

**Operator Business Meeting Minutes**  
**Wednesday 8<sup>th</sup> August 2018 – 10.30am**

1. **Introductions/Welcome**

Cllr Ferriby opened the meeting and thanked everyone for attending. Apologies were noted for the Licensing Service Manager. Cllr Ferriby then handed over to officers:

Officers present: Geoff Binnington – Principal Officer; Matthew Bibby – Licensing Manager; Steven Knighton – Enforcement Manager; Samantha Kaye – Licensing Officer; Elisabeth Spencer – Customer Services Manager; Kevin Lord (WYP).

2. **Minutes/Actions from the last meeting**

There was only one outstanding action from the last meeting and that was the Health & Wellbeing of Hackney Carriage and Private Hire Drivers Event.

Only a few people attended the first event that was set up so we asked if anyone would like another event organising and no one came forward. We then asked again and again no one came forward so this has now been closed and no further event will be organised without specific interest raised.

3. **Service Restructure/New Posts**

The Principal Officer advised that we had 105 applications for the 7 posts that were available. The 2 management posts have been filled by Matthew Bibby and Steven Knighton. 2 Further posts have been filled by internal candidates. The rest are still out for recruitment.

The Senior Licensing Officer and the 2 service support staff will be organising and prioritising all emails that come into the service to ensure they are dealt with.

Q) Will enforcement issues still go to Carol for a decision or will Steve now be dealing with them?

A) Enforcement Officers have decision making powers so they would deal with any issues raised in the first instance. Escalated issues would be referred to the Licensing or Enforcement Managers who have further powers, for example to revoke.

**After Meeting Update:**

3 new Licensing Officers have been recruited. One has started with 2 to follow in September.

4. **Operator Agenda Points**

The first agenda point was from an operator asking how many One Man Band Operators we have licenced. The answer was there are a total of 115 licenced Operators, 32 of which are One Man Band Operators and 83 Multi-Fleet Operators.

Of the 32, 4 have been awarded contracts. 2 of them have only 1 contracted vehicle and the other 2 have between 2 and 4 contracted vehicles.

The second agenda point was asking, how as a One Man Band do they ensure they cover the new GDPR laws?

It is the responsibility of the businesses to ensure measures are in place to protect all data. It would not be right to teach what is the right or wrong way to cover this. Operators can work with each other to come up with ideas on how to protect information within their businesses.

Q) One Man Bands are one person with one vehicle so how do the ones with more than one vehicle? Are they sub-contracting?

A) No they are not subcontracting, operators are working together to ensure the contract is delivered, there is one person which is accountable for the contract. There is nothing legally wrong with how this is working. However, it is a PTS contracting question and not a licensing question.

Q) How are there no problems with running contracts this way if no-one is in control?

A) There is someone in control, the operator or contracting manager. They are responsible and accountable. However, the issues being raised are a matter of personal opinion not fact. As an Authority we have no concerns regarding contractors around school contracts.

Q) Operators have received a long email regarding contracting, if we already have a contract why can we not just renew this contract?

A) You cannot just renew a contract as all Council Contracts have a definitive end date after which they must be retendered. If you would like to tender for contract work again you will have to re-apply and once approved you can then bid for any future work in the future.

### **GDPR compliance**

There's a lot of info for suppliers on the internet about the regulations but this is the main EU site: [https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/reform/rules-business-and-organisations_en)

### **5. Police Update**

There were no updates to give from the police but an Operator asked if there any current issues regarding taxi drivers.

The response was that no particular issues have been raised. The Principal Officer reiterated this point.

### **6. Licensing Update**

A letter went out to the whole trade that covered a lot of new points of which one was that the Council and Licensing Service will be going cashless (i.e. you can't pay by cash). The last date the Service will accept cash payments is Friday 28<sup>th</sup> September 2018. When we re-open for business on Monday 1<sup>st</sup> October no cash payments will be taken.

The online forms and payments that have been introduced are going really well and two thirds of drivers are now following this process. There is a draft online form for the vehicle renewal process which now needs testing to ensure it works, however we anticipate this shall be live and ready to use within the next 4 weeks.

Our current service position has improved dramatically; around 2 – 3 weeks ago the service had around 500 unanswered emails. We resourced from other services to help out and reduce these numbers and we are currently working within a 2 – 3 working day turnaround.

A number of questions were raised around the spike in workload and the resourcing to cope with it. The trade asked if there is money available for bringing additional staff in.

Officers responded by stating: Licensing is a very technically legislative service. Officers without experience can't simply be recruited to cover short term spikes due to the demands of learning the work streams involved. We continue to ask for the trade to approach us 4 – 6 weeks in advance to allow work to be managed effectively along with resources over a period of time. If the trade only approach a week or two before licence expiry this means it is likely they will not be licensed within the renewal periods.

Questions then followed around new applicants. The Service advised that all new applications will always take second place to current licence holders.

An Operator also enquired as to whether the service should focus on one process to implement that rather than working on multiple things. They were advised that this is not possible due to ever changing legislation and also evolution in services. Work has to be continuously developed, managed, changed and updated accordingly.

Questions raised around vehicle inspections and plate collections. As previously advised by officers and also re-iterated at the meeting, the service is working now on the draft vehicle online application forms. Once this is in place then we can look to facilitate the collection of plates from the workshop after all successful inspections where a vehicle passes. To allow this, all valid documentation must be received beforehand.

## 7. **Enforcement Update**

The vehicle pass rate for an annual inspection has improved. Overall 72% of vehicles pass the inspection with 28% failing. Of the 28% failures, 11% of these were for major fails.

Further work is still needed regarding the Random inspections; the pass rate of random vehicle inspections is 62%, meaning a failure rate of 38%. Of the 38%, 22% were for major fails.

Q) If a person is constantly failing their vehicle inspections what are the repercussions?

A) It would depend on the seriousness of the fail. There are the re-test fees that are in place, and if it is a serious / dangerous fail the vehicle will be suspended, or in some cases leave the depot on a low-loader. There have been vehicles impounded by the police, and in some cases, drivers prosecuted. For example, a person that turns up with a vehicle that has bald tyres may be prosecuted. There is an on-going case around this at the moment.

The Principal Officer reminded Operators that all challenges to vehicle failures can be reviewed within the timescales stated on documentation. All cases are assessed on an individual basis.

An Operator alleged that in some other Council's, if a driver has a defective tyre they have to go in front of a committee and they may have their licence revoked. Officers explained that Bradford doesn't have a committee for such purposes, Officers are empowered to make such decisions. Operators were invited to approach the Enforcement team with suggestions to what outcomes they would like to see regarding vehicle failures; as there was an

inconsistency with Operator views. Some Operators appear to want more leniency and some appear to want firmer outcomes.

Cllr Ferriby added that officers do have the powers to impose the same or similar penalties a driver would receive if they were stopped by the police.

Operator Training Sessions have recently taken place. 36 operators had attended and 22 had not, which equals 1/3 of all operators who failed to attend/comply. From the operators that did attend, 55% said that the training was new to them. Only 5% said that none of the training was new to them. We are happy with the results.

There has been 792 New Drivers that have attended training sessions between August 2017 and July 2018, of the 792, 660 passed.

Between the same time scale, 789 existing drivers attended refresher training of which 764 passed.

148 drivers have attended Wheelchair training, which is quite concerning considering how many wheelchair vehicles there are on the road.

The number of smoking offences is increasing. It is a criminal offence to smoke in a Private Hire or Hackney Carriage vehicle. Recently 5 drivers have been issued with fixed penalty notices of £50.00 which is reduced to £30.00 if paid within 14 days. 2 drivers have paid they fixed penalty notices, 3 have not and they have been issued with an intention to prosecute and will receive a court summons.

At the last meeting all operators were asked to declare all of their Wheelchair Accessible Vehicles (WAVs). Two separate emails have been sent to Operators reminding them again that they needed to declare all WAV vehicles. To date only 43 operators out of 115 have responded. The operators that have not responded will be issued with a formal warning and they must respond of further action will be taken.

Note: less than half of operators responded to the WAV letters and one third of operators did not attend operator training. What can be expected of drivers if their operators behave in such a way?

## **8. Governments Inclusive Transport Strategy**

The Department of Transport's Under Secretary of State and Accessibility Minister, Nusrat Ghani MP, has informed Local Authorities that she is publishing the Government's Inclusive Transport Strategy. The Strategy sets out the Government's plan to make travel easier for disabled people and includes a requirement that disabled people have the same access to transport and opportunities to travel as everyone else, irrespective of whether their impairment is visible or less visible.

A key part of the strategy is the accessibility of Hackney Carriage (Taxi) and Private Hire Vehicles (PHV) which play a vital role in helping disabled people to remain independent. Licensing Authorities are being asked to ensure that licenced vehicles meet the needs of all passengers and to look at:

1. Prosecuting drivers for discriminating against assistance dog owners and wheelchair users and applying appropriate licensing sanctions.
2. Requiring all Taxi and PHV drivers to complete disability awareness training.

3. Publishing lists of taxis and PHVs designated as being “wheelchair accessible” for the purposes of Section 167 of the Equality Act 2010.
4. Reviewing the demand for wheelchair accessible taxis and PHVs in their areas, and taking steps to ensure that the composition of fleets reflect this need.

As a Licenced Operator/Vehicle Proprietor you are aware that Bradford is at the forefront of such measures and that our licencing requirements have supported accessibility for disabled customers for many years. Bradford’s vehicle specification requires clear access and egress and its modular training includes disability awareness. Bradford has always prosecuted drivers for discriminating against assistance dog owners and wheelchair users. In July we reminded Operators that they were required to declare their wheelchair accessible PHV (Taxis are already 100% wheelchair accessible) and a consolidated list will be available very soon.

In notifying you of above we would be pleased to work with you to both review and improve customer experience in using wheelchair accessible taxis and PHVs. Bradford looks forward to supporting the Government Inclusive Transport Strategy and asks all private hire operators and vehicle proprietors how they could contribute to both delivering the Government’s strategy and meeting the resulting demand and to this end there are a few points overleaf to start a dialogue.

**Did You Know:**

In Britain an circa 11,000,000 people are living with a limiting long term illness, impairment or disability.

- 6% of children are disabled
- 16% of working age adults are disabled
- 45% of adults over state pension age are disabled
- Total 67% of the population who have some form of disability

Approximately 20% of disabled people report having difficulties in accessing transport because of their disabilities. This highlights a large customer base of people who are looking for transportation.

The Licensing Service has worked with a number of disability groups who have indicated they would be interested in promoting a good service and have asked for information relating to disability friendly Operators.

**9. WY Project/Licensing Harmonisation Update**

At the last meeting the Service Manager spoke about the West Yorkshire Project. This is still on-going; it is looking at Councils within West Yorkshire having more transparent and consistent policies/standards. This includes penalty points and convictions.

Q) Does this mean that the rules regarding bus lanes will be the same in each council?

A) Bus lanes are not part of the project and we are not intending the change the rules regarding bus lanes in Bradford. This question has been asked and answered many times in the past at these and other meetings.

10. **Bingley Music Festival**

Bingley Musical Festival is coming up and this could be a good business opportunity for everyone, however please ensure that you stick to policies, procedures and the law when it comes to picking up a fare.

11. **Date of Next Meeting**

The next Operator Business Meeting will be held on 14<sup>th</sup> November. This will be at City Hall, Saville Room, 10am registration and 10.30am start time.