

LICENSIN POLICY, GUIDANCE AND CONDITIONS FOR PRIVATE HIRE AND HACKNEY CARRIAGES OPERATING WITHIN THE COUNTY BOROUGH OF TORFAEN

NOTES OF MEETING HELD TUESDAY 7 APRIL 2009 AT 2.00 PM IN COMMITTEE ROOM 1 COUNTY HALL

PRESENT: Officers of the Council

Cllr Norma Parrish	Chair, Licensing Committee
Kim Pugh	Head of Public Protection
Steve Bendell	Team Leader, Licensing
Mike Goldie	Licensing Officer
Claire McGrath	Licensing Officer
Sylvia Jenkins	Senior Admin Assistant
Brian Lewis	Cwmbran Fire Protection Service

Alison Rees	Hackney Carriage
A Baber	Gwent Cars
D Townsend	Hackney Carriage
K Tudball	Hackney Carriage
R Page	Hackney Carriage
S Calder	Hackney Carriage
D A Jenkins	24/7
M Magness	Hackney Carriage
Martin Lord	A2B
V Fitzeg	Chauffer
Darren Jones	Chauffer
Stephen Felvus	Chauffer
David Felvus	Chauffer
Michael Hicks	Aztec Cars

Apologies:

Cllr Norma Parrish Chairman Chair of Licensing committee welcomed all attendees to the meeting and introduced KP, SB, CM and guest Brian Lewis from Cwmbran Fire Protection Service.

1 Fire Extinguishers and first aid kits in vehicles

1.1 SB advised that fire extinguishers and first aid kits in vehicles was brought to our attention because of an error in the current Taxi Policy and gave details. SB reiterated that Brian Lewis of Cwmbran Fire & Rescue Service has not attended this meeting to sell fire extinguishers but is purely there to give technical information on what we have to do to comply with the latest regulations on fire extinguishers as all halon fire extinguishers have been banned since 2003 and must be disposed of safely as they contain ozone depleting gas. If required, Cwmbran Fire & Rescue Service can arrange for halon fire extinguishers to be properly disposed of.

Brian Lewis gave a presentation on fire extinguishers in vehicles stating that most people use either a one kg powder or 1 litre foam. He gave a demonstration stating it depended on the type of fire. Both types of fire extinguishers were small and he felt the powder type extinguisher was far more efficient than the foam type. Most authorities do not specify which type of extinguisher should be used although the 1 k powder is recommended. The label indicates that the extinguisher is a pressure vessel that must be serviced once a year by an approved service company and checked annually by a competent person as the powder has to be changed after five years in order to comply with BS 5354. The new fire regulations have now been published and state that it is illegal to have instructions that are not in English as BS 5306 states that you must not use fire extinguishers with German instructions.

DF felt if there was a problem he would prefer to call the fire brigade. Brian Lewis advised that under the Health and Safety at Work Act fire extinguishers should be available inside all vehicles. SB advised that an organisation must be BAFE accredited for servicing fire extinguishers and the authority will now have to look at amending their Taxi Policy and all taxi drivers must comply with the Health and Safety regulations. SB advised that he will recommend the quality of the fire extinguisher to be a minimum 1 kg dry powder fire extinguisher to be contained in the Taxi Policy as he wants to bring our Policy in line with the legislation.

Green fire extinguishers must not be used under any circumstances and both 1 litre foam or 1kg powder are both legal, the powder is the more efficient. SB wants the fire extinguishers to be located within easy reach of the driver. Some drivers felt it would be difficult to locate the fire extinguishers near the door as there was a possibility of them being unable to close the door properly.

On testing, a label is put on the fire extinguisher. VOSA are currently responsible for checking the labels on the fire extinguishers in PCV's and Servicing Law came out in 2005. Brian Lewis pointed out that a total powder change is more expensive than if you just have to have the gas changed with an approximate cost of £20 for a powder type. SB advised that he recently spoke to Mike Evans of S E Wales Fire and Rescue Services who has recommended the most suitable for Hackney & PH is the 1k dry powder fire extinguisher. Some taxi drivers were concerned about the size of the fire extinguisher and whether it would fit safely in their vehicles. Brian Lewis advised that a .75 is legal but is smaller than the 1 k and only the long thin ones fit in the door. SB stated that the fire extinguisher would need to be fitted on a bracket. A .75 k is the minimum legal requirement in foam or powder and has to comply with the British Standard.

SB also stated that fire extinguishers have to be carried inside the vehicle and are to be used by the driver, and must also be serviced once a year. SB went through his proposal stating he will contact other authorities on this subject and asked all drivers present to dispose of any halon extinguishers immediately. A .75 kg of powder or .75 litre foam is legal but he will recommend the 1 k of dry powder in the Policy. Keith Tudball asked about the BSCF number and whether the Council will notify them of what they can and can't use. BSEN 3 can be used. Halon or 1211. Green extinguishers must be disposed of. Once the five year warranty is up they

usually get rid of them and get a new one. SB asked all drivers present to ensure that the ones they already have are checked annually. KP advised that they will be given a lead in time and then they will expect everyone to have an appropriate fire extinguisher that is serviced annually.

SB advised that there will be a 3 month lead in time and when they take their cars to the garage for MOT/servicing their fire extinguishers will be checked at the same time. Drivers were also concerned about how to check when the extinguisher was last inspected. Brian Lewis advised that the service must be carried out and installed by a competent person and must be taken to a serviceable company and if the extinguisher is already six months old you will have to have it serviced before you install it in the vehicle. After five years you must arrange to dispose of the extinguisher and have the new one serviced before it is installed in the vehicle. Brian Davies advised that although it makes no difference to the general public, taxi drivers must comply with the Health and Safety at Work Act and BAFE are approved to check fire extinguishers. At present all taxi drivers need to have the extinguisher they currently own serviced in order to ensure that it meets with the new legislation within a three month period. Audrey Baber mentioned extensive heating being used during the winter months and whether this would affect the extinguisher. Brian Lewis advised that fire extinguishers are tested up to 60 degrees temperatures. Powder types are safe under all circumstances and the foam type will not rust internally.

Cllr Parrish thanked Brian Lewis for his presentation.

1.2 SB updated on first aid kits stating the recommendation made in the Taxi Policy is also out of date and Boots Pharmacy can supply what you need to comply with the Health and Safety in the Work Place legislation. The HSE website will also give details of what you are required to have within the first aid kit. Torfaen are going to make it easy for drivers to update the kits and the Council will change the list to comply with the Health and Safety in the Workplace legislation. All the information will go to everyone in the private hire and taxi trade and SB will ensure that all information is sent out to everyone. To be updated in line with health and safety.

2. Issues resulting from a joint Police, VOSA & Licensing enforcement campaign

2.1 CM gave feedback on issues resulting from a joint police, VOSA and licensing enforcement campaign stating that the operation was a joint operation that took place in January and February 2009 where vehicles were stopped and randomly selected:

- A total of 79 vehicles were stopped over 5 days including vehicles which were not registered in Torfaen.
- Approximately 20 vehicles were test by VOSA.
- 8 PG9's notices were issued.
- Drivers were given seven days to fix any faults.
- Various other offences were found i.e.

- the registration number of vehicle to be on the first aid kit and fire extinguisher
- defective lights defective tyres etc.
- Some drivers did not have their badges on them.
- Other drivers were stopped and had their badges in their wallet etc.
- Smoke free signage.
- One driver was stopped as he was driving with a driver's badge issued by another authority.
- A newsletter is to be issued detailing in more depth all these details.

3. **The Department for Transport consultation on Improving Access to Taxis**

3.1 SB mentioned the closing date of 24.4.09 for consultation on improving disabled access to taxis that are wheelchair accessible. SB felt the main concern was to improve wheelchair accessibility stating there are 20 questions. SB felt some of the questions were unanswerable and has drafted a response and whilst he agree with it feels that as far as making every single vehicle wheelchair accessible is going too far. SB will submit the document within the next few weeks. At present they are not looking at private hire vehicles although SB felt they should look at the whole trade. The document is a consultation document and the anticipated final date is 2015. SB also advised of a web-link stating there are more copies available in the office. Responses are to be sent to the Department for Transport. SB has written a response on behalf of this Authority's licensing section. The document is a government document and he feels it is in their interest to receive this information. Mr Tudball felt the document was too lengthy as there were 108 pages in the document. SB recommended that they only needed to read section 2 pages 15-44.

Cllr Parrish advised that she has read SB's reply and felt it was very fair. SB to make the document available and will also post on the website. Mr Tudball advised that there are only 64 wheelchair accessible vehicles at present. SB also pointed out that this consultation may change the current policy document and all responses have to be considered. SB read out some of his response which was based on his experience. SB invited attendees to write what ever they wanted stating they do not have to stick to the current prescribed questions. SB will also provide some copies of pages 15-44 only of the consultation document.

4. **Independent Safeguarding Authority, changes which will affect criminal disclosures**

4.1 SB advised that this is a new piece of legislation that is coming in and the independent safeguarding has been set up to ensure children and vulnerable people are protected and all drivers must provide a full CRB check. This places a legal obligation on them to register with the independent safeguarding authority coming in in October 2009. They will have to register with the ISA before they can be issued with a badge. It is a one off registration and they will still be required to be CRB'd every 3 years. SB went through the reasons someone may not be on the database stating there is a charge involved. SB also went through the vetting and barring scheme. The cost is only a one off cost. The authority is under a legal

obligation to notify the ISA and if you are barred from the scheme it will stop you being employed as a driver anywhere else. As soon as more information is available it will be sent out. SB suggested they all look at it. It will be done directly with the ISA but as part of the process will have to agree to have a CRB with them. SB also advised that Torfaen Licensing will also be improving their taxi website so recommended they keep looking on the website.

5. Any other issues they wish to raise, including fees but excluding fares as this has not been requested in advance in writing

5.1 Concern was raised about the amount the fees were going up to. SB explained that a costing exercise has been carried out based on the rate of inflation. This year Torfaen Licensing were not prepared to put the fees up to do a cost recovery. SB explained that the cost of administering a driver's licence works out at £185 and has only increased the fees by £95. He was not prepared to increase to that amount. Vehicle licences - £267 so have only put a 10% increase on that one. SB advised that he has received a written objection and as a result will not now come into force on 1 May as he has to take any objections into consideration and will look at them again.

SB advised that there is still time to put forward further objections which will be taken into account and where we go in the following years will depend on future costing exercises. KP mentioned last years request for an annual meeting stating that this was it. Mr Tudball felt a meeting should be held with drivers before releasing the proposed fee increases information to the public.

Further details on how the pricing was structured was also required as at present plates are included in the price of the vehicle, however, in the new structure the cost of the plates and roundels are not included within the fee for their vehicle. SB advised that at present the cost of roundels have gone up and it works out at approximately £8 per plate and roundel plus you have to take into account the cost the garage charges. SB and KP also advised that Torfaen Licensing have not previously covered their costs and anyone who wished to make official objections to do so in writing. Audrey Baber was concerned about admin charges.

SB advised that the fee includes enforcement, admin, materials, prosecutions etc. SB also pointed out that they were making a massive loss for many many years and will now be doing full cost recovery. Audrey Baber advised that they had no notification that this was going to happen and are now being charged separately for a CRB. SB advised it came into the full cost recovery for the service and explained that the administration of the driving licence scheme was operating at a loss. A rise CRB checks with no prior notification.

Audrey Baber interpreted the law as saying it has to be inclusive. SB advised that Torfaen are just recovering that cost. SB From 2006 – 2009 it has gone up by 400%. If they put up their taxi fares up they would be charging £12. explained that for a long time the service was subsidised. One driver felt they were expected to pay licensing staff's wages.

SB to put a breakdown of fees on the website and pointed out that the roundels have to be delivered to the garage for the garage to fit them. One driver says the drivers have to take roundels to the garage.

Mr Tudball asked about wheelchair accessibility and why these vehicles were being subsidised. SB advised that as far as wheelchair accessibility is concerned, the other vehicles will only go up slightly. SB also pointed out that the information states there is a lack of disabled vehicles. Some of these vehicles were being used as private hire vehicles. SB advised that they needed to improve their wheelchair accessible vehicles and that is where the most complaints were coming from in line with the Government's push to improve wheelchair accessible vehicles available on fleets. He also mentioned doing a subsidy for wheelchair accessible vehicles, that every wheelchair accessible vehicle will be the same whether Private Hire or Hackney and they are still able to earn the same as the rest of them.

Mr Tudball advised that HC which have been licensed for 5 months is also picking up normal fares which are not necessarily carrying disabled passengers. SB advised that he stands by the Disability Discrimination Act. Concern was also raised about improvement of wheelchair accessibility with side loading entries. SB advised that they did this by consulting with other authorities specialising in wheelchair accessible vehicles and rank space including loading and offloading on a road. KP advised that the policy was agreed by Council last year and will not be changed. If there is anything else people want to bring up to do so now and they will also need to write in with any objections. SB suggested that if anyone has strong views on wheelchair accessibility they will be reviewing the Policy and suggested they have a think about it and if they have any specific views they will keep them in a file and will take them into consideration when they are reviewing the Policy.

Angela mentioned that at the beginning of the new financial year Torfaen's staff have an increase in wages and was very concerned about the increase in taxi fees and subsequent increase in their taxi fares as many taxi businesses have gone down because of the recession. Because the fares are put up so much it is affecting their businesses. They work 24 7, often working 14-15 hour shifts in order to survive and it is very difficult for them all. She said that other people can stay on the rank all day and why should they subsidise disabled vehicles. Because people cannot afford to pay taxi fares, they feel they cannot afford to pay the fees we want them to. SB advised that he will ensure that her point of view will be taken on board when it goes back to the decision makers as it is a difficult time during the recession.
in Cwmbran....

Operators licence – Audrey Baber was concerned about the pressure from the licensing office stating they have to chase for licences from owner operator's with 2 scales of licensing fees for operators and felt their fees should be less than those with over 5 vehicles as the operators with more vehicles do more work which they are not being charged for. Operators are charged more whereas rank drivers have more work and she wants to have one fee for all.

SB advised that the HC proprietors licence is embedded in legislation and is not up to date. He can only work with the legislation and The 1976 Miscellaneous Provisions Act and Private Hire Licensing which brought in a scheme to ensure control. Bookings have to be made through an office and they must work through an officer. SB felt it was time this legislation was rewritten. As far as the fees were concerned that's why there are fees for 5 or more vehicles. Audrey also asked what further work had to be done for 5 or more vehicles. SB advised that the more vehicles the more complaints are likely.

Audrey Baber felt that the taxi business should be dealing with complaints and if they are unable to resolve a complaint then the council should be involved and only then. The taxi business should resolve these problems within 28 days. SB stated that if someone came to licensing to complain the licensing office would investigate. SB advised that they only have the power to deal with licensing and particular acts and cannot deal with assault or the Theft Act and can only deal with what they are empowered to deal with. Outside of that they have no power to deal with it. We are a regulatory authority responsible for ensuring the legislation is complied with. All comments will be put to the Executive Member. The Executive member will then make a decision. SB will put across the facts from this meeting to the decision maker.

SB also advised that as far as the fees were concerned these objections will go to the decision maker.

Angela - Why do they have to pay for drivers who attend panels? Why cannot they have one fee she feels it is unfair to be charged for those who go in front of the panel and why should they have to pay for rogue drivers out there when they are all trying to make an honest living.

Audrey – She has a problem with private hire as nothing comes from licensing for soilage charges and are having the same problem with the police. She feels the police are passing the buck. SB advised that the Council cannot regulate their fares, secondly if they have a hackney driver you have to prove that payment on the spot was required. They have to revert to civil proceedings and revert to the 1847 act and Magistrate Courts Act concerning civil recovery of debt. No bylaws are in for hackney drivers at present. This was a decision of the legal section made last year. SB advised that he has looked at this issue specifically this morning and there is nothing under section 3 of the Theft Act and you cannot use this for soiling a vehicle.

Audrey – A court of law result in Leeds re vehicles not being allowed to seat the amount of people it was built for and they have to take the seat out. They feel that it is safer to have the seat back in and folded forward. SB explained this was to do with being able to get out of the vehicle safely and that was the reasoning behind it. SB would resist this as it is difficult for people to get out safely.

Cllr Parrish called the meeting to a close and asked if they had found the meeting useful.

They all agreed that they want to have another meeting. KP advised that the information mentioned will be sent out to all drivers. It was agreed to have another meeting in 3 months time.