timely way to changes.
- 6.13 However, there are many questions of detail which it has not been possible to consider in full for this report. The European Union rules on drivers' hours and working time are complex, as the scenarios detailed in the Department's guidance¹⁶ illustrates. The appropriateness of these rules for the taxi and PHV sector is also open to debate; for example, limiting the number of driven hours may seem more appropriate than including times when a person is available and waiting for work. By its nature, the periods when taxis and PHVs are "available to answer calls to start work" (referred to as 'period of availability' in the guidance) would contribute to working hours but could not be considered as a rest period for the purposes of calculating driving hours according to the current rules.
- 6.14 The biggest challenge is how any limit(s) would be monitored and enforced; monitoring may require a tachograph system such as that used in buses and HGVs to be fitted to all taxis and PHVs. This may record the working/driving hours but consideration would need to be given to whether licensing authorities would monitor compliance or whether this would be done by the Traffic Commissioners (as for buses and HGVs). Despite these issues, this report favours driving time restrictions in principle if evidence indicates this is required on safety grounds and if a workable and proportionate way of doing so can be found. I think that Government should look at these issues in much greater detail than we reasonably can be done here.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver.

- 6.15 In the meantime, it is worthwhile noting again that local licensing authorities have a key role to play in maintaining safety. Drivers have a responsibility to themselves, their passengers and the public to ensure they are fit to drive, and this requires drivers to be open and honest with licensing authorities (as well as the DVLA) on any health issues that may mean they should not be driving. Where concerns about the operation of taxis and PHVs are brought to the attention of licensing authorities they could – and should – take immediate action against drivers and operators if there is

¹⁵ <http://www.legislation.gov.uk/uksi/2005/639/contents/made>

¹⁶ <https://www.gov.uk/government/publications/eu-rules-on-drivers-hours-and-working-time>

any evidence of unsafe activity. A fit and proper operator should neither encourage nor condone excessive working or driving hours.

Annex A- Comments by Group Members

Helen Chapman

Director of Licensing, Regulation & Charging, Transport for London

Transport for London (TfL) is the largest taxi and private hire licensing authority in England with almost a quarter of a million taxi and private hire licensees. In London, like many parts of the rest of the UK and globally, we have seen significant change in the taxi and private hire sector in recent years which we anticipate will continue to change in line with consumer needs.

Regulation is required to ensure the safety of passengers engaging with taxi and private hire services but it is right that this regulation is reviewed and modernised to reflect the modern world and the changing needs of passengers.

On behalf of the Mayor of London and TfL I am grateful for the opportunity to have formed part of the Department for Transport Working Group. It has been a worthwhile and rewarding experience to work as part of a group looking at regulatory practices to meet the needs of a changing world while remaining focussed on passenger safety and convenience. I would like to thank the Chair for his efforts in navigating a course through the often strongly held views of the Group and invited guests to produce a report of real substance with the safety of passengers at its heart.

We agree wholeheartedly with many of the recommendations put forward by the report which, if adopted, will deliver fundamental improvements in public safety and improvements in delivering a world class two tier taxi and private hire service. Many of these recommendations for primary legislative change have previously been raised by the Mayor and TfL and, indeed, many London based taxi and private hire stakeholders and we are delighted to have these views shared by the Chair of the Working Group.

Proposals within the report, in particular a solution to address the common practice referred to as cross border hiring, national minimum standards, national enforcement capabilities and statutory definitions to define the two tier system will produce a model of licensing and regulation that helps to enhance passenger safety and is not only fit for today but is also future-proofed and flexible to meet the changing demands of passengers.

We remain ready to support Government in implementing these recommendations, particularly those that require national legislation. As the largest licensing authority we can provide expert support and guidance to any panels that are formed to take forward these sensible recommendations.

We would like to comment on a number of recommendations from a TfL perspective:

Recommendation 2 – we strongly support the introduction of national minimum standards and that these minimum standards should be set at a high level for safety.

We would like to thank the Chair for the common sense approach in recommending that licensing authorities can go further than the minimum, where required, to meet local needs. This is particularly important in London to retain the ability to set standards to meet air quality challenges and to continue to deliver the Knowledge of London for taxi drivers.

Recommendation 5 – The two tier system has worked well in London for many years and London's taxis are frequently voted the best in the world. Recommending a statutory definition for plying for hire and pre-booked services is sensible and long overdue. We would like to formally register our interest in joining the panel of regulatory experts to help draft appropriate definitions.

Recommendation 8 – we welcome the Chair's recommendation to allow local licensing authorities to set a cap on the number of taxi and private hire vehicles. The growing number of private hire vehicles in the capital is causing significant challenges in tackling congestion, air quality and appropriate parking controls. However, we note and strongly agree that there should be a proven need to set a cap by having a public interest test so monopolies cannot be formed. Once again, we remain ready to assist Government in defining an appropriate public interest test.

Recommendation 11 – cross border hiring has been commonplace in the industry for many years but with the introduction of app based services in the industry and the expansion in the number of private hire drivers and vehicles, it requires an urgent solution so as not to undermine public safety and confidence in using private hire services. TfL explored this issue in detail and in February 2018 we published a detailed policy paper with proposals to address this issue. The paper was presented to the Working Group and we are delighted to see this is being taken forward as one of the key recommendations for change.

Recommendations 25 and 29 we are fully supportive of these two proposals, however, we believe that an assessment is the more appropriate "minimum standard". As a licensing authority our role is to assess the fitness of an applicant rather than to train them to be fit. However, for some authorities they may wish to provide this training above and beyond the minimum standard and this flexibility could be accommodated.

Recommendation 30 - All taxis in London are Wheelchair Accessible and we recognise the need to enhance the provision for Wheelchair Accessible Vehicles in the private hire fleet. However, this recommendation, as written, will be difficult to achieve as vehicles are licensed separately to private hire operators and therefore it isn't easy to introduce a minimum quota of wheelchair accessible vehicles.

We look forward to working with the Government to see these recommendations brought forward and ensure a modern, sustainable and two-tier taxi and private hire system for the future.

Rt Hon Frank Field MP

Member of Parliament for Birkenhead

Mohammed Abdel-Haq has written a superb report. It follows a thorough, comprehensive evidence-gathering process conducted by the Working Group under his chairmanship.

The House of Commons debate, in which the Minister announced the creation of the Working Group, centred on the pay, working conditions and living standards of taxi and private hire drivers.

This report addresses each of those important points. In doing so, it puts forward sound recommendations to restore the integrity of the National Living Wage – the cornerstone of the Government's labour market policy – while ensuring adequate rates of pay and decent working conditions for drivers are put at the heart of what it means to be a 'fit and proper' operator.

The implementation of those recommendations, alongside many others in this report, will perform the crucial role of constructing minimum standards upon which the taxi and private hire industry can continue to thrive and innovate.

Saskia Garner

Policy Officer, Personal Safety, the Suzy Lamplugh Trust

Suzy Lamplugh Trust would like to commend the Chair on the completion of this final report and express our thanks for being included in the Task and Finish Group. We are delighted that most of the recommendations from our research report, *Steering Towards Safety in Taxi and Private Hire Licensing*, have been included in the report. We fully endorse the content of the report, with the exception of the comments below, which should not defer from our recognition of what has been achieved.

We have no position on **Recommendation 4** which recommends combining licensing areas. This is because we think the problems of inconsistency between neighbouring licensing authority policies would be resolved with the introduction of national minimum standards.

We would like to emphasise, in relation to **Recommendation 8**, the importance of the public interest test to determine whether a cap on numbers will increase or reduce personal safety. Our concern would be a situation where a cap resulted in demand out-weighting supply, which may put passengers at risk if they are unable to hire a licensed vehicle for their journey.

We do not support **Recommendation 11** as we do not believe there is a personal safety reason for limiting the start and end-point of a journey. We believe that the current practice of drivers choosing which licensing authority to obtain their licence from based on less stringent safety checks would be resolved by the introduction of national minimum standards.

In point 3.8 of the report we would request that the word 'proportionate' be defined, to ensure that the high standards set are in no way compromised by this stipulation.

In addition to what has been included in the report, Suzy Lamplugh Trust would like to recommend the addition of the following recommendations:

Inclusion of taxi and PHV drivers as a regulated activity

This would enable the offences under the Safeguarding Vulnerable Groups Act 2006, relating to a barred individual working or seeking to work in regulated activity, to apply.

No deregulation of licensing

Suzy Lamplugh Trust is also concerned about the proposed deregulation of licensing requirements for PHV drivers as set out in the 2016 Tourism Action Plan. This would effectively allow individuals to have access to members of the public including vulnerable adults and children in a private vehicle, without any prior safety checks. There should therefore be no de-regulation of existing laws that protect personal safety within taxi and PHV licensing.

Prohibition of taxis or PHVs for use by non-taxi/PHV licensed drivers

The prohibition of PHVs and taxis for personal use by non-PHV or taxi-licensed drivers must be introduced in London. This is to prevent drivers who do not hold a PHV or taxi licence, and who therefore have not been subject to safety checks, from picking up passengers who may assume they do hold a PHV or taxi licence as they are driving a licensed vehicle. While we are aware that PHVs should always be pre-booked, research carried out by the Suzy Lamplugh Trust in September 2017 showed that one in five people (21%) think that minicabs can be hailed on the street, and a quarter of people (26%) believe minicabs can take passengers who approach

them while parked. In addition, our research showed that over half (57%) have taken a taxi or minicab without asking to see the driver's ID badge first.

Ellie Greenwood

Senior Adviser (Regulation), Local Government Association

As the organisation representing licensing authorities, the Local Government Association (LGA) is pleased to have been part of this working group. The LGA is supportive of the vast majority of recommendations in this document, many of which we have been actively calling for over several years, and the objectives underpinning them. Encouragingly, it has been clear throughout the process of the working group how much consensus there is on key issues including updating the legislation, a strengthened and consistent approach to safeguarding standards and the need to address out of area working.

The LGA has worked closely with its members in recent years to support them to strengthen taxi and PHV licensing; producing guidance, running training events and, most recently, commissioning the development of the national register of licence refusals and revocations. The focus of all this work has been to ensure authorities are doing all that they can to safeguard people using taxis and PHVs.

In doing this, we have also consistently urged Government to take the much needed step of modernising outdated taxi and PHV legislation.

It is to be hoped that the report of an independent Chairman marks a turning point on this, and that Government now moves swiftly to take it forward and introduce new legislation. The report recognises that the taxi and PHV market has changed beyond recognition since the existing framework was introduced. As we said in our original submission to the working group, this has too often left councils and Transport for London on the front line of competing, costly legal challenges as to whether new business models fit within an obsolete framework. It is ultimately Government's responsibility to ensure we have a regulatory framework that is fit for purpose and protects people, and it must now do so.

The LGA and its members recognise and accept that as markets change and develop, so too regulation and regulators themselves must adapt. But we believe that local authorities must continue to be central to the licensing process and are pleased that the report recognises the importance of retaining local flexibility in taxi / PHV licensing, in terms of the ability to set local conditions (alongside national minimum standards) and the proposal for a power to set local caps.

There is a strong case to be made for greater collaboration across licensing authorities: on local policies, standards and enforcement of taxi and PHV licensing. The LGA urges all of its members to move forward on this cooperatively and quickly.

In some places, there may also be a good case for reviewing licensing authority borders. But licensing authorities need to reflect local areas, economies and taxi / PHV markets, and will therefore look different in different places, as they do currently. Any process of revising licensing authority boundaries needs to be led from the bottom up, based on functional economic geography, and should in the first instance be encouraged as a voluntary approach.

It should also be linked to the fact that, beyond the licensing function, the map of local government is evolving. Combined authorities, metro mayors and proposed reorganisation in two tier areas may impact the way in which licensing authorities are structured and operate. These developments should provide the foundation for any changes to the map of licensing authorities, to help maintain the local democratic accountability that the report highlights, while also ensuring that licensing authorities do not become remote from the communities that they serve and seek to safeguard.

It is positive that the report envisages a voluntary approach on this issue, and recognises that Government can help to encourage this – for example, through funding for licensing authorities to develop new models and legislation enabling authorities to form shared licensing areas.

A particular issue for many local areas and licensing authorities has been the growth in out of area working over recent years. The LGA believes that drivers should operate predominantly in the areas where they are licensed, and welcomes the recognition of this issue in the report. We are also pleased that the report recognises the concerns that the LGA and its members have raised about the very limited oversight of drivers of PCVs. It is vital that this safeguarding issue is addressed quickly, building on the work the LGA is doing to develop the national register of refusals and revocations.

Finally, we would caution that while undoubtedly desirable, there may be practical and financial barriers to local licensing authorities introducing some of the report's recommendations, such as mandating minimum numbers of wheelchair accessible vehicles, or (in particular) mitigating additional costs faced by the trade (on zero emission or wheelchair accessible vehicles, or CCTV). However, we look forward to working with Government to explore the options available in these areas.

Dr Michael Grenfell

Executive Director, Enforcement, Competition and Markets Authority

The Competition and Markets Authority has a statutory duty to promote competition for the benefit of consumers. This draws on the insight that, generally, consumers benefit from choice and also from the effect of competitive pressures on suppliers of services and goods, giving those suppliers an incentive to provide their services and goods to a high standard of quality, at a competitive price and with a desire to innovate; where there is effective competition, that is the only way that suppliers can win and retain business.

Applying this to the taxi and private hire vehicle (PHV) sector, competition provides operators with the incentive to give passengers value for money, by way of higher service standards, affordable fares and innovativeness in service provision.

The CMA recognises the need for robust regulation to protect passengers where market competition cannot wholly do this – for example, as regards safety standards. But we consider that such regulation should be proportionate and should be no more onerous than is necessary, with the concern that excessive or unnecessary regulation can create barriers to competition and new market entry, which would be counterproductive for the interests of passengers, depriving them of the benefits of competition (described above) as regards quality standards, price and innovation.

The benefit of price competition – affordability of taxi and cab fares for millions of ordinary people, and particularly the less affluent – should not be regarded as merely a ‘nice-to-have’ add-on. It is extremely important, including for some of the most vulnerable citizens in our society. It is also relevant to safety considerations; if people are unable to afford a taxi or cab fare (for example, after an evening out), they might well choose ways of transport that are considerably less safe – such as unlicensed vehicles, or themselves driving under the influence of alcohol – endangering themselves and others.

Having regard to these considerations, representing the CMA I have sought to engage with the serious work of the Group in what I hope has been in a constructive and cooperative spirit. As the Chairman says in his Foreword, there have been *‘strongly held and sometimes polar opposite opinions’* among members of the Group, and this is surely almost inevitable given the diverse range of interests and perspectives represented on the Group. It has been the Chairman’s task to draw useful insights from the range of expertise in the Group and produce a series of practical recommendations – designed to improve the sector and be workable – even if there is not complete consensus or unanimity about these.

My view is that the Chairman has been very successful in this.

I am happy to endorse the vast majority of the recommendations.

The only significant qualifications that I would wish to put on record are:

- As regards **Recommendation 8**, I am concerned that a numerical cap on the number of providers of taxi/PHV services risks having the effect of artificially and unnecessarily constraining competition, to the detriment of passengers – depriving them of the best prospect of high service standards, value for money and innovation in service provision.

I welcome the report’s recognition, in paragraph 3.40, of the risks of this and the consequent need to carry out *‘a clear, well-evidenced and considered public interest test before a number of restrictions can be applied’*.

Nevertheless, I am not convinced that the case for any kind of cap or numbers has been adequately made out.

In any event, I would urge that, even if there were to be such a cap, the factors taken into account in a public interest test should at least include, in addition to those listed in paragraph 3.41:

‘the effects on competition, including on service standards and affordability of fares, bearing in mind that the absence of affordable fares can induce people to travel by less safe modes of transport’.

- As regards **Recommendation 11**, I am concerned that limiting taxi and PHV operations to the area of pick-up or destination where the provider is licensed narrows the choice available to passengers and weakens competitive pressures, to the potential detriment of passengers (as described above).

Nevertheless, I fully recognise the concern that this recommendation is designed to address – namely, the risk of ‘forum shopping’ by providers, undermining regulatory safeguards applied by licensing authorities.

The report proposes some mitigating measures, specifically:

- Larger licensing areas (as proposed in Recommendation 4); I think that giving effect to this is a necessary precondition to Recommendation 11.
- The notion that operators should not be restricted from applying for and holding licences with multiple authorities, subject to meeting both national standards and any additional requirements imposed by the relevant licensing authority; in my view, this will be effective so long as the cost of multiple licensing is not so onerous as to represent a barrier to operators taking it up.

Finally, I should like to record that, in spite of the differences of opinion between members of the Group, it has been a huge privilege to work alongside such talented and well-informed individuals, who have brought their particular expertise and skills to bear on these difficult issues, and have consistently done so with a view to advancing the public interest, improving the sector and protecting the position of passengers and drivers.

I am in addition impressed by, and grateful for, the secretariat of officials from the Department for Transport who provided support and advice to the Group with admirable efficiency and professionalism.

As for our Chairman, Professor Mohammed Abdel-Haq, he had, as I have noted, the unenviable task of bringing together these disparate perspectives to form a coherent and workable set of recommendations; he is to be warmly commended on his achievement in doing so, and on conducting the Group’s meetings throughout in a spirit of courtesy and good humour. It has been an honour to be a member of his Group.

Anne Main MP

Member of Parliament for St Albans

It has been a pleasure to serve on the working group set up to advise and contribute to debate on the future of Taxi and Private Hire Vehicle licensing. The group has worked on this issue for a considerable period of time and there has been healthy debate throughout the process.

It is a considerable achievement that Professor Mohammed Abdel-Haq has been able to compile a report that has received backing from the many different viewpoints represented on the group.

Whilst I endorse almost all of the recommendations made in the report, I do want to share my concerns about three of the more contentious issues that we have not been able to find consensus on during our meetings;

Recommendation 8

I am concerned with the proposed power for local authorities to cap taxi and PHV vehicle licences. Whilst I appreciate that a public interest test will mitigate the potential issues with this proposal, I am still not convinced that it will benefit public safety or competition in the industry.

One of the issues that this seeks to address is 'forum shopping' by drivers who seek PHV licences from those authorities that are seen as easier, quicker and cheaper to get a licence from. The structure of the report suggests a significant strengthening of the licensing requirements across all local authority areas which I feel reduces any need for capping powers.

Combined with a more effective method of reducing drivers licensing in one area and working predominately in another, along with considerably higher licensing standards for all authority areas then I do not believe there is a requirement for a cap. Which I believe would reduce competition and do little to protect passenger safety.

Recommendation 11

I am still not convinced, based on evidence we have heard and read from many different stakeholder groups, that this is the best way to effectively license taxi and PHVs going forward. Although many firms will be totally unaffected by this, I believe there will be considerable implications for smaller PHV companies who regularly operate across several invisible local authority boundaries.

The aim of this recommendation is to prevent drivers being licensed in one part of the country from working predominately somewhere else. I had hoped we would have found a more creative way of reducing this problem whilst still retaining local autonomy, as I fear this recommendation is overly burdensome and is not a practical solution that fits in with passengers' demands in the modern PHV industry.

I hope that the government will consult on this particular issue widely and seek to find a better and more creative solution that will protect the integrity of local authority licensing and retain healthy competition across boundaries that passengers have come to expect.

Recommendation 17

I do not believe the case has been made for the mandatory enforcement of CCTV in all taxis and PHVs. I support the aims of this recommendation, CCTV will be helpful for the prevention and conviction of crime involving taxi and PHV journeys.

However, I believe that local authorities should have the autonomy to decide on whether or not mandatory CCTV is required for the area in which they cover. I also remain concerned about the financial implications for drivers and small PHV companies who will bear the cost for installation, maintenance and recording of the footage in a data compliant manner.

I do believe the case has been made for drivers or companies choosing to have CCTV. This could form part of proposals for drivers to choose to license themselves at a higher level for passenger safety. A suggestion would be that if drivers choose to have CCTV installed, and license themselves at a higher level, this could allow them to operate across different LA boundaries other than the one they are licensed in.

I hope the government give careful consideration to the recommendations in this report. I believe there is a need to modernise the legislation governing the taxi and PHV industry and there are many sound proposals within this report that should be acted upon.

I would like to register my thanks to Professor Abdel-Haq and the team at the Department for Transport who have worked very hard to pull together this excellent report. I am also grateful to the other working group members who have contributed to a lively and informed debate.

Steve McNamara

General Secretary, Licensed Taxi Drivers' Association

The Licensed Taxi Drivers' Association agrees with the need to stop some drivers, particularly PHV drivers working through apps, from working excessively. However, we are concerned that the proposed measures set out in this report, especially the installation of tachographs, are neither practical nor proportionate and will prove to be very costly for both regulators and drivers.

For those PHV drivers who use apps for all their business it would be relatively easy to introduce restrictions on how long they are logged into the app. However, it would be much harder to regulate the hours of taxi drivers. The installation of tachographs has previously been discussed to try and control the hours of taxi drivers but each time the relevant regulator has deemed it an excessive measure, as well as intrusive and costly.

The best way to tackle excessive driving hours is to remove the need for drivers to work these hours in order to make ends meet. The LTDA believes that if all PHV operators paid their drivers at least the national minimum wage the hours those drivers feel the need to work would fall substantially.

Mick Rix

National Officer for Transport and Distribution, GMB union

The report attempts to address in a number of key areas enhanced public safety provisions with national minimum standards.

The issues around cross border working, plying for hire are issues which have blighted the trade for a number of years. The report recommendations are serious attempt to address these concerns and tackle head on what is a serious problem.

The recommendations on workers rights being placed into license conditions for operators if adopted will be another nail in the coffin for those who seek to exploit drivers for their own gain.

GMB urges the report recommendations to be adopted by our law makers and that legislation should be brought forward as quickly as possible.

Finally I would like to thank our Chair, who along with his good humour and humility, kept everyone focussed. It was a pleasure to work with him.

Donna Short

Director, National Private Hire and Taxi Association

Firstly I would like to echo the sentiments of every member of this group and commend the Chair of the group, Professor Mohammed Abdel-Haq, for a very comprehensive, detailed and easy to read report to the Minister. It is my belief that the report reflects accurately and succinctly the thoughts and views of the majority of the group's members on most of the points raised during the meetings held over the past few months.

This has been an arduous task, given the complexity of existing taxi and private hire legislation – and its archaic and user-unfriendly state, which was the prime motivation for Transport Minister John Hayes MP to have set up the group in the first place. In that regard I would also wish to thank the officers of the Department for Transport for their administrative support and input into the production of the report, and indeed the entire process of hosting and overseeing all the group meetings.

There is no need for me to put down each recommendation and comment on all of them, as in reality I am in agreement with most of the recommendations. What is most important is for the Minister to consider each of the recommendations' aims and goals, and whether they would pass the test of "Is this really what Parliament intends if/when they revise the legislation?"

This presupposes that the current Minister will approve and "sign off" the report at the earliest possible opportunity, so that Government can start work on those recommendations that may be activated immediately without having to depend upon new primary legislation - which we have all been advised would not be feasible for this industry during the current session of Parliament.

May I give a huge personal thumbs-up to **Recommendations 17/18** (CCTV in all licensed vehicles, with a funding boost; the debate is as to voluntary or mandatory) and Recommendation 26 (the training of council officers and emphatically, Councillors on licensing committees).

There are some recommendations however which will certainly be more controversial than others; none more so than **Recommendation 11** concerning all journeys – both taxi and private hire – having to start and/or finish within the area in which all three elements (driver, vehicle and operator) are licensed.

Given that there would be concessions made for certain segments of the industry, this only slightly eases the blow of what would otherwise cause a serious restraint of trade. In my opinion such a fundamental ring-fencing of licensing restriction would stifle competition, stunt the growth of some of the larger companies and conglomerates, and possibly put some of the smaller private hire operations out of business.

In practical terms, hundreds of operations that depend almost entirely on airport transfers (these operations are not exclusively chauffeur/executive, but often cater for a mix of upmarket and "ordinary" private hire passengers), would be severely hampered in particular, as often their drivers are dispatched to pick up or drop off regular customers at any of the major airports from, say, the driver's own home without having set foot in his licensing area during that journey.

Above all, there could be severe risks posed to public safety, as the recommended ABBA [that all taxi and PHV journeys should start and/or end within the area for

which the driver, vehicle and operator are licensed] restriction limits customer choice to the extent that some passengers may end up stranded, often late at night, merely because their potential transport has the wrong plate on the vehicle. This cannot be right, nor in the best interests of the travelling public.

We understand that the practice of many drivers and operators at the present time of working entirely remotely from their own licensing district is not what Parliament intended in any existing legislation; nor is it safe for the public in all its ramifications; nor is it anything but damaging to bona fide firms that “do it right”. There must be some way to curtail this pandemic abuse of licensing practice; however I do not believe that Recommendation 11 is the way to accomplish this.

Unfortunately any potential alternatives are scuppered by two recent pieces of case law: that of **Skyline Taxis v Milton Keynes Council** from November 2017 (where the necessity of a “physical presence” of a private hire operator base in each district was discarded), and **Knowsley MBC v Delta and Uber** from March 2018 (which rules out the concept of “intended use policy” for private hire). This entire topic requires intense investigation.

The other recommendation which seems to have caused a great deal of controversy is **Recommendation 8**: to set a cap on the number of private hire vehicles. At present there are entirely too many licensed vehicles now in operation, and this on the surface has caused severe competition, longer drivers’ hours, congestion and air quality issues.

However, it is my view that a cap on private hire numbers at this time is a “closing the stable door after the horse has bolted” scenario: it is too late to have the desired effect of correcting the above problems, as numbers have already skyrocketed and the vehicles that are currently licensed cannot be taken off the road purely on numerical grounds.

There is still a perceived need for more drivers and vehicles in some districts, whilst there is an over-supply in others. To limit PHV numbers across the board would possibly endanger passengers in those areas where supply is short, to the extent that those passengers could seek transport in unlicensed vehicles, drive their own vehicle when over the alcohol limit, or even attempt to walk to their destination and put themselves at risk on the street during night time hours.

If national standards are brought in at the level whereby (a) licence-shopping outside the district becomes less attractive; (b) reciprocal implementation of authority by officers allows for stricter enforcement across borders; and (c) the standards for both drivers and vehicles preclude volumes of casual licensing of substandard vehicles, these factors in themselves would limit further numbers of licensed vehicles flooding the market.

It is my belief that market forces will prevail without an artificial ceiling; supply and demand of PHVs must be allowed to continue in the name of fair competition and public safety.

As for driver training (**Recommendation 25**), this is an area that needs serious consideration: there is no longer a Sector Skills Council to sanction and implement future training programmes; there is no longer a current structure of updated BTEC (underpinning knowledge) and NVQ (assessment) that could be applied nationally; and crucially there is little funding in place to assist applicants to gain this very important and necessary training. The situation needs careful examination, new funding sources and constructive reform as soon as possible.

Within **Recommendation 30** (wheelchair accessible vehicle provision) the most important criterion must be clarity: it must be stressed that the Government position favours a mixed fleet of both saloon and wheelchair taxis. If it is not possible to have a set percentage of WAVs agreed across the entire country, then there must be another way to provide such provision without making WAVs compulsory across the entire taxi fleet in any one district. This policy is discriminatory against ambulant disabled passengers: arthritics, stroke victims, partially blind passengers, as they often have great difficulty getting into and out of WAVs.

There are perceived practical difficulties in implementing **Recommendation 34**, the restriction of taxi and PHV drivers' hours. Government will have to come up with an alternative to tachographs in every licensed vehicle, which is the current method of tracking drivers' hours in the bus, coach and logistics industries.

My only concern in respect of a possible omission within the recommendations is any mention of medical standards for drivers. I appreciate that this may fall under the category of "fit and proper" (which still needs defining); however in our experience the DVLA Group 2 criteria for medical fitness to drive are not being adhered to, either in terms of the exam itself or its correct frequency of intervals, by far too many licensing authorities. This poses a serious risk to the travelling public, and should be addressed with some urgency.

The motto, credo and remit of this Association from its inception has always been "to raise standards in the trade, both actual and as perceived by the public". The view of members of the group, and indeed the report itself, mirror(s) those desires and sentiments, and it has been an honour and a privilege for me to have been chosen and to have taken part in the group meetings and discussions.

Time is of the essence if this industry is to be rescued from its current state of chaotic lack of coherence and direction. I cannot emphasise strongly enough that this report encapsulates and addresses in great detail and insight the difficulties currently at hand, and – unlike previous attempts at reforming the industry - it must be acted upon with alacrity and determination.

Steve Wright MBE

Chairman, Licensed Private Hire Car Association

The views below are based on known policy and positions of LPHCA members alongside the discretionary judgement I am constitutionally afforded as LPHCA Chairman.

Given there were so many different and interested parties providing input, I feel the quality of the Report and the proposal outcomes, are in the main excellent and I'd like to congratulate and commend the Chair, DfT Officials and Group Colleagues for the hard work, professionalism and spirit of collaboration, widely shown.

Inevitably there are a few areas of non-agreement and unless referenced below, the LPHCA fully endorses the proposals and more generally the superb quality of the report.

Recommendation 8

We cannot agree with recommendation 8 because it is, in our view, anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate.

We do not accept that the proposal should help authorities to solve challenges around congestion, air quality and parking, which can be resolved outside of Taxi & PHV licensing. Nor do we accept that it would ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions, which again is a matter that in our view is wholly outside of Taxi & PHV licensing.

This proposal, if adopted, could bring about shortage of supply and make it very difficult for hire and replacement vehicle companies to operate. This in turn could leave consumers at risk of being stranded because of volatile and unpredictable demand factors, such as the weather and seasonal demands (e.g. during, Diwali, Christmas & New Year periods).

This proposal also lacks any tangible safety benefits and in our view, it would compromise rather than enhance safety.

Recommendation 11

We cannot agree with recommendation 11 because it is anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate. It would also increase dead mileage, make the industry far less efficient, increase costs and potentially lead to demand outstripping supply, which has serious safety implications.

The notion that Operators could hold multiple licenses is unsound, unnecessary and cost-prohibitive. Some operators would need to hold scores and possibly hundreds of licenses to operate as they do now, the cost and administrative burden would take the Private Hire Industry into an area that we believe has no place in a modern economy.

This proposal, in our view, is also out of kilter with the Law Commission's recommendations, government policy and fair, progressive competition. It will be, without doubt, vehemently opposed by the Private Hire Industry and will badly let down consumers if taken forward. National standards, compliance and enforcement proposed by the Chair elsewhere will eradicate many of the current inhibiting factors

on Local Authorities to deliver 'fit for purpose' regulations, without such inhibitive measures.

This proposal looks to be borne out of so called 'Cross-Border hiring', something which has always been undertaken by PHVs without problem until the arrival of large 'App-Only' companies whose drivers show themselves publicly outside of the area they are licensed in.

The proposal, as drafted, would not solve 'Out of area working' as the entities that have caused this anomaly, will simply licence in every licensing authority, which will be beyond the scope of the vast majority of PHV operators in England.

A viable solution may be to only allow pre-booked and corporate journeys to be undertaken out of area, with PHV drivers only able to show their position / availability in the area they are licensed in.

This could be enshrined in the future definition of Plying for Hire recommended elsewhere, by establishing a clear distinction between Public and Private Hiring of PHV's and Taxis.

The notion that specialist services such as chauffeur and disability transport services could continue to operate cross border under exemption is problematic as defining what a chauffeur is would be difficult.

Nearly every PHV carries elderly, disabled, special needs and vulnerable passengers and many PHVs are not specialist vehicles, but nevertheless they are the preferred mode of door-to-door transport for such passengers. This proposal would have a negative impact on such passengers.

We therefore cannot endorse the proposal and point out there are far better ways to deal with 'cross-border' / 'out of area operation'. We believe safety would in fact, be compromised, rather than improved.

Recommendation 12

We agree that Licensing Authorities should ensure that their licensing administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

We must however ensure that such fees are proportionate, distributed appropriately and set at reasonable levels. Such fees should also be applicable to taxi & PHV drivers and operators and not have commercially inhibiting factors in the fees structure.

Recommendation 17

We accept that CCTV has a great role to play regarding both passengers and driver safety. We have undertaken research with consumers, operators and drivers on both the merits and issues that CCTV can bring.

We accept 'in principle' the spirit of what is being sought by way of safety, but personal privacy, uncertainty of costs, who has access to the data and how this would affect entities that provide hire-cars for drivers when either broken down or following an accident are significant issues.

We therefore cannot agree with mandating CCTV across the board and would like government to undertake a full-blown regulatory impact assessment and have considerable dialogue with trade representatives and others, so we can get the right balance for CCTV to go forward in a viable way.

Recommendation 28

We agree that Licensing Authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

A problem area however comes within any written element, which in our view in London has been set way above the standard that is required for a PHV driver to fulfil their duties. We would like a fixed national standard of English to be in place that enshrines an oral test, the ability to plan a route and use an atlas & satnav. Good tests are already available and in use by some Local Authorities.

The level needed for written English is low because the only writing that most taxi or PHV drivers will need to do in the course of work is to write out a receipt. Since the introduction of English Language testing in London, there have been legal challenges, trade protests, heavily signed petitions, alongside the changing of requirements and implementation dates.

Proposed exemptions have been dropped and a great deal of hardship, unnecessary stress and cost has also been the consequence, alongside serious unresolved issues for dyslexic drivers. The British Dyslexia Association are in contact with TfL and the LPHCA on very real problems that the written element is causing.

TfL's current English Language requirements has caused the Mayor of London to have two meetings with Trade Representatives to date. The requirement date has been moved back several times (now to 30th April 2019) and the Mayor has stated that further dialogue could be needed in 2019 to get things right.

As well as the above, taxi drivers in London are exempted, whilst PHV drivers are not, which is something we are looking at on the basis of equality and discrimination. It is also very questionable why someone who has been working in the PHV industry for many years needs to be retrospectively tested for their English.

It should be remembered that every PHV driver in London has passed a driving test and for many years all PHV drivers have undertaken a TfL approved topographical assessment.

We propose that an agreed pan-England standard of assessment is needed, rather than every Local Authority doing its own thing, at differing costs and standards.

Recommendation 30

We are very supportive of measures that improve disabled vehicle provision but around 90% of disabled passengers are not wheelchair bound and rely on normal PHVs for their transport, with many actually preferring non-wheelchair accessible vehicles.

Mandating fleet quotas would bring considerable problems for PHV Operators as well as many drivers who are majoritively self-employed and now move between fleets. We would therefore like government to facilitate dialogue with PHV trade representatives and disabled groups like the Disabled Persons Transport Advisory Committee (DPTAC) to discuss how Private Hire can play a greater role in providing appropriate vehicles.

SUMMARY

The LPHCA believes that following the Law Commission Review and Professor Mohammed Abdel-Haq's excellent report, a number of these recommendations could

be brought in fairly quickly as there appears to be wide ranging consensus on key areas.

We also feel that for certain recommendations like English Language, enhanced DBS and barred lists checks, use of the National Anti-Fraud Network (NAFN) database, etc., that an absolute standard should be put in place. This would ensure that inconsistency, which has traditionally been the root cause of licensing problems, is eradicated.

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS

1. Summary

- 1.1 This report provides Committee with an update on work being undertaken to improve the response to unauthorised encampments in the city since the last report on the 14 February 2018.

2. Recommendations

- 2.1 That the report is noted and outstanding minute number 935(ii) be discharged.
- 2.2 That Committee requests a further report to be brought in 3 months to update on the various work items contained within this report.

Contact Officer: Mark Croxford, Head of Environmental Health
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E-mail: mark.croxford@birmingham.gov.uk

3. Background

- 3.1 This report is an update on activities since the last report to your Committee on 14 February 2018.
- 3.2 An unauthorised encampment is one which is established on land without the express permission of the landowner. The groups responsible generally comprise elements of Gypsy, Romany, Traveller or other ethnic groupings and are collectively known colloquially as “travellers” or more correctly GRT.

4. Injunctive Action

- 4.1 An injunction is a legal remedy obtained in a civil or criminal court. It takes the form of a Court Order that compels a named person or an identified group to refrain from specific acts. All of the injunctions currently obtained by your officers have been obtained under antisocial behavior powers and have the power of arrest attached. A person that fails to comply with an injunction may be fined, imprisoned or have their assets seized.
- 4.2 Currently all of the injunctions that your officers have applied for have been obtained from the High Court in Birmingham. In every instance there has to be sufficient evidence of antisocial behavior causing alarm, harassment and or distress for an application to be made. Following the application, the hearing Judge will consider whether the very significant step of imposing an injunction is a proportional and fair step to take. Although we have been successful in our applications significant attention has to be given to prove that it is a proportionate action to grant the injunction, due to there being no operational alternative sites for the GRT community in the borough.
- 4.3 Since the last report no further injunctions, to protect open spaces or to control the behaviours of individuals, have been made. However following a difficult time in the summer antisocial behaviour in the following Parks has occurred to a level where information has been submitted to legal services to apply for the injunctions to extended to the following open spaces;
 - 1) Parks adjacent to Sarehole Mill, (Hall Green North ward);
 - 2) Chinn Brook Recreation ground (in both Billesley & Hall Green South wards) and
 - 3) The Dell (Druids Heath and Monyhull ward).

5. Proposed Transit Sites

- 5.1 Committee will be aware that over the summer two planning applications were submitted to bring forward the two transit sites identified in the Birmingham Development plan. Planning consent has now been given and the conditions of approval are in the attached appendix.
- 5.2 Colleagues in Housing and Economy officers are applying for capital funding to bring these sites forward into operational use. Currently some monies have been approved from the Homes England Grant. The current application to the council's

own capital processes is to provide match funding and sufficient monies to develop the sites. Currently it is hoped that Proctor Street being the larger of the 2 sites will be delivered this financial year.

- 5.3 The work stream to bring Tameside Drive transit site back into operational use proceeds slowly. This matter has now been forwarded to Legal Services to as it does not appear to be able to be completed by way of negotiated agreement.
- 5.4 Once the transit sites are operational it will enable unauthorised encampments to be tackled in an alternative manner. The Police and Crime Commissioner has undertaken to support local authorities by promoting the use of section 62 powers under the Criminal Justice and Public Order Act 1994. This enables a Police officer to direct an unauthorised encampment to an alternative provision, usually a transit site, and it makes it an offence for someone so directed not to go to that alternative provision if they settle on any other land in the borough. This power takes immediate effect after the notice is served and most encampments are resolved in 1 to 3 hours from first intervention.
- 5.5 Operational transit site provision will also rebalance the proportionality argument as to whether it is proportional and fair for a judge to impose injunctions on other parks and open spaces. Legal services advise this will significantly assist in making an application to protect all of the city's parks.

6 Gypsy, Romany, Traveller needs assessment

- 6.1 A GRT needs assessment was undertaken for inclusion in the current Birmingham Development Plan (BDP). The BDP identified both of the sites detailed paragraph 5.1 that have recently received planning permission. It became clear that the needs assessment carried out in 2014 is out of date due to a much higher rate of unauthorised encampments occurring in in the city during 2015, 2016 and 2017.
- 6.2 The new 2018 GRT needs assessment has been commissioned by colleagues in the Development Directorate. The first draft of this document was received in early October and a presentation to planning officers and your officers is to occur imminently. It is hoped that the final assessment will be provided by mid-November. This document will identify the current need for transit site pitches as well as projecting future needs for planning officers to consider.
- 6.3 The GRT needs assessment document will be the updated equality impact assessment and will help ensure that the city discharges its legal duties when working with the GRT community. It will assist in meeting the council's duty to promote equality issues when implementing policies around the GRT community. It should assist in our understanding of the demand and use for the transit sites that are being developed. The assessment should also inform any enforcement action if unauthorised encampments occur in the future.

7. Management of Unauthorised Encampments

- 7.1 Committee will be aware that the role of your officers is to undertake an individual needs assessment for each encampment prior to taking steps to recover the land. This year there have been a couple of very challenging matters leading to extended stays being granted.
- 7.2 In Druids Heath and Monyhull ward there was medical evidence provided demonstrating that evicting the encampment would be against the needs of an individual. Accordingly the unauthorised encampment was tolerated and every effort was made to: minimize the number of persons in that encampment; to ensure the site was maintained in a suitable condition by those occupying it; and that there was no adverse antisocial behaviour in the locality. This lasted approximately 10 weeks. There continues to be difficulties and the family have been directed towards emergency assistance services provided by colleagues in the Housing Service. As they have declined we continue to monitor the situation but evictions of this encampment do proceed where they are on council land.
- 7.3 In addition your officers also reached out and supported one travelling group following a death of a child aged just less than 2 years on the park adjacent to Sarehole Mill. Every effort was made to assist that group whilst an investigation was undertaken by the Police and until the child could be returned to the family for burial. I am pleased to report that not only did your officers and the Police work effectively together during this time, but also the community showed great empathy to the group for their loss.
- 7.4 This situation became even more of a challenge when another group joined the bereaved family to take advantage of the toleration being given by the city. This led to some very difficult decisions by your officers on how to manage the situation and when to recover the land. However throughout we worked with the bereaved family to meet their needs whilst protecting the community from the second group. We have now received a thank you for our actions and consideration from the leader of the family via the Police Family Liaison Officer.

8. Consultation

- 8.1 The report is for information and, therefore, no consultation has been undertaken.
- 8.2 Information continues to be made available to MPs and elected members to offer support in reducing the impact on communities that unauthorised encampments have and to reduce the burden on land owning departments.

9. Implications for Resources

- 9.1 Regulation and Enforcement is responsible for the assessments leading up to legal action, the service of notices and arrangement of resources for an eviction to occur. The default costs (bailiff actions), the repair of land its cleansing, is borne by the land owning departments. The Environmental Health resources employed in carrying out

the work detailed in this report are contained within the approved budget available to your Committee.

10. Implications for Policy Priorities

- 10.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

11. Public Sector Equality Duty

- 11.1 The management of unauthorised encampments is a process that affects groups and individuals who are (mostly) from specific and defined ethnic minorities e.g. Romany Gypsies, Irish Travelers.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

Planning and Development
PO Box 28, Birmingham B1 1TU



DECISION DOCUMENT

APPLICATION NUMBER: 2018/03750/PA

TOWN AND COUNTRY PLANNING ACT 1990

APPLICANT

Birmingham City Council
Birmingham Property Services
PO Box 16255
Birmingham
B2 2WT

AGENT (if used)

Acivico
Louisa House
92-93 Edward Street
Birmingham
B2 2ZH

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Change of use from vacant plot to transient accommodation for Gypsies and Travellers (Sui Generis), erection of single storey utility building and installation of new palisade fencing and gated access.

at

Vacant Plot, Aston Brook Street East, Birmingham, B6 4AP

Conditions that affect this development or use

1 Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers 93913 A 090 & 93913 A 101 ('the approved plans')
Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

2 Requires pedestrian visibility splays to be provided
A pedestrian visibility splay of 2m x 2m x 600mm shall be incorporated at each access point before the access points are first used and thereafter maintained.
Reason: In order to ensure the safe movement of pedestrians using the adjacent highway in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

3 Requires circulation areas to be kept from from obstructions at all times.
All vehicular circulation areas shall be kept free of obstacles and obstructions at all times.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 4 Requires the prior submission of footway crossing details
Prior to commencement of the use full details for the installation of footway crossing(s) on Aston Brook Street East and Hubert Street shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter retained. Reason: To avoid cars parking unlawfully in the interests of highway and pedestrian safety in accordance with Policy TP44 of the BDP 2017 and the National Planning Policy Framework 2012.
-
- 5 Requires the prior submission of amended boundary treatment details
No development shall take place until full details of the proposed amended boundary treatment of the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
-
- 6 Implement within 3 years (Full)
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Thursday 16th August 2018



Waheed Nazir, Corporate Director, Economy

P.O. BOX 28, Birmingham B1 1TU

Please note
This is not a building regulation approval

DECISION DOCUMENT

APPLICATION NUMBER: 2018/03749/PA**TOWN AND COUNTRY PLANNING ACT 1990****APPLICANT**

Birmingham City Council
Birmingham Property Services
PO Box 16255
Birmingham
B2 2WT

AGENT (if used)

Acivico
Louisa House
92-93 Edward Street
Birmingham
B2 2ZH

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Change of use from existing parking to transient accommodation for Gypsies and Travellers (Sui Generis) and erection of single storey utility building.

at

Car Park, corner of Proctor Street / Rupert Street, Nechells, Birmingham, B7 4EE

Conditions that affect this development or use

-
- | | |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers: Location Plan 93913 A 050 and Proposed Site Layout 93913 A 100 Rev B ('the approved plans').
Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| <hr/> | |
| 2 | Requires the prior submission of cycle storage details
No development shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in the interests of sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |
| <hr/> | |
| 3 | Requires circulation areas to be kept from from obstructions at all times.
All vehicular circulation areas shall be kept free of obstacles and obstructions at all times. Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |

- 4 Requires drainage plans for the disposal of foul and surface water
The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Policy TP6 of the Birmingham Development Plan 2017, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.
-
- 5 Implement within 3 years (Full)
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Thursday 27th September 2018



Waheed Nazir, Corporate Director, Economy

P.O. BOX 28, Birmingham B1 1TU

Please note
This is not a building regulation approval

INFORMATIVE NOTE

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at
water.officer@wmfs.net

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS
CHANGE TO STANDARD CONDITIONS
BIRMINGHAM CITY COUNCIL ACT 1990

1. Summary
 - 1.1 Under the Birmingham City Council Act 1990 establishments providing massage and/or special treatments are required to be licensed.
 - 1.2 Each Licence is granted subject to standard conditions.
 - 1.3 It is proposed to amend standard condition 8 to appendix A which relates specifically to sunbeds and solaria to come into line with the current European Standards.
2. Recommendation
 - 2.1 That the Committee approves the proposed amendment to the standard conditions outlined in Section 4 of this report to take effect with all new or renewed licences immediately.

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 9780
Email: emma.rohomon@birmingham.gov.uk

Originating Officer: Shawn Woodcock, Licensing Operations Manager

3. Background

- 3.1 The Birmingham City Council Act 1990 provides powers to regulate premises that offer treatments consisting of body massage (e.g. aromatherapy, reflexology etc) Solaria (sun beds, tanning rooms etc), Sauna, Therapeutic Baths, Spas and other similar treatments.
- 3.2 The Licensing team have been requested to review this Act to determine whether there was a need for it or whether it now duplicates legislation which had not been in place when it was implemented.
- 3.3 This report does not form part of that general review of the Birmingham City Council Act; it merely seeks to amend one condition attached to licences that are issued.
- 3.4 The conditions to the licenses were last reviewed and amended in 2007 and since then the European Standards and the HSE Guidance on the use of sunbeds has been revised.
- 3.5 The City Council is now seeing an increase in exemption requests specifically from Appendix A Condition 8 so that businesses can fall into line with the new standards and the HSE Guidance.
- 3.6 It would be expedient therefore to amend this condition for all licences going forward rather than bring numerous separate individual applications for exemptions to committee.

4. Conditions

- 4.1 The current Solaria specific conditions are attached at Appendix 1 and the proposed new condition is attached at appendix 2.
- 4.2 This removes the nominal number of sessions and period in between them from 20 per year with 48 hours in between to an exposure limit for each individual of 15 kilojoules per annum.
- 4.3 The effect of this change will be to that a person's individual exposure time will be more closely monitored for their specific skin type, rather than allowing a number of sessions, of undefined length with undefined exposure.
- 4.3 It will be the responsibility of the premises to keep records of their customers and advise them if they are nearing their limit of exposure for the year.

5. Consultation

- 5.1 As part of an application for exemption to the current condition 8 the Health and Safety team from Regulation and Enforcement were asked to comment and they provided the following response;

“There are no specific health and safety regulations regarding tanning times and number of sessions...”

- 5.2 The proposed change to Condition 8 brings our conditions into line with established European Standards and the recommendations of the industry body The Sunbed Association; as such formal consultation with the trade was not considered necessary.

- 6. Implications for Resources

- 6.1 This work will be undertaken within the resources available from within those funds generated by the licence fee structure.

- 7. Implications for Policy Priorities

- 7.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

- 7. Implications for Equality and Diversity

- 7.1 No specific implications have been identified.

DIRECTOR OF REGULATORY SERVICES

Background Papers: nil

Appendix 1 – Current Conditions

SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

Each premises licensed to provide facilities of ultra violet tanning equipment, sun beds and tanning booths shall ensure compliance with the following conditions:

1. The Licensee shall draw up a schedule of maximum exposure times based on the information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.

Notice

2. Warning notices and guidance notes issued by the Health and Safety Executive shall be clearly displayed near the machine informing users of the equipment of the danger of over-exposure.

Safety Equipment

3. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
4. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps and summon assistance.
5. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided. The operation of the equipment must not result in the temperature in the treatment room becoming unreasonable.

Cleaning

6. The licensee must have procedures in place to ensure that the surface of the bed is cleansed, between each client use, with a suitable cleanser as recommended by the manufacturer of the appliance.

Safety of Users

7. The Licensee must have procedures in place to ensure that prospective users of sun beds are made aware, on each visit, that certain medical conditions or medicines that are combined with exposure to UV light can have an adverse effect on the health and safety of the user.
8. The Licensee must have procedures in place to ensure that prospective users of sun beds are provided with clear and concise information for:-
 - Guidelines on how to identify individual skin types
 - Safe limits for using a sun bed without burning, to include an understanding that there must be 48 hours between tanning sessions and not to exceed more than 20 tanning sessions per year
 - Informing users whenever the lamps have been changed in the previous 2 weeks, thus making the sun bed more powerful.

Appendix 2 – proposed Condition 8

- 8 The European Standard BS EN 60335-2-27: 2013 is based upon an exposure limit of 15 kilojoules per square metre per person per annum.

As guidance, customers appropriate to tan (following a screening including skin-typing) should receive a timed exposure to bring them up to their MED (Minimum Erythema Dose, i.e. the point at which the skin goes slightly red some 8 - 24 hours following exposure to UV).

For Skin Type 2 (which is a typical Caucasian UK skin type) an individual MED is equivalent to around 250 joules per square metre, thus, based on an annual exposure limit of 15,000 joules, this equates to around 60 sessions per person per year (15,000 divided by 250).

The Licensee must have procedures in place to ensure that prospective users of sun beds are;

- a. Aware of their own skin type
- b. Made aware of the session limit applicable to their skin type and the equipment being used
- c. Made aware of the maximum exposure limits allowed in the European Standard
- d. All sunbeds must be compliant with a maximum UV output as specified in BS EN 60335-2-27 of 0.3W/m².

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

**IMPLEMENTING COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE
DRIVER'S LICENCES**

1. Summary

- 1.1 At its meeting in June 2018, The Licensing and Public Protection Committee (L&PPC) resolved to require officers devise a practical means to provide hackney carriage drivers with dual hackney carriage and private hire driver's licences via a single record.
- 1.2 This report outlines proposals to introduce a combined badge incorporating both hackney carriage and private hire licences and advises how it can be accomplished with the introduction of the new licensing computer system.

2. Recommendation

- 2.1 That your Committee approves the replacement of hackney carriage licences on the new licensing computer system with dual hackney carriage and private hire licences. Private hire only licences, should remain as they are.
- 2.2 That your Committee agrees drivers wishing to take out a private hire driver's licence now, via the current Sopra licensing system, should be allowed to do so on renewal at no additional cost.
- 2.3 That drivers who are not due to renew, may still obtain dual licences by surrendering their current licence and paying the fee for the grant of a new licence, which will then include both hackney carriage and private hire licences.
- 2.3 That no private hire knowledge testing should be required where a hackney carriage driver has previously passed a Birmingham hackney carriage driver's knowledge test.

Contact Officer: Chris Arundel, Principal Licensing Officer
Telephone: 0121 464 8994
E-mail: chris.arundel@birmingham.gov.uk

3. Background

- 3.1 At the meeting of L&PPC held in June 2018, members resolved to require officers to devise a method by which Birmingham City Council licensed hackney carriage drivers could be enabled to acquire a dual licence (hackney carriage and private hire driver's licences held simultaneously) without requiring them to go through the separate private hire driver application process.
- 3.2 The licensing service currently uses the Sopra licensing system which is to be replaced in the medium term. There is no possibility of making changes to the Sopra system to accommodate this requirement as no development can be undertaken on a redundant system. As a consequence any scheme to provide dual licences would have to be accommodated within the unmodified system,
- 3.2 The new system, which is expected to be introduced by 1 April 2019, could be set up so it would offer a choice of dual private hire and hackney carriage licences or private hire licence only. This would have the effect of converting all hackney carriage drivers to dual licence status as they renew via the new system. As application requirements are identical with respect to medical, police check and disability/safeguarding training this could be accomplished by issuing a new licence certificate covering both licence types with both sets of conditions attached as standard.
- 3.3 Possession of dual licences would not change the requirement to comply with the appropriate conditions and legislation applicable when driving a hackney carriage or a private hire vehicle. For example a driver caught plying for hire in his private hire vehicle would not be immune from prosecution, simply because he also held a hackney carriage driver's licence.

4. Sopra Licensing System

- 4.1 The Sopra system is now redundant, it was developed for earlier versions of the Microsoft Windows operating system and intended to run on databases which are no longer supported. For this reason no modifications to the system can be authorised and no budget is available to pay for changes necessary to accommodate dual licences.
- 4.2 There does seem to be an expectation in some parts of the trade, that hackney carriage drivers will simply be given a free private hire licence on demand. As it is impossible to make changes to Sopra and current licences cannot be altered to attach new conditions mid-term, this is not a viable option, unless members are content for drivers to operate for up to three years without their being subject to conditions of licence.
- 4.3 It would be possible to issue a new and separate private hire driver's licence using the Sopra system and have IT intervene to amend the expiry date to

match that of the pre-existing hackney carriage driver's licence, but whilst this could be done at no cost to the driver, it could not be done at no cost to the service.

- 4.4 The cost to issue 1300 free licences in officer time alone is estimated to be in excess of £200,000, without the additional costs associated with amending end dates to match existing licences.
- 4.5 Aside from the logistical difficulty of accommodating so many additional transactions, it should be noted that private hire drivers outnumber hackney carriage drivers by a factor in excess of three to one; consequently funds held in reserve have been contributed in a similar ratio. It is important the Licensing Service is not perceived to be using private hire funding to provide free licences for hackney carriage drivers.
- 4.5 Officers believe a more realistic option would be to issue a new private hire badge and associated conditions of licence alongside the hackney carriage equivalents on renewal. This is a far simpler and cheaper proposition. It would require overwriting of the new paper licence to include the private hire licence and printing of a second badge. Although this would require a little extra time for each transaction, it is unlikely to take more than a couple of extra minutes and with transactions spread out as licences naturally renew, impact would be minimised.
- 4.6 The estimated number of hackney carriage drivers due to renew over the next three years is listed below. Start date is 1 October 2018 and the end date is 30 September 2021.

2018/19	487
2019/20	405
2020/21	379

- 4.7 With no new record or means of amending the existing licence template, it would be necessary to record the issue of dual licences as notes and as an alert message on the hackney carriage driver record. However, this would be a temporary measure until driver records transferred to the new licensing system. Whilst not ideal, this would be a workable solution and has the advantage of being significantly less costly than creating new, "free" licences on demand.
- 4.8 The disadvantage for drivers is the necessity of waiting until they renew, but this option does guarantee every hackney carriage driver a free private hire driver's licence on renewal and does so at a cost which can be borne by the Licensing Service within existing budgets.
- 4.9 Drivers wishing to obtain a private hire driver's licence before renewal could do so, but it would require surrender of the existing licence, subject to any refund due as per existing arrangements and submission of a new application to be paid for in the normal fashion. It should be noted in this scenario, new

medical tests and DBS enquiries may also be required at the applicant's expense. On granting the new licence, modifications as described above would be made and dual hackney carriage and private hire licences and badges would be issued, with the normal conditions of licence for each being attached.

5. New Licensing System

- 5.1 Although the new system specification is designed to manage hackney carriage and private hire licences, the essentially similar requirements of the two licence types make it a fairly straightforward matter to re-designate the hackney badge as a hackney and private hire badge and to redesign the paper licence certificate to indicate the issue of two licences under two different pieces of legislation.
- 5.2 If this is done before the system comes into use, it will have the effect of changing every hackney carriage driver's licence record to a combined hackney carriage and private hire driver's licence on renewal. This will be indicated on the paper licence certificate and by the issue of conditions covering both licence types.
- 5.3 Whilst existing stocks of hackney carriage driver's badges are used up in the short term, officers can issue two badges, one for private hire and one for hackney carriage. A new badge indicating the right to drive both types of vehicle can be ordered in place of hackney badges once stocks are run down.
- 5.4 If this proposal finds favour with members, it is suggested the requirement to take the Knowledge Test for Private Hire Drivers should be waived for all hackney carriage drivers converting to dual licences or taking out a private hire driver's licence.

6.0 Consultation

- 6.1 Consultation on this proposal has been undertaken via the regular Trade Liaison Meetings and is overwhelmingly supported by trade representatives. No wider public consultation has taken place at this juncture.

7 Implications for Resources

- 7.1 If the recommended model is adopted and a majority of drivers are content to obtain their free licence on renewal, any additional costs will be negligible. For those licensees unable to wait for renewal, who surrender their licence in exchange for new dual licences, the standard grant fee for a single licence will be payable, which will help to defray costs associated with these additional transactions,

- 7.2 Once the new system is introduced all hackney carriage drivers will be given a dual licence on renewal as standard, at no additional cost to themselves or to the Licensing Service. The changes to the new licensing system amount to amendments to the document templates and the information and guidance published online. If this is implemented whilst the system is still in development, then costs should be minimal and it is hoped they will be absorbed within existing budgets.

8. Implications for Policy Priorities

- 8.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by promoting improvements in the standards of services provided by licence holders and is compatible with our mission statement: Locally accountable and responsive fair regulation for all – achieving a safe healthy, clean, green and fair trading city for residents, business and visitors.

9 Public Sector Equality Duty

- 9.1 To all intents and purposes this is an administrative issue, the decision to implement dual licences will not impact the wider public and drivers will still need to meet the medical and criminal record standards currently required. No wider public sector equality issues have been identified in relation to this proposal.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers

Committee Report - Proposal for Combined Hackney Carriage and Private Hire Driver's Licence - June 2018

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

**CONSULTATION ON CLEANER DOMESTIC BURNING OF
SOLID FUELS AND WOOD**

1. Summary

- 1.1 On the 17th August 2018 the Department for Environment Food and Rural Affairs launched a consultation on the cleaner domestic burning of solid fuels and wood as part of its Clean Air Strategy.
- 1.2 This report advises of the response to the consultation made by officers in consultation with the Chair of the Licensing and Public Protection Committee and the Cabinet Member for Transport and Environment.

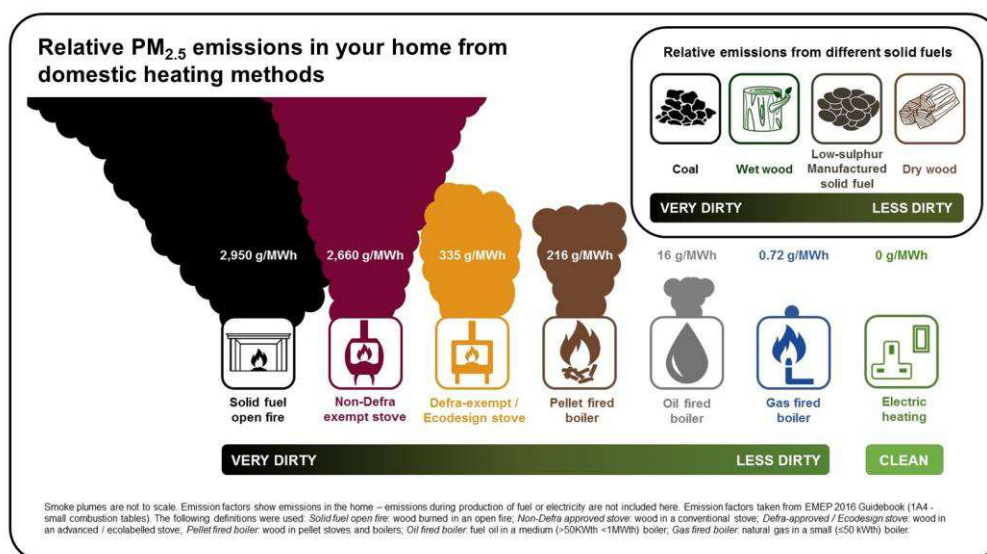
2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health
Telephone: 0121 303 6350
E-mail: mark.croxford@birmingham.gov.uk

3. Background

- 3.1 The Department for Environment Food and Rural Affairs (Defra) launched a consultation on the cleaner domestic burning of solid fuels. This is part of the overarching Clean Air Strategy for the UK.
- 3.2 As other polluting sources, such as transport and industrial burners of fossil fuels, become cleaner then the burning in the domestic sector becomes more prevalent in its effect on air quality. The infographic shows the relevant contributions each domestic fuel makes to air pollution.



- 3.3 Burning domestic solid fuels leads to emissions of PM_{2.5} (particulate Matter smaller than 2.5 microns in size). The main solid fuels burned in the home are:
- Traditional house coal (or bituminous coal) – a naturally occurring mined product. PM_{2.5} emissions are higher than from smokeless fuels.
 - Smokeless coal (or anthracite) – a form of naturally occurring, mined, high-purity coal, authorised for use in smoke control areas.
 - Manufactured solid fuels – fuels manufactured from coal products with other ingredients that have low smoke emissions. However, some do have high SO₂ emissions.
 - Wet wood – a naturally occurring product. Newly felled wood has a high moisture content and creates a lot of smoke when burned. It has over double the emissions of seasoned or kiln dried wood.
 - Seasoned wood – wood that has been left for at least 2 years to naturally air dry.
 - Kiln dried wood – wood that has been kiln dried to below 20% moisture.
- 3.4 Although Birmingham is a Smoke Controlled Area it is a dated piece of legislation that was introduced in 1956. It does not have the effect of prohibiting the burning of solid fuels in the domestic properties; instead it requires the use of smokeless fuels or appliances that are designed to burn

smokelessly. The purpose of the consultation is to consider the introduction of updated powers to further improve the quality of fuels being burnt and minimise further the production of PM_{2.5} emissions

4. The Consultation

- 4.1 The full consultation was at <https://consult.defra.gov.uk/airquality/domestic-solid-fuel-regulations> closed on the 12th October 2018, although some useful information is still on these web pages.
- 4.2 Birmingham submitted its response electronically on Thursday the 11 October 2018. The appendix to this report identifies what was submitted in a word format. For reference the options available for submission are listed and the highlight is the choice identified electronically.

5. Consultation

- 5.1 The Chair of the Licensing and Public Protection Committee and the Cabinet Member for Transportation and the Environment were consulted, prior to the submission being made.

6. Implications for Resources

- 6.1 No specific implications have been identified at this stage.

7. Implications for Policy Priorities

- 7.1 The national Clean Air Policy is supported by local clean air strategies which also support the council priorities of making Birmingham a great City to age well in and a great city to live in.

9. Public Sector Equality Duty

- 9.1 No specific implications have been identified at this stage.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Cleaner Domestic Burning of Solid Fuels and Wood

Birmingham City Council response to Government consultation

1. Introduction – about you

1. What is your name?

Mark Wolstencroft

2. What is your email address?

Mark.wolstencroft@birmingham.gov.uk

3. What is your organisation?

Local authority

4. Would you like your response to be confidential?

No

5. What is your location?

Birmingham City Council, Council House, Victoria Square, Birmingham, B1 1BB

2. Wood

6. We are considering a cut-off point for the sale of wet wood to householders. In line with feedback from the Call for Evidence, we are proposing that this is set at 2m³, but we are inviting your views on this point. Please indicate what limit you think a cut-off point should be set at.

- Bags/nets only
- Up to 0.5m³
- Up to 1m³
- Up to 2m³
- All wet wood
- Other

Please provide reasons or evidence to support your answer.

All sales of wet wood should be covered by the legislation. Even small nets of wet wood if purchased by a number of residents in one area and used on cold still nights could increase emissions of pollutants into a local area. If all wet wood is covered then enforcing any legislation will be easier because the supply of the wood would be regulated and no one should be supplying wet wood. So, for example if someone

has a supply of wood at their property it makes identifying any wet wood easier if the only wood allowed to be supplied and burned is dried and certified.

7. Do you think that suppliers and retailers should be given a transition period to use up existing stocks of wet wood or allow time for it to air-dry?

- No transition period
- Transition period of 1 year
- Transition period of more than 1 year

Please provide reasons or evidence to support your answer.

This avoids the problems of suppliers stockpiling wet wood for future sales, and also covers users stockpiling. We would not be against wet wood going through a drying service prior to sale. The aim here would be to ensure lowering concentrations of pollutants in the shortest possible time.

8. Do you think that smaller suppliers and retailers should be given a longer transition period?

- Yes
- No
- Don't know/don't have an opinion

9. We are proposing that suppliers selling wet wood in volumes larger than the agreed cut-off point should be required to provide clear instructions to their consumers about how long the wood should be "seasoned" before it is burnt. Do you agree or disagree with this proposal?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

Given the answer to Q6, BCC feel that there should be no sale of wet wood, therefore we strongly disagree with this. Issuing instructions to users is not an auditable way of controlling the fuel type. There is nothing to stop people burning wet wood except by regulating against its sale.

10. Do you agree or disagree that wood fuel suppliers should be required to be members of a certification scheme that provides assurance (via testing and auditing) that the wood is of a moisture content of 20% or less?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

11. Do you agree or disagree that retailers selling wood should be legally required to store the wood in such a way that it will not become wet?

- Yes
- No
- Don't know/don't have an opinion

Wood that is dry should not be allowed to become wet, although existing wet wood need not be stored under cover. It would however be good practice to require all retailers of wood to keep it covered to prevent arguments as to whether or not the wood is dry or wet.

12. In order to comply with the proposal to require all businesses selling wood in volumes under 2m³ to ensure that it is dried to below 20% moisture, what adjustments, if any, would your business need to make? Please select one of the following.

- Purchase a kiln to dry wood
- Buy other equipment to season wood
- Wouldn't need to adjust
- Other (please specify) – This question is not applicable to a council response.

13. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

No

3. Coal

14. Do you agree or disagree that government should phase out the use of traditional house coal for domestic combustion?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

15. If you agree, what would be the most appropriate end date for phasing out the use of traditional house coal for domestic combustion?

- 2019
- 2020
- 2021
- Other
- Don't know/don't have an opinion – see Q20

Please provide reasons or evidence to support your answer

16. In phasing out the use of traditional house coal as a domestic fuel, what do you consider is a reasonable transition period to allow industry and householders to use up existing stocks?

- No transition period
- Transition period of 1 year
- Transition period of 2 years
- Don't know/don't have an opinion – see Q20

17. In phasing out the use of traditional house coal as a domestic fuel, government is minded to apply this to all businesses because of the health and environmental

benefits of this approach. We acknowledge this may be harder for some businesses than others. Do you agree or disagree that this approach should apply to all businesses?

- Agree
- Disagree
- Smaller businesses should be given a longer transition period
- Neither agree nor disagree
- Don't know/don't have an opinion – see Q20

18. If you disagree, which of the following should apply? Please select all the options you believe should apply.

- Small and micro businesses to be exempt, e.g. corner shops, independent garages, small merchants
- Other businesses to be exempt
- Coal to only be sold through authorised coal merchants
- Total phase out
- Don't know/don't have an opinion – not applicable

Please provide detail of which businesses should be exempt and your reasoning.

19. In phasing out traditional house coal as a domestic fuel, government is minded to apply the phase-out nationwide across England. Do you agree or disagree?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion – see Q20

If you disagree, which of the following should apply?

- Coal sales to be phased out in urban areas only
- Coal sales to be limited to other specific area (please specify)
- Don't know/don't have an opinion

20. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

Whilst the phasing out of house coal has health benefits and in that sense Birmingham City Council are in agreement, we recognise that the use is very limited in Birmingham and as such is not a specific issue. There may be areas of the country (rural off-grid) where the use of house coal may not be a problem.

4. Manufactured Solid Fuels

21. Do you agree or disagree that government should introduce a standard for all manufactured solid fuels which confirms they are below 2% sulphur and meet a smoke emission limit of 5g /hr?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

22. In introducing a sulphur and smoke emission standard, do you consider that there should be a transition period for suppliers and retailers?

- No transition period
- Transition period of 1 year
- Transition period of more than 1 year

Please provide reasons or evidence to support your answer

Transition period to be limited to the sales of existing supplies whilst new supplies are wholly compliant.

23. Do you agree or disagree that, over time, the 2% sulphur limit should be further reduced to 1% sulphur?

- Agree – 1%
- Agree – some other percentage (please state below)
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

If you agree, over what time period should the further reduction be introduced?

- 1 year
- 2 years
- 3 years
- Don't know / not applicable

Government intends to implement a nationwide sulphur and smoke standard through a certification process. All solid fuel suppliers would be required to apply for certification of their products as meeting a 2% sulphur limit and 5g/hr smoke test. A clear logo would be required on all packaging showing that the product was approved. This would be supported by audit, random testing and Local Authority enforcement. This would replace the existing Clean Air Act exemption requirements for solid fuels. Fuels which are already certified as having passed this test would not need to be retested, but would need to apply the new, clear logo.

24. Do you agree or disagree that government should introduce a clear labelling requirement to demonstrate that fuels meet the standard?

- Agree
- Disagree
- Neither agree nor disagree
- Don't know/don't have an opinion

25. In order to comply with the proposal to phase out traditional house coal and apply sulphur and smoke emissions standards to all solid fuels, what adjustment, if any, would your business need to make? Please select one of the following.

- Would need to reformat our products
- Wouldn't need to adjust
- Couldn't adjust
- Other (please specify) – This question is not applicable to a council response.

26. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

No

5. Carbon Reductions

27. Do you agree or disagree that government should, over the longer term, introduce a requirement that all manufactured solid fuels have a minimum biomass content?

- Agree – please state percentage below
- Disagree – no minimum limit
- Neither agree nor disagree
- Don't know

28. For businesses: If government mandated a biomass content how long would it take you to adjust?

- We wouldn't need to adjust
- 1 year or less
- 2 years
- 3 years
- 4 years or more
- We wouldn't be able to adjust.

No comment

29. Would you like to provide any further comments or evidence on our proposals or the questions in this section?

The introduction of biomass materials into the fuel supply would need to be carefully managed and each new blend of fuel type tested independently to ensure that carbon reduction does not mean an increase in any other pollutant. We need to ensure that the one pollutant isn't replaced by another e.g. reduced sulphur emissions are to be welcomed but not if it increases particulate pollution.

6. Exemptions

30. We are interested in your views on how government should support those in fuel poverty with this transition away from high-carbon fossil fuels

No comment

31. Would you like to provide any further comments or evidence on this section?

No comment

7. Implementation

32. What do you think would be an appropriate level of fixed penalty related to the sale of domestic burning products?

- £300
- £500
- Other (please specify)

33. Do you think that local authorities should be required to use any funds received through fixed penalties related to the sale of domestic burning products for a specific purpose?

- Yes – please specify below
- No
- Don't know/don't have an opinion

The monies should be reinvested primarily in tackling enforcement of these Regulations, and any additional monies in other environmental matters/enforcement e.g. air quality monitoring, waste, litter, dog fouling etc.

34. Do you agree or disagree that this will deliver our objective of establishing a clear and straightforward enforcement policy, minimising burdens for Local Authorities?

- Yes
- No
- Don't know/don't have an opinion

Please suggest any alternative proposal that you consider to be more effective in delivering our objectives.

If the policy bans the sale of wet wood and introduces the certification of fuel supplies then the enforcement burden would be much easier than having to investigate suppliers i.e. all supplies should be certified. Consider aiming high on the Nuffield Ladder of Intervention – eliminate choice (regulate).

35. Government will provide advice and guidance to retailers selling domestic burning products. What format should this take?

- Leaflets
- Point of sale displays
- Social media
- Information provided with the product
- Other (please specify)

Product based information should provide guidance to both retailers and purchasers. This ensures that as part of the package both the retailer and the purchaser are covered in such as they have received all relevant information.

8. **Information**

36. What information do you think would be helpful to enable householders to reduce their impact from domestic burning?

The high level message should be “Don't burn!!” and advise on alternative green options.

However it would be helpful to introduce a requirement that all appliances have an annual maintenance check for which records should be kept. This is normally a recommendation of the manufacturers anyway but this should be encompassed into the legislation, with the enforcing authority being able to require evidence of the maintenance or to specify such to take place e.g. by notice. Failure to provide a

maintenance certificate within X days would be an offence for which a FPN should be available.

37. What do you think would be the most effective way of communicating information to householders? (tick all that apply)

- Through retailers
- Appliance manufacturers
- Fuel suppliers
- Chimney sweeps
- Press
- Charities
- Social media
- Doctors surgeries
- Mail shots
- Advice with council tax
- All of the above
- Other (please specify)

38. For householders: Where do you buy your fuel? (tick all that apply).

- Petrol stations
- DIY stores
- Supermarket
- Garden centres
- Local suppliers
- Coal merchant
- Farmer
- Online
- Other (please specify) – Not applicable

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 October 2018
ALL WARDS

OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
August 2018

1. Summary
 - 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised in the period mentioned above.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Emma Rohomon, Acting Head of Licensing
Telephone: 0121 303 9780
E-mail: Emma.Rohomon@birmingham.gov.uk

3. Summary of Appeal Hearings for August 2018

	Magistrates'	Crown
Total	8	
Allowed	3	
Dismissed	3	
Appeal lodged at Crown		0
Upheld in part	0	
Withdrawn pre-Court	2	

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In August 2018 costs have been requested to the sum of £955.25 so far with reimbursement of £1605.25 so far (59.5%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2018 to August 2018, costs associated to appeal hearings have been requested to the sum of £3788.55 so far with reimbursement of £3009.15 so far (79.4%) ordered by the Courts.
- 4.4 For the fiscal year thus far, April 2018 to August 2018, costs contra Birmingham City Council associated to appeal hearings have been requested and awarded in excess of £10483.

5. Implications for Policy Priorities

- 5.1 The contents of this report contribute to the priority action of providing an efficient and effective Licensing service to ensure the comfort and safety of those using licensed premises and vehicles.

6. Public Sector Equality Duty

- 6.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

7. Consultation

- 7.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action taken as a result of the contents of this report is subject to that Enforcement Policy.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Prosecution files and computer records in Legal Proceedings team.

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Tahir Masood	01.08.2018	Dismissed	£1050.00	£400.00	On 15.01.2018 as a result of a conviction for battery, the Sub Committee resolved to revoke the licence. On 01.08.2018 After hearing both parties submissions the Magistrates decided that Mr Masood had failed to show that the decision was wrong and dismissed the appeal.
2	Latif Ahmed	03.08.2018	Allowed	£812.50 (Contra BCC)	£650.00 (Contra BCC)	On 28.03.2018 as a result of non-conviction information disclosed by Staffordshire Police as part of the Criminal Record Disclosure, the Sub Committee refused to renew the licence. On 03.08.2018 Mr Ahmed's appeal was allowed, as the Magistrates were convinced that the decision of the Sub-Committee was wrong, because Mr Ahmed has had no other complaints, cautions or convictions.75% of the Appellant's costs were awarded, totalling £650.
3	Mark Gee	06.08.2018	Not Defended	£1333.94 (Contra BCC)	£1333.94 (Contra BCC)	On 23.04.2018 the Sub Committee resolved to refuse Mr Gee's request to be exempt from displaying plates and signage on his vehicle. Following legal advice, it was decided not to defend the appeal . The Magistrates court awarded costs in the sum of £1333.94.
4	Tahir Latif	06.08.2018	Dismissed	£191.00	£191.00	On 23.04.2018 due to a conviction for driving with excess alcohol, the Sub Committee resolved to refuse the application for the grant of a private hire driver licence. On 06.08.2018 Mr Latif failed to attend court, the appeal was dismissed, the court made an order for costs of £191.00.
5	Ali Ahmed	13.08.2018	Allowed	£750.00 (Contra BCC)	£750.00 (Contra BCC)	On 29.05.2018 due to convictions recorded, the Sub Committee resolved to refuse the application for the grant of a private hire driver licence. On 16.08.2018 the court allowed the appeal on the basis that the conviction is an old one and Mr Ahmed has held licences with other authorities.

6	Tariq Hussain	15.08.2018	Dismissed	£123.65	£123.65	On 29.05.2018 due to convictions for plying for hire and driving while uninsured the Sub Committee resolved to revoke the licence in line with policy. On 15.08.2018 Mr Hussain did not attend, the court dismissed the appeal.
7	Sheikh Rizwan Ali	17.08.2018	Allowed	£00.00 (Contra BCC)	£00.00 (Contra BCC)	On 27.07.2018 due to a conviction recorded, the Sub Committee resolved to refuse the application for the grant of a private hire driver licence. The decision was in line with policy. On 17.08.2018 the court allowed the appeal, the magistrates were of the view that the Sub Committee should have considered that the appellant is a licensed driver with other authorities and the historic nature of the offence, these were compelling reasons to depart from policy. There was no application for costs.

MAGISTRATES' COURT – PRIVATE HIRE OPERATOR'S LICENCE

1	Naela Sameena t/a Bestway Cars	08.08.2018	Withdrawn Pre-Court	£240.60	£240.60	On 09.04.2018 the Sub Committee refused renewal of the licence due to failing to comply with conditions of licence and other matters of concern. On 08.08.2018 the appellant was not present, the District Judge explained that an official notice of withdrawal via email was received. An order for costs of £240.60 was made.
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BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING SERVICE DIRECTOR REGULATION AND
ENFORCEMENT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

PROSECUTIONS AND CAUTIONS – AUGUST 2018

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of August 2018.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Chris Neville, Acting Service Director Regulation and Enforcement
Telephone: 0121 303 6111
E-Mail: Chris.Neville@birmingham.gov.uk

3. Results

3.1 During the month of August 2018 the following cases were heard at Birmingham Magistrates Court, unless otherwise stated:

- One Licensing case was finalised resulting in a fine of £375 and prosecution costs of £504. Six penalty points were issued. Four simple cautions were administered as set out in Appendix 1.
- 92 Environmental Health cases resulted in fines of £197,758 and prosecution costs of £48,789 were awarded. Compensation for clean-up costs in the sum of £160.50 was also awarded. One simple caution was administered as set out in Appendix 2.
- Two Trading Standards cases were finalised resulting in a 12 month Community Order including a 15 day Rehabilitation Activity Requirement and 80 hours unpaid work. A fine of £2,220 and prosecution costs of £5,850 were also awarded. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in August 2018 and cases finalised by district April – August 2018.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team in April - July 2018.

4. Consultation

4.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

5. Implications for Resources

5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.

5.2 For the year April 2018 to August 2018 the following costs have been requested and awarded:

Licensing

£10,570 has been requested with £8,963 being awarded (85%).

Environmental Health

£171,712 has been requested with £130,711 being awarded (76%).

Trading Standards

£16,393 has been requested with £10,275 being awarded (63%).

- 5.3 For the month of August 2018 the following costs have been requested and awarded:

Licensing

£504 has been requested with £504 being awarded (100%).

Environmental Health

£51,312 has been requested with £48,789 being awarded (95%).

Trading Standards

£10,917 has been requested with £5,850 being awarded (54%).

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES**APPENDIX 1**

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	13/8/18	Elvis Kofi Addo Birmingham	Town Police Clauses Act 1847 & Road Traffic Act 1988 Pleaded guilty to two offences: one of plying for hire in Bennetts Hill, Birmingham and one of consequently having invalid insurance. Exceptional hardship found. Driver was not disqualified from driving.	£375 – Plying + 6 penalty points No separate penalty for no insurance. £504 costs (£504 requested)	Aston	Ladywood

LICENSING SIMPLE CAUTIONS

During the period of August 2018, four simple cautions have been administered

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) One caution was issued for failing to display a private hire vehicle licence plate

Section 50(3) One simple caution was issued for failing to report an accident to the City Council within 72 hours

Section 54(2) One caution was issued for failing to wear the drivers badge in a position and manner as to be plainly and distinctly visible

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875 One caution was issued for failing to display a fare table in a manner as to be plainly and distinctly visible

ENVIRONMENTAL HEALTH CASES

WASTE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/8/18	RK Doors & Windows Ltd 5 Heybarnes Road Birmingham B10 9HR	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at R K Home Improvements, 5 Heybarnes Road, Birmingham was disposed of within 7 days.	£400 £472 costs (£472 requested)	Small Heath	Small Heath
2	2/8/18	Wisdom Consultants Ltd T/A Homezone 381 Ladypool Road Birmingham B12 8LA	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Homezone, 381 Ladypool Road, Birmingham was disposed of within 7 days.	£300 £553 costs (£553 requested)	Sparkbrook & Balsall Heath East	Sparkbrook & Balsall Heath East
3	2/8/18	Maqqadus Din Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of depositing controlled waste, namely carpet, DIY materials and household waste on land on Midland Street, Birmingham.	£400 £1,319 costs (£1,319 requested)	Alum Rock	Bordesley & Highgate

4	2/8/18	Mohammed Naziri Birmingham	Environmental Protection Act 1990 Pleaded guilty to three offences; two of failing to comply with a notice requiring written information of how waste from the business at Sifi Mini Market, 124 Yardley Road, Acocks Green was disposed of within 7 days and one offence of failing to take reasonable measures to dispose of waste in that waste from the business was found by a tree near 130 Yardley Road, Birmingham.	£400 (£50 x 2 £300 x 1) £948 costs (£948 requested)	Alum Rock	Acocks Green
5	2/8/18	Rebecca Sweet Kingstanding Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to ensure that waste was transferred to an authorised person, in that general household waste was given to unknown and untraceable waste collectors and the waste was later found in Sutton Park.	£100 – offence 1 No separate penalty for offence 2 £400 costs (£1,134 requested)	Kingstanding	Sutton Four Oaks
6	3/8/18	Prudential Solution Services Ltd 176 Dudley Road Birmingham B18 7QX	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to one offence of failing to comply with a notice requiring written information of how waste from the business at Prudential Solution Services Ltd, 176 Dudley Road, Birmingham was disposed of within 7 days. Found guilty after trial.	£550 £220 costs (£440 requested)	North Edgbaston	North Edgbaston

7	3/8/18	Audrey Thompson Stockland Green Birmingham	Environmental Protection Act 1990 Pleaded <u>not guilty</u> to one offence of failing to comply with a notice requiring written information of how waste from the business at Audge Hair & Beauty, 361 Birchfield Road, Perry Barr, Birmingham was disposed of within 7 days. Found guilty after trial.	£300 £200 costs (£400 requested)	Stockland Green	Aston
8	16/8/18	One Gadget (Birmingham) Ltd 37 Coleshill Road Birmingham B36 8DT	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at One Vape Shop, 37 Coleshill Road, Birmingham was disposed of within 7 days.	£700 £449 costs (£449 requested)	Bromford & Hodge Hill	Bromford & Hodge Hill
9	16/8/18	Hazrat Shahjalal Store Limited 1112 Coventry Road South Yardley Birmingham B25 8DU	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Hay Mills Convenience Store, 1112 Coventry Road, Birmingham was disposed of within 7 days.	£1,000 £404 costs (£404 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills
10	16/8/18	Fateh Tschroub Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at The Groomers Barbers, 1186 Coventry Road, Birmingham was disposed of within 7 days.	£128 £398 costs (£398 requested)	Bordesley Green	Tyseley & Hay Mills

11	16/8/18	Coventry Road Lingerie Limited 8 Asthill Croft Coventry CV3 6HL	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at AdultWorld.co.uk, 1014 Coventry Road, Birmingham was disposed of within 7 days.	£533 £359 costs (£359 requested)	Out of area	Tyseley & Hay Mills
12	16/8/18	Avaya Investments Ltd 1034 Coventry Road South Yardley Birmingham B25 8DP	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Avaya Car Rental, 1034 Coventry Road, Birmingham was disposed of within 7 days.	£1,333 £438 costs (£438 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills
13	16/8/18	John Morgan Wolverhampton	Environmental Protection Act 1990 Pleaded guilty to two offences of failing to comply with two notices served requiring that within 21 days receptacles for the storage of waste were provided to the premises trading as Big Deal, Units 21-22 Newtown Shopping Centre and to ensure that no waste escaped onto the ground.	£400 – offence 1 No separate penalty for offence 2 £550 costs (£818 requested)	Out of area	Newtown
14	16/8/18	Wayne Tombs Castle Bromwich West Midlands	Environmental Protection Act 1990 Pleaded guilty to two offences; one offence of knowingly causing or permitting controlled waste, namely black refuse sacks to be deposited on the pavement near the recycling banks opposite 74 East Meadway, Birmingham. One offence of failing to comply with a notice requiring written information of how waste from the business at Urban Body Art, 74 East Meadway, Birmingham was disposed of within 7 days.	£445 – offence 1 No separate penalty for offence 2 £160.50 clean-up costs. £1,000 costs (£1,287 requested)	Out of area	Glebe Farm & Tile Cross

15	20/08/18	Meghna Foods Limited 1006-1008 Coventry Road Birmingham B25 8DP	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Meghna Foods, 1006-1008 Coventry Road, Birmingham was disposed of within 7 days.	£300 £507 costs (£507 requested)	Tyseley & Hay Mills	Tyseley & Hay Mills
16	20/08/18	Hagley Supermarket Ltd 161 Hagley Road Birmingham B16 8UQ	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Hagley Supermarket, 161 Hagley Road, Birmingham was disposed of within 7 days.	£500 £478 costs (£478 requested)	Ladywood	Ladywood
17	20/08/18	Image Hair Studio Ltd 185 Rookery Road Birmingham B21 9QE	Environmental Protection Act 1990 Pleaded guilty to two offences; one of failing to take reasonable measures to prevent a contravention in that waste from Image Hair Studio, 185 Rookery Road was found on Aylesford Road junction of Rookery Road and one offence of failing to comply with a notice requiring written information of how waste from the business was disposed of within 7 days.	£1,400 (£1,000 x offence 1 £400 x offence 2) £1,579 costs (£1,579 requested)	Handsworth	Handsworth
18	20/08/18	Tahini Healthy Grill Ltd 325 Dudley Road Birmingham B18 4HB	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Tahini Healthy Grill, 325 Dudley Road, Birmingham was disposed of.	£100 £595 costs (£595 requested)	North Edgbaston	North Edgbaston

19	22/08/18	Mohammed Aylas Aslam Sparkhill Birmingham	Environmental Protection Act 1990 Pleaded guilty to three offences; one of failing to take reasonable measures to prevent a contravention in that waste from Mad Desserts, 305 Stockfield Road was found on Parliament Street and two offences of failing to comply with notices served requiring written information of how waste from the business was disposed of.	£2,200 (£1,200 – offence 1 & £1,000 – offence 2) No separate penalty for offence 3. £955 costs (£955 requested)	Sparkhill	South Yardley
20	29/8/18	Shake House (Bham) Ltd 253 Alcester Road South Birmingham B14 6DT	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to take reasonable measures to prevent a contravention in that waste from Shake House, 17 Stoney Lane, Sparkbrook, Birmingham was found outside 17 Stoney Lane, Birmingham..	£1,000 £1,356 costs (£1,356 requested)	Billesley	Sparkbrook & Balsall Heath East
21	30/08/18	Nakul Dev Birmingham	Environmental Protection Act 1990 Pleaded guilty to one offence of failing to comply with a notice requiring written information of how waste from the business at Tahini Healthy Grill, 325 Dudley Road, Birmingham was disposed of.	£425 £425 costs (£425 requested)	Edgbaston	North Edgbaston
22	31/08/18	Ikram Properties Ltd Saturn Business Centre 52-68 Bissell Street Birmingham B5 7HP Naseem Rafiq Birmingham	Environmental Protection Act 1990 Company pleaded guilty to three offences; one of depositing controlled waste, including builders waste and materials, on land in Tilton Road, Birmingham, one of failing to comply with a notice requiring written information of how waste from the business at Saturn Business Centre, 52-88 Bissell Street, Birmingham was disposed of and one offence of obstructing an authorised officer in the	Total fine £28,430 Company fined £15,500 (£10,000 x depositing waste £1,250 x failing to provide information £4,250 x	Bordesley & Highgate	Bordesley & Highgate

		<p>Vaseem Rafiq Small Heath Birmingham</p> <p>Naheem Rafiq Moseley Birmingham</p>	<p>exercise of his powers by making false representations. Naseem Rafiq pleaded guilty to one offence of depositing controlled waste in Tilton Road, Birmingham. Vaseem and Naheem Rafiq both pleaded guilty to one offence of obstructing an authorised officer by making false representations.</p>	<p>obstruction)</p> <p>Naseem fined £4,430</p> <p>Vaseem fined £4,250</p> <p>Naheem fined £4,250</p> <p>Total costs £16,000 (Company to pay £10,000 Naseem/Vaseem & Naheem to each pay £2,000) (£16,000 requested)</p>		
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FOOD HYGIENE OFFENCES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/8/18	I Eat (Birmingham) Ltd 54 Lozells Road Birmingham B19 2TJ	<p>Food Safety and Hygiene (England) Regulations 2013</p> <p>Found guilty in their absence of 11 offences relating to conditions at I Eat, 54 Lozells Road, Birmingham on two separate dates. On 10th May 2017 there was extensive evidence of mice activity throughout the premises. Dirt and debris was on the floor throughout the food preparation room. There was an accumulation of grease and dirt on the kitchen wall and floor behind the cooking station. The cleaning cloth was dirty and littered with mouse droppings. There were potential pest entry holes in the structure of the premises. There were no procedures based on HACCP.</p> <p>On 14th February 2018 there was extensive evidence of mice activity throughout all areas of the business, specifically mouse droppings on the floor throughout, on food contact surfaces, on equipment and inside the cold display chiller unit. The premises were not kept clean and the kitchen was poorly maintained. Articles, fittings and equipment which food comes into contact were not effectively cleaned. There was a potential pest entry hole in the concrete floor under the chapatti preparation station and in the wall behind the microwave.</p>	<p>£75,000</p> <p>(£5,000 x 7 & £10,000 x 4)</p> <p>£1,648 costs (£1,648 requested)</p>	Lozells	Lozells

2	2/8/18	Glorious Catering & Restaurants Ltd 52 Thelbridge Road Birmingham B31 4NH	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to three offences relating to conditions at 18-20 Aston Lane, Handsworth, Birmingham. There were no adequate procedures in place to control pests. Cockroaches were found alive throughout the kitchen and service area of the premises. A live cockroach was found inside the packaging of ready to eat dried food. Mouse droppings were present inside food containers under the bar counter. There was a build-up of dirt and grease in cupboards, on food processing equipment and in the cooker.	£4,500 (£1,500 x 3) £1,098 costs (£1,098 requested)	Longbridge & West Heath	Aston
3	16/8/18	Li Pan Birmingham	Food Safety and Hygiene (England) Regulations 2013 Pleaded guilty to one offence relating to conditions at Oriental Wok, 213 Monument Road, Birmingham. There was evidence of cockroach activity within the premises. Raw materials were not kept in appropriate conditions designed to protect them from contamination. There was a colander of cooked noodles covered by a dirty cloth and pork mince was kept amongst citrus fruit and salad in the fridge. In the slim line fridge there was a dirty cloth covering chicken. A wooden chopping block was in a dirty condition.	£512 £968 costs (£968 requested)	Ladywood	Ladywood
4	20/08/18	Madina Halal Meat Ltd	Food Safety and Hygiene (England)	£38,000	Sparkhill	Sparkhill

		800 Stratford Road Sparkhill Birmingham B11 4BS	<p>Regulations 2013</p> <p>Pleaded guilty to six offences: five relating to conditions of Madina Halal Meat Ltd, 800 Stratford Road, Sparkhill, Birmingham. The walk-in chiller, food preparation surfaces and shopping trolleys, used to move meat, were not effectively cleaned. Hand drying materials were dirty. Flies were present in the shop and landing on surfaces including the mincing machine and uncovered meat. Fruit and vegetables were stored in a side alley only covered with a cloth. There were no procedures based on HACCP. One offence of failing to comply with a food hygiene improvement notice requiring the floor, walls, ceiling, shelving, cupboards, touch points, sinks, work surface supports and toilet room to be cleaned and a wash-hand basin to be provided near the butchery area.</p>	£600 costs (£1,009 requested)		
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HEALTH & SAFETY OFFENCES

Ref: LPPC/3023
07/10/2013

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/8/18	HK Traders Ltd Unit 1 St Chads Industrial Estate Brearley Close Birmingham B19 3NP	Health & Safety at Work etc. Act 1974 Pleaded guilty to two offences of failing to ensure that employees and persons not in their employment were not exposed to risks to their health and safety in relation to working at height on the roof of the premises at Mirza and Sons, Unit 1 St Chads Industrial Estate, Brearley Close and neighbouring properties. An employee fell through the skylight of Jamaican Fresh Products Ltd, Unit 3 St Chads Industrial Estate, sustaining minor injuries.	£25,000 £3,900 costs (£3,900 requested)	Newtown	Newtown

LITTERING OFFENCES – SINGLE JUSTICE PROCEDURE

Date Cases Heard	Total Number of Cases	Total Fines imposed	Total Costs awarded	Total Costs requested
10/08/18	14	£2,826	£2,450	£2,450
24/08/18	51	£10,576	£8,520	£8,925

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

One simple caution was administered during August 2018.

Environmental Protection Act 1990

One caution was issued for knowingly depositing waste, namely boxes, in an alley in Small Heath, Birmingham.

TRADING STANDARDS CASES

	Date Case Heard	Name & Address	Offence details (including Legislation)	Fine/Penalty & Costs	Ward of defendant	Ward - Offence committed
1	2/8/18	Amjid Suleman Birmingham	<p>Cosmetic Products Enforcement Regulations 2013 Consumer Protection from Unfair Trading Regulations 2008.</p> <p>Pleaded guilty to 11 offences relating to the sale of cosmetic products on ebay; four offences of placing various cosmetic products on the market which contained prohibited substances, namely mercury and hydroquinone, four offences of placing cosmetic products on the market where the container and packaging was not labelled in accordance with the regulations, one offence of failing to electronically submit information relating to the products to the commission, one offence of failing to keep product information for the products placed on the market and one offence of selling cosmetic products, namely Safi, King Sharbat Faulad and Sharbat toot siah, on ebay creating the impression that the items could be legally sold when they were prohibited by the Human Medicines Regulations.</p>	<p>£2,220 (£200 x 11)</p> <p>£3,850 costs (£3,850 requested)</p> <p>Destruction Order granted in respect of the seized items.</p>	Billesley	Billesley

2	7/8/18	Altaf Salim Birmingham	<p>Road Traffic Act 1988, Companies Act 2006 Consumer Protection from Unfair Trading Regulations 2008</p> <p>Pleaded <u>not guilty</u> to four offences; one offence of supplying a Ford Mondeo vehicle from Euro Cars, Unit 104, 108 Digbeth, Birmingham that was in a dangerous and unroadworthy condition, one of failing to disclose the business name on a receipt, one of placing an advert for the vehicle on the Autotrader Website which contained false information, namely that the vehicle had a "full service history" when it did not and one offence of advertising and offering the Ford Mondeo for sale without first carrying out a basic inspection to ascertain whether the vehicle was safe and roadworthy.</p> <p>Found guilty after trial.</p>	<p>A 12 month Community Order imposed including a 15 day Rehabilitation Activity Requirement and 80 hours of unpaid work</p> <p>£2,000 costs (£7,067 requested)</p> <p>£687 compensation to be paid to complainant.</p>	Sparkbrook & Balsall Heath East	Bordesley & Highgate
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TRADING STANDARDS SIMPLE CAUTIONS

No simple cautions were administered during August 2018

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – AUGUST 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	65	0	0	0	0	0	0	65
Environmental Health (non FPNs)	0	0	3	3	12	0	1	0	1	7	0	27
Trading Standards	0	0	0	0	1	0	0	1	0	0	0	2

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – AUGUST 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	1	0	0	0	0	0	0	1
Environmental Health (FPNs) Not paid and prosecuted	2	2	3	10	13	1	5	0	0	5	24	65
Environmental Health (non FPNs)	1	2	3	4	8	1	1	1	0	3	3	27
Trading Standards	0	0	1	0	0	0	0	1	0	0	0	2

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-AUGUST 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	14	0	0	4	1	0	0	19
Environmental Health (FPNs) Not paid and prosecuted	0	0	0	0	319	0	0	0	0	0	0	319
Environmental Health (non FPNs)	2	7	13	12	31	1	3	3	2	15	1	90
Trading Standards	1	1	1	1	2	0	0	1	0	0	0	7

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-AUGUST 2018

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	2	5	2	0	2	0	0	1	7	19
Environmental Health (FPNs) Not paid and prosecuted	10	9	18	26	52	16	24	7	3	13	141	319
Environmental Health (non FPNs)	3	7	12	13	23	2	3	6	1	9	11	90
Trading Standards	0	1	3	1	1	0	0	1	0	0	0	7

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL 2018 – MARCH 2019

	Apr-18	May-18	Jun-18	Jul-18	Total 2018/2019
Waste Investigation Outcomes					
Duty of Care inspections into the waste disposal arrangements of commercial premises	125	120	156	82	483
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	105	102	122	71	400
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	30	41	50	35	156
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	0	2	0	0	2
<u>Section 33 Environmental Protection Act</u> fixed penalty notices issued for fly tipping (£400)	4	5	3	7	19
Prosecutions					
Number of prosecution files submitted to legal services (number produced quarterly)			43	43	

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

24 OCTOBER 2018
ALL WARDS

FIXED PENALTY NOTICES ISSUED AUGUST 2018

1. Summary
 - 1.1 The report sets out a breakdown, on a Ward basis, of fixed penalty notices issued in the City during the period of August 2018.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Mark Croxford, Head of Environmental Health
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E-mail: mark.croxford@birmingham.gov.uk

3. Background

- 3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.
- 3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – March 2005	382
April 2005 – March 2006	209
April 2006 – March 2007	650
April 2007 – March 2008	682
April 2008 – March 2009	1,147
April 2009 – March 2010	1,043
April 2010 – March 2011	827
April 2011 – March 2012	2,053
April 2012 – March 2013	1,763
April 2013 – March 2014	1,984
April 2014 – March 2015	4,985
April 2015 – March 2016	5,855
April 2016 – March 2017	6,306
April 2017 – March 2018	5,873

4. Enforcement Considerations and Rationale

- 4.1 The attached appendix shows the wards where FPNs were issued during the month of August 2018.
- 4.2 By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.
- 4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

4.5 Anyone who receives a FPN is encouraged to talk to their co-workers, friends and families to promote the anti-litter message.

5. Consultation

5.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

7. Implications for Policy Priorities

7.1 The issue of fixed penalty notices has a direct impact on environmental degradation within the City and the Council's strategic outcome of staying safe in a clean, green city.

8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1

Wards where FPN's are issued

Ward	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Acocks Green	3	0	2	0	5								
Allens Cross	0	0	0	0	0								
Alum Rock	0	2	1	1	3								
Aston	1	1	1	1	1								
Balsall Heath West	0	0	4	0	1								
Bartley Green	1	0	1	0	0								
Billesley	0	2	5	1	0								
Birchfield	0	0	0	2	0								
Bordelsey & Highgate	1	1	1	1	0								
Bordesley Green	0	2	2	2	9								
Bournbrook & Selly Park	0	1	1	9	4								
Bournville & Cotteridge	1	0	0	9	3								
Brandwood & Kings Heath	0	5	3	3	0								
Bromford & Hodge Hill	0	1	1	0	2								
Castle Vale	0	0	0	0	0								
Druids Heath and Monyhull	0	2	0	0	0								
Edgbaston	0	0	2	1	0								
Erdington	2	0	2	6	2								
Frankley Great Park	0	0	0	0	0								
Garretts Green	0	0	0	2	0								
Glebe Farm & Tile Cross	2	0	1	3	0								
Gravelly Hill	1	0	0	0	1								
Hall Green North	0	2	0	0	1								
Hall Green South	0	4	2	0	0								
Handsworth Wood	0	0	2	1	0								
Handsworth	2	0	1	0	1								
Harborne	0	0	1	2	2								
Heartlands	1	1	0	0	1								
Highters Heath	0	0	0	0	0								
Holyhead	1	0	5	0	2								
Kings Norton North	0	0	0	1	0								
Kings Norton South	1	0	0	0	0								
Kingstanding	1	0	0	0	0								
Ladywood	746	777	463	302	399								
Longbridge & West Heath	0	0	0	0	0								
Lozells	2	1	0	0	1								
Moseley	0	1	0	0	0								
Nechells	0	0	0	2	0								
Newtown	0	0	2	0	2								
North Edgbaston	2	1	0	0	0								
Northfield	0	0	0	0	0								

Oscott	0	0	5	0	1								
Perry Barr	0	0	1	0	0								
Perry Common	0	0	1	0	0								
Pype Hayes	1	0	0	0	0								
Quinton	0	0	0	0	0								
Rubery & Rednal	1	0	0	0	0								
Shard End	0	0	0	0	5								
Sheldon	1	0	0	0	1								
Small Heath	3	0	1	2	7								
Soho & Jewellery Quarter	0	0	3	0	1								
South Yardley	0	1	0	0	0								
Sparkbrook & Balsall Heath East	0	2	3	1	4								
Sparkhill	0	1	3	0	1								
Stirchley	0	0	0	0	2								
Stockland Green	0	0	0	0	0								
Sutton Four Oaks	0	0	0	0	0								
Sutton Mere Green	0	0	0	0	0								
Sutton Reddicap	0	0	0	0	0								
Sutton Roughley	0	0	0	0	0								
Sutton Trinity	0	0	0	0	0								
Sutton Vesey	0	2	0	0	0								
Sutton Walmley & Minworth	0	0	0	0	0								
Sutton Wylde Green	1	0	0	0	0								
Tyseley & Hay Mills	0	0	0	0	0								
Ward End	0	0	0	3	1								
Weoley & Selly Oak	0	0	0	1	0								
Yardley East	0	0	0	0	0								
Yardley West & Strechford	0	1	0	0	0								
	775	811	520	356	463	0	0	0	0	0	0	0	2,925

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

24 OCTOBER 2018

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
916 (iii) 23/10/2017	<u>Emissions Policy beyond 31 December 2019</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this committee to consider a medium to long-term emissions policy in respect of hackney carriage and private hire vehicles beyond 31st December 2019.	Report due in November 2018
916 (iv) 23/10/2017	<u>Absolute Age Policy in respect of Hackney Carriage and Private Hire Vehicles.</u> The Acting Service Director of Regulation and Enforcement be requested to prepare a report for this Committee at the earliest opportunity to consider an absolute age policy in respect of hackney carriage and private hire vehicles.	Report due in October 2018
934 (ii) 15/11/2017	<u>Update Report on Proposed Strategy for Venues Operating as Shisha premises in Birmingham</u> The Acting Service Director of Regulation and Enforcement be requested to instruct officers to undertake a wider consultation with key stakeholders on the adoption of the proposed strategy. Officers to present the outcome of the consultation at a future meeting of Committee, with their recommendations on a finalised Strategy for the Committee's approval.	Report due in November 2018
942 (ii) 15/11/2017	<u>Revision of Birmingham City Council Act 1990 Establishments for Massage and/or Special Treatments</u> The Acting Service Director of Regulation and Enforcement be requested to provide a report for Committee reviewing the need for the Birmingham City Council Act 1990 and options including delegation of hearings to Licensing Sub-Committees.	Report due in January 2019
976 14/02/2018	<u>Update Report On Unauthorised Encampments –</u> The Acting Service Director of Regulation and Enforcement be requested to report further in three months' time to update on the various work items contained within the report.	See agenda item No. 6. Minute to be discharged

