

Regulatory Committee

6 March 2024

Time 10.05 am **Public Meeting?** YES **Type of meeting** Licensing
Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Zee Russell (Lab)
Vice-chair Cllr Rashpal Kaur (Lab)

Labour

Cllr Greg Brackenridge
Cllr Asha Mattu
Cllr Gillian Wildman
Cllr Val Evans
Cllr Sally Green
Cllr Jane Francis
Cllr Tersaim Singh

Conservative

Cllr Jonathan Crofts
Cllr Bob Maddox

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of previous meeting (Pages 1 - 4)
[To approve the minutes of the previous meeting held on 10 January 2024 as a correct record]. |
| 4 | Matters arising
[To discuss any matters arising from the minutes of the previous meeting]. |
| 5 | Minutes - 4 January 2024 - Regulatory Sub-Committee (Pages 5 - 6)
[To approve the minutes of the Regulatory Sub-Committee held on 4 January 2024 as a correct record]. |
| 6 | Minutes - 12 January 2024 - Regulatory Sub-Committee (Pages 7 - 10)
[To approve the minutes of the Regulatory Sub-Committee held on 12 January 2024 as a correct record]. |
| 7 | Minutes - 1 February 2024 - Regulatory Sub-Committee (Pages 11 - 14)
[To approve the minutes of the Regulatory Sub-Committee held on 1 February 2024 as a correct record]. |
| 8 | Taxi Compliance Strategy Consultation (Pages 15 - 44)
[To approve a 12-week consultation on the draft Taxi Compliance Strategy]. |
| 9 | Joint Authorisation of Taxi Compliance Officers (Pages 45 - 48)
[To approve a delegation of authority to Milton Keynes Council]. |

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2 style="margin: 0;">Regulatory Committee</h2> <h3 style="margin: 0;">Minutes - 10 January 2024</h3>
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Attendance

Members of the Regulatory Committee

Cllr Zee Russell (Chair)
 Cllr Rashpal Kaur (Vice-Chair)
 Cllr Greg Brackenridge
 Cllr Gillian Wildman
 Cllr Sally Green
 Cllr Jane Francis
 Cllr Jonathan Crofts

Employees

Greg Bickerdike	Licensing Manager
Emma Caddick	Service Manager Environmental Health
Paul Dosanjh	Service Manager Trading Standards & Licensing Act
Charlotte Rose	Team Leader Environmental Health
Ronald Sempebwa	Solicitor
Dereck Francis	Democratic Services Officer
Jacob Stokes	Democratic Services Officer

Part 1 – items open to the press and public

Item No. Title

- 1 **Apologies for absence**
 Apologies were received from Councillors Bob Maddocks and Tersaim Singh.
- 2 **Declarations of interest**
 No declarations of interests were made.
- 3 **Minutes of previous meeting**
 Resolved:
 That the minutes of the meeting of the Regulatory Committee held on 22 November 2023 be confirmed as a true record and signed by the Chair.
- 4 **Matters arising**
 There were no matters arising from the minutes of the previous meeting.
- 5 **Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2024-2025**
 Paul Dosanjh, Service Manager: Trading Standards & Licensing Act, presented a report outlining the proposed fees and charges for general licensing and miscellaneous matters for 2024-2025.

The Service Manager reported that the fees and charges remained the same as last year, with the exception of the distribution of printed matter for two days, the Safety at Sports Grounds Act 1975 and the Fire Safety and Places of Sport Act 1987. He explained the rationale for the changes to these fees. The Service Manager also brought to the Committee's attention the correction of two typographical errors which appeared in previous reports, specifically relating to the charges for premises and practitioner registration for acupuncture, tattooing etc and the fee for sexual entertainment venue, that were wrongly included. The fees were properly approved by the Committee in year and correctly applied. He reassured the Committee that nobody had been charged incorrectly as a result of the typographical errors.

The Vice-Chair, Councillor Rashpal Kaur moved the recommendations within the report and Councillor Greg Brackenridge seconded the recommendations.

Resolved:

That Members of the Regulatory Committee:

1. Approved the proposed fees and charges for General Licensing as set out in Appendix 1, 2 and 3 of the report with effect from 1 April 2024.

6 **Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2024-2025**

Greg Bickerdike, Licensing Manager presented the report: Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2024-2025. The report outlined the proposed fees and charges relating to Hackney Carriages, Private Hire vehicles, drivers and operators' licences, and related licensing functions, from 1 April 2024.

The Vice-Chair, Councillor Rashpal Kaur moved the recommendations within the report and Councillor Sally Green seconded the recommendations.

Resolved:

That Members of the Regulatory Committee:

1. Approved the proposed fees and charges set out at Appendix 1 to the report with effect from 1 April 2023.

7 **Update on Licensing of Non-Surgical Aesthetic Treatments**

Charlotte Rose, Team Leader: Environmental Health delivered a presentation outlining some of the pioneering work within the Council's Environmental Health Service in relation to non-surgical aesthetic procedures that are widely available on the high street. The presentation also included an update on the introduction of a licensing regime for those sort of procedures.

The Committee expressed the view that, if not already regulated for, local authorities should be given enforcement powers to regulate 'Botox parties' that take place in domestic premises, and to regulate services being set up in garages or mobile premises. It was reported that Environmental Health does not have enforcement powers in domestic properties under the Health and Safety at Work Act. However, the Service regularly referred matters to the Health and Safety Executive (HSE). Where treatments take place in premises that Environmental Health regulate, it would take enforcement action if it were unsafe. The point raised by the Committee had been put to the Department for Health and Social Care and it was hoped to see regulation included in the licencing regime. It was also reported that a by-product of

regulation is the public becomes more aware that these aesthetic treatments should not be happening in domestic premises and that procedures should be carried out by regulated health professionals.

The government consultation on a licencing regime included a proposal for a three tier approach to cosmetic procedure categories (Green, Amber and Red). Members felt that procedures involving any type of injection should be in the Red category and any procedure involving cutting a person's tongue should be done by a competent person, specifically a surgeon.

Members of the Committee also queried the level of public liability insurance providers of non-surgical aesthetic treatments should have, and whether there was flexibility for the local authority to set a minimum and maximum amount. It was noted that a community event taking place on the high street or in a local shop would require insurance of around £5 million. Members suggested that providers of non-surgical aesthetic treatments should have a higher level of public liability insurance. In response it was reported there are some good practices who had insurance around the £5 million mark. The question would be put to the Department for Health and Social Care.

Members of the Committee said that they would like to see more done on raising awareness in schools, colleges and universities on non-surgical aesthetic treatments. The Environmental Health Officer reported that the value of raising awareness of young people was supported. She undertook to speak to Public Health who had well established connections to education.

Members of the Committee thanked the Environmental Health team for its pioneering work in this area, protecting the public from harmful procedures carried out by people who have little to no experience or knowledge. The Committee also welcomed the progress made and influence the Service had nationally with government on the introduction of much needed legislation to regulate the growing prevalence and normalisation of non-surgical cosmetic procedures. They agreed that the Council should press government to give local authorities the powers to enable them to enforce the legislation.

Resolved:

That the presentation on Update on Licencing of Non-Surgical Aesthetic Treatments be noted.

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2 style="margin: 0;">Regulatory Sub-Committee</h2> <h3 style="margin: 0;">Minutes - 4 January 2024</h3>
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Attendance

Members of the Regulatory Sub-Committee

Cllr Zee Russell (Chair)
 Cllr Gillian Wildman
 Cllr Jonathan Crofts

Employees

David Abel	Licensing Solicitor
Shelley Humphries	Democratic Services Officer
Lorraine Jones	Service Lead Licensing

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for Absence**
 Apologies were received from Greg Bickerdike and Donna Cope.

Lorraine Jones attended for Greg Bickerdike and Shelley Humphries attended for Donna Cope.
- 2 **Declarations of interest**
 There were no declarations of interest.
- 3 **Exclusion of press and public**
 Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.
- 4 **Application for a Private Hire Vehicle Operator’s Licence**
 The Chair invited Lorraine Jones, Service Lead Licensing; the Applicant, MI and the Applicant’s Solicitor, RS into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Applicant's Solicitor, RS noted that a document which included a response to a previous request for clarity on whether the Applicant's private hire operating company was considered dormant or active by Companies House had not been included. It was verbally noted that an email containing this response had been sent to the Applicant and evidence included in the bundle demonstrated that records held by Companies House showed the company as active from June 2023, although it was agreed that this email would be resent.

All parties then agreed to adjourn the hearing as it was requested by the Applicant's Solicitor, RS that paper copies of additional evidence be provided therefore the Regulatory Sub-Committee hearing adjourned at 10:46 am.

The Regulatory Sub-Committee hearing reconvened at 11:25 am.

It was felt that the additional evidence had not been submitted in enough time for all parties to fully consider and therefore the Licensing Sub-Committee determined not to make a decision at that time and adjourn until a later date. The Applicant's Solicitor, RS wished it to be noted that the request to adjourn had not come from them however agreed to the adjournment.

Resolved:

That the hearing be adjourned and a new date provided as soon as possible.

Attendance

Members of the Regulatory Sub-Committee

Cllr Zee Russell (Chair)
Cllr Gillian Wildman
Cllr Jonathan Crofts

Employees

David Abel	Licensing Solicitor
Greg Bickerdike	Licensing Manager
Shelley Humphries	Democratic Services Officer
Lorraine Jones	Service Lead Licensing

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for Absence**
Apologies were received from Donna Cope.

- 2 **Declarations of interest**
There were no declarations of interest made.

- 3 **Exclusion of press and public**
Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

- 4 **Application for a Private Hire Vehicle Operator's Licence**
The Chair invited Greg Bickerdike, Licensing Manager; Lorraine Jones, Service Lead Licensing; the Applicant, MI and the Applicant's Solicitor, RS into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed. All parties confirmed all paperwork had been received although it was requested by the applicant's solicitor that the appendices added since the last adjourned hearing be excluded. This request was refused as, in the interest of public protection, there was no reason to exclude evidence that had been published and circulated prior to the hearing. All parties then agreed to continue.

Greg Bickerdike, Licensing Manager, outlined the report regarding an application for a Private Hire Vehicle Operator's Licence, which had been circulated to all parties in advance of the meeting. It was summarised that the applicant was not deemed fit and proper to hold a licence. This was partially due to an attempt to transfer a licence which had expired and could not be transferred whilst one of the directors named on Companies House (MB) was in the process of being prosecuted. Furthermore, it had not been disclosed on the application being considered today that this was in progress and it was believed that the applicant had been operating without a licence for a period between the licence expiring and the applicant receiving confirmation that the licence had expired as there was evidence that bookings had been taken during this time.

It was explained that paragraph 2.3 of the Conditions of Operating a Private Hire Vehicle Company stated that a new licence would not normally be granted under these circumstances and, although the Licensing Manager had delegated authority to refuse, the decision had been referred to the Sub-Committee to determine. It was outlined that it was licence holder's responsibility to ensure the licence was valid and renewed before expiry.

The applicant's solicitor stated that the applicant had not knowingly attempted to conceal the prosecution and had applied as a sole trader as the business was not a limited company and this was the only other option provided on the online form. It was stated the applicant then only answered the questions as provided by the online digital form.

The Sub-committee adjourned at 11:47 am and reconvened at 12:02 pm.

In terms of the prosecution of the applicant's business partner it was noted that, although it was not the applicant being prosecuted, the two were sufficiently involved in the running of the business to be held to account for its actions. The applicant's solicitor advised that the applicant wished to be solely responsible for the business going forward and that the business partner intended to retire. It was noted that whatever the motive for not disclosing the prosecution, the fact remained that it had not been disclosed and this was of concern.

Reference was made to an email from Licensing Services in which the applicant's solicitor noted that the applicant had been advised to re-apply for a new licence as a limited company. It was confirmed that the prosecution was not known to the Officer who provided this response and the wording was not intended to suggest that if a licence had been applied for, it would automatically be granted. It was noted that whatever the circumstance, it would be considered reckless to continue to operate without confirmation there was a licence in place.

The Sub-committee adjourned at 1:05 pm and reconvened at 1:15 pm.

In terms of the period between 6 November and 7 December 2023, the applicant's solicitor stated it was believed by the applicant that they were permitted to operate. It was noted all bookings following this were subcontracted to another licensed operator as soon as the applicant was made aware that the licence had expired and they should not be operating.

In response to the query why the prosecution of MB had not come to light until recently, it was noted that there had been a delay receiving a response to a data request from another authority.

It was stated that the applicant had also been told in a phone call by a Licensing Officer that they could operate once their application had been submitted. It was again considered that both the applicant and the Licensing Officer may have been under the mistaken impression that the application being discussed was a renewal and not a new application. In response to the query whether any Licensing staff member would advise an applicant to continue operating once their application had been submitted, it was confirmed this advice would only be given in respect of a renewal which was submitted in time with everything complete and correct; a new applicant would not be told they could operate until the licence had been granted.

The applicant's solicitor outlined the case as the applicant having been under the belief that they were able to continue trading once the application was submitted, that they had completed the online form as it was set out with no deliberate intention to conceal the prosecution of the applicant's business partner and that operation of the applicant's company ceased and bookings sub-contracted out to another licensed operator as soon as they were certain they no longer held a licence. The solicitor also outlined services provided by the firm to their local community during the pandemic and that the applicant had been hospitalised in 2022 due to an operation and still undertaken a safeguarding course whilst convalescing.

It was noted that the applicant's business partner also planned to submit a not guilty plea in relation to their prosecution. The applicant spoke of ambitions to merge with another firm in the future.

The Sub-Committee adjourned at 3:26 pm and reconvened at 3:45 pm.

David Abel, Solicitor stated there was provision to add a condition that the business partner (MB) be excluded from all future involvement in the business. All parties were in agreement with this proposal.

Due to time constraints, it was proposed that everyone but the Sub-Committee members and David Abel, Solicitor leave the meeting to allow the Sub-Committee to determine the matter and for the decision to be sent in writing to the applicant and the applicant's solicitor.

The Chair closed the meeting at 5.37 pm for the Sub-committee to determine the outcome with David Abel, Solicitor present. The Licensing Manager, Service Lead, Section Leader, MI, RS and the Democratic Services Officer all left.

Resolved:

That the decision of the Regulatory Sub-committee be sent in writing to the applicant following the hearing.

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2 style="margin: 0;">Regulatory Sub-Committee</h2> <h3 style="margin: 0;">Minutes - 1 February 2024</h3>
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Attendance

Members of the Regulatory Sub-Committee

Cllr Zee Russell (Chair)
Cllr Gillian Wildman
Cllr Jonathan Crofts

Employees

Greg Bickerdike	Licensing Manager
Lorraine Jones	Service Lead – Licensing
Balvinder Meetca	Section Leader – Licensing
Ronald Sempebwa	Solicitor
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for Absence**
There were no apologies for absence.
- 2 **Declarations of interest**
There were no declarations of interest.
- 3 **Exclusion of press and public**
Resolved:
That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.
- 4 **Application for a Private Hire Vehicle Operator’s Licence**
The Chair invited Greg Bickerdike (Licensing Manager), Lorraine Jones, (Service Lead Licensing), Balvinder Meetca, (Section Leader Licensing), and the Applicant (ZK) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

Greg Bickerdike, Licensing Manager, outlined the report regarding an application for a Private Hire Vehicle Operator's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether ZK was a fit and proper person to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

All parties were invited to question the Licensing Manager on the report. The Licensing Manager responded to questions asked.

The Chair invited the Applicant to make representations.

ZK explained in detail how the incidents had occurred and acknowledged the mistakes he had made. He stated that he had been in the business for 25 years and had no previous issues.

All parties were invited to question ZK on his submission. ZK responded to questions asked and concerns were raised regarding the management structure and legality of his company.

During the discussion, ZK became irritated and felt that the level of questioning was unfair.

The Chair asked ZK to leave the room.

ZK left the room.

Resolved:

That, Licensing Services would write to the applicant to assess whether they would like to reconvene the hearing or withdraw their application.

- 5 **Application for a Private Hire Vehicle Operator's Licence**
The Chair invited Greg Bickerdike (Licensing Manager), Lorraine Jones, (Service Lead Licensing), Balvinder Meetca, (Section Leader Licensing), and the Applicants (CD) and (KR) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

Balvinder Meetca, Section Leader Licensing, outlined the report regarding an application for a Private Hire Vehicle Operator's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether CD and KR were fit and proper persons to hold a Private Hire Vehicle Operator's Licence due to the information outlined in the report.

All parties were invited to question the Section Leader on the report. No questions were asked.

The Chair invited the Applicants to make representations.

KR stated that he had learnt from his mistakes and turned his life around. He had a clean record now and wanted to earn an honest living.

CD explained that his convictions occurred during a bad time in his life and had made him the better person he was today.

All parties were invited to question KR and CD on their submissions.

KR and CD explained the circumstances that led to their convictions and the devastating impact it had on them and their families. They explained how they had learnt from their mistakes and how they used their business to help the community.

The Chair invited the Applicants to make a final statement. CD did so.

Ronald Sempebwa, Licensing Solicitor, provided legal guidance to Members and reminded them of their available options.

The Licensing Manager, Service Lead, Section Leader, KR and CD left the meeting to allow the Sub-Committee to determine the matter.

The Hearing adjourned at 12.49 hours.

The Hearing reconvened at 13.05 hours.

All parties were invited back into the meeting, and the Chair confirmed the decision of the Sub-Committee.

Resolved:

That, having considered all the evidence presented at the Hearing, both written and oral, the Statutory Regulatory Sub-Committee were satisfied on the evidence provided that it was appropriate to depart from the Council's guidelines and finds the Applicants, fit and proper to hold a private hire vehicle operator licence.

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2 style="margin: 0;">Regulatory Committee</h2> <p style="margin: 0;">6 March 2024</p>
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Report title	Taxi Compliance Strategy Consultation		
Wards affected	All		
Accountable director	John Roseblade, Director of Resident Services		
Originating service	Licensing		
Accountable employee	Glen Moseley	Service Lead - Compliance	
	Tel	01902 550711	
	Email	Glen.Moseley@wolverhampton.gov.uk	
Report has been considered by	Strategic Executive Board	20 February 2024	
	Resident Services Leadership Team	13 February 2024	

Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve a 12-week consultation on the draft Taxi Compliance Strategy.

Recommendations for noting:

The Regulatory Committee is asked to note:

1. That, following the consultation, the final Taxi Compliance Strategy will be submitted to Committee for final approval.

1.0 Purpose

- 1.1 To seek approval from the Regulatory Committee for a 12-week consultation on the draft Taxi Compliance Strategy.

2.0 Background

- 2.1 As part of on-going work to improve the service, more formal documentation on its activities is being published. Whilst the Compliance Service has always undertaken a variety of operations and investigations to uphold public safety, the details of these are now being made public to educate, improve transparency and share best practice. Five objectives have been set to clearly outline how the service protects the public.

3.0 Consultation

- 3.1 The service has drafted a Taxi Compliance Strategy, included as Appendix 1. An equalities analysis has been undertaken included as Appendix 2.
- 3.2 If a 12-week consultation is approved, feedback from the consultation will be used to inform a final strategy for approval by the Regulatory Committee.

4.0 Financial implications

- 4.1 There are no additional costs, as the consultation will operate through the Council's Consultation Hub. All activities included in the strategy are funded through existing revenue budgets.

[SB/15022024/K]

5.0 Legal implications

- 5.1 There are no legal implications.

[DA/22/02/2024/2]

6.0 Equalities implications

- 6.1 A full equalities analysis is included in Appendix 2.

7.0 All other Implications

- 7.1 There are no other implications.

8.0 Schedule of background papers

- 8.1 None.

9.0 Appendices

- 9.1 Appendix 1: Draft Taxi Compliance Strategy

9.2 Appendix 2: Equalities Analysis.

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Taxi Compliance Strategy

2024 – 2026

Draft for Consultation

Contents

Overview.....	2
Aim.....	3
Principles	3
Objectives	4
1. Enforce wherever its licensed trade work and against unlicensed people in Wolverhampton.....	4
2. Prevent discrimination against the public and trade.	7
3. Protect the right of the Hackney Carriage trade to stand and ply for hire.	8
4. Ensure accountability and transparency, to improve the reputation of the licensing authority.....	10
5. Inform the trade, public and partner authorities about safe transport in the industry.....	10
Trade Complaints Policy.....	12

Overview

This document is to be reviewed every three years and is to outline the strategy for addressing identified issues within the hackney carriage and private hire trade and how success will be measured.

Aim

The primary and overriding objective of the Compliance Service is to protect the public from both licensed and unlicensed people working in the trade.

Licensing the hackney carriage and private hire vehicle trade protects the public through preventing people who are not 'fit and proper' from obtaining licences.

Compliance upholds public safety by undertaking operations and investigations to ensure that licensees are compliant with their licence conditions and the legislation, as well as action against those that are unlicensed but working in the trade.

In a worst-case scenario, licences could be used by organised crime to traffic drugs, sex and weapons. No matter the regime, risks such as violence, sexual offences and road traffic collisions can never be completely removed. It is the Council's responsibility to take all reasonable measures to mitigate these risks.

Principles

Enforcement should be carried out fairly and in a way that avoids an unreasonable regulatory burden. The Council has adopted the principles of good enforcement and processes in accordance with the [Black Country Local Authorities Enforcement Policy](#) and the [Regulators' Code](#). The principles of enforcement are:

- Proportionate – the Regulators' Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors and can be accessed at: http://www.cps.gov.uk/publications/code_for_crown_prosecutors/ will always be considered when determining whether it is right to prosecute. Our activities will reflect the impact of the offending on those living in, working in and visiting the area and enforcement action taken will relate to the seriousness of the offence.
- Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.
- Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities and intelligence.

It is important that the Council's powers are used to ensure that the conduct of licence holders is monitored and, where their conduct falls short of what is expected, appropriate action is taken in a fair and proportionate manner to protect the public.

The Council has a dedicated Compliance Service whose job it is investigate complaints and to ensure that operators, drivers and vehicles maintain the high standards and expectations set by the law and their licence conditions.

These standards are defined by legislation, licence conditions, codes of practice or adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by the Council.

Objectives

The primary objective of the service is public safety. This includes the safety of those working in the trade. To achieve this, the secondary objectives of the service are to:

1. Enforce wherever its licensed trade work and against unlicensed people in Wolverhampton.
2. Prevent discrimination against the public and trade.
3. Protect the right of the Hackney Carriage trade to stand and ply for hire.
4. Ensure accountability and transparency, to improve the reputation of the licensing authority.
5. Inform the trade, public and partner authorities about safe transport in the

industry.

1. Enforce wherever its licensed trade work and against unlicensed people in Wolverhampton.

Compliance Teams

The Council issues licences across the country and it is important that compliance activities take place in all areas. Wherever Wolverhampton licensees are working, the Compliance Service will closely work with police and other licensing authorities to ensure that all licensees adhere to the law and the high standards expected of them. There are compliance officers currently located in different parts of the country, with workspaces in Greater Manchester, East Midlands and Wolverhampton.

- The service will always work with other licensing authorities and attend joint operations wherever its licensees are, provided that sufficient notice is given
- The Council will, where practicable, invite or notify other authorities in advance when undertaking enforcement work in their area.

Resourcing of the Compliance Service

The Compliance Service will be resourcing with consideration to the number of licence holders and the number of complaints.

To ensure resilience of the service and capacity to handle a surge in complaints, the service will utilise agency officers until the demand for resource is sustained for at least six months, when permanent positions will then be recruited.

Joint Authorisation of Compliance Officers

As recommended by the Department for Transport's '[Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England](#)', the Council is exploring the joint authorisation of compliance officers with other licensing authorities, where they can take enforcement action against each other's licensees.

This will be successful if a pilot scheme to test joint authorisation has been completed by the end of 2024.

The service will lobby government to authorise all authorised compliance officers to undertake enforcement against licensees, regardless of licensing authority. This will require a legislative change and might be part of wider reforms to the industry.

This will be successful if legislation has been enacted by 2026.

Police Powers to Stop Traffic

The service will seek to obtain accreditation under the [Community Safety Accreditation Scheme \(CSAS\)](#) from chief constables, allowing compliance officers to stop licensed vehicles whilst driving.

In the meantime, the service will seek to recruit a dedicated police officer, with a vehicle, to undertake enforcement work across the West Midlands and who will be able to use their powers to stop licensed vehicles.

This will be successful if an officer is in position by the end of 2024.

Nighttime Economy and Public Events

The Hackney Carriage and Private Hire industry are integral to the national transport infrastructure. This is particularly so for the nighttime and events economy.

The service will provide marshals to help the public use the trade in these circumstances.

School Prom Transport

This is generally a seasonal issue, from approximately May to June each year. Compliance operations will take place each year to target unlicensed operators and drivers of vehicles with eight passenger seats or fewer. Vehicles with more passenger seats are not within the remit of local authority licensing.

Test purchases will be undertaken to identify unlicensed traders in advance of prom season.

The school will be informed and the vehicles will be pursued after the children have finished their journey, to minimise disruption to their evening.

This will be successful if an annual report on the operation is submitted to the Regulatory Committee.

Operation Hunter: Proactive Patrols

The service works closely with police and licensing officers from other authorities to conduct patrols wherever the trade may be. This includes high visibility compliance patrols in marked police vehicles, stopping and checking Wolverhampton licensed vehicles and drivers in Wolverhampton and across England and Wales, as well as plain-clothed patrols.

This will be successful if the number of these patrols is reported to the Regulatory Committee at each meeting.

Operation Wolf: Super Multi-Agency Operations

Compliance Officers conduct monthly multi-agency operations in Wolverhampton and other areas. These operations involve other agencies such as police, DVSA (Driver and Vehicle Standards Agency), Home Office, HMRC (HM Revenue & Customs) officers as well as officers from other local authority areas.

These large-scale operations involve checking large numbers of licensed vehicles to ensure that they are road worthy, legal and that the drivers are complying with licence conditions.

Private Hire Vehicle Operator Audits

Every Private Hire Vehicle Operator will be inspected within six months of the grant of their licence and operators will be audited once per year. This will check that they are compliant with their licence conditions. The service will recruit sufficient officers to undertake this work.

This will be successful if summaries of operator audits are reported to the Regulatory Committee each year and all audits have taken place.

Safeguarding

The service has the first dedicated Taxi Safeguarding Officer in the country. This officer will continue to input into training, to ensure that licensees can be the eyes and ears, identifying signs of exploitation on the streets.

The service will undertake test purchases, with undercover officers and volunteers, of both licensed vehicles and overnight accommodation. Where these parties fail to raise concerns of exploitation, targeted training will be provided.

Where a serious and credible safeguarding concern is made to the licensing authority against a licensee, the service will investigate the matter sufficiently within one working day to determine whether an urgent review of the licence is required. If this is the case, the licensee will be asked to voluntarily surrender their licence and/or private hire vehicle operators will be notified of the matter and asked not to allocate bookings to them.

This will be successful if the percentage of these matters which were decided on within one working day is reported to the Regulatory Committee at each meeting.

Vehicle Safety

The service will invest in the latest technology to ensuring the safety of licensed vehicles.

Each compliance team will have a laser tyre tread reader, to check that licensed vehicles' tyre tread meets the legal minimum of 1.6mm.

Each compliance team will have an infra-red camera to detect any use of infra-red blocking number plates, which could be used to avoid speed, bus lane and congestion cameras.

New officers within the service will attend the City & Guilds Assured Basic Vehicle Inspection course within their first year, so they can inspect vehicles in a qualified manner.

This will be successful if the number of suspension notices issued to vehicles, as well as the number of infra-red blocking number plates and vehicles with illegal tyre tread, is reported to the Regulatory Committee at each meeting.

2. Prevent discrimination against the public and trade.

The Council has a legal duty to consider equality in all its work. The service is particularly concerned that whilst people with disabilities across the country are more likely to use licensed vehicles, many face direct and indirect discrimination by those working in the trade.

Operation Flag: Protected Characteristic Mystery Shoppers

To ensure that drivers comply their legal obligations under the Equalities Act 2010, such as their obligation to carry assistance dogs and the Taxi and Private Hire Vehicles (Disabled persons) Act 2022, compliance officers and volunteers regularly conduct test purchase operations.

These test purchases utilise an individual with a protected characteristic to complete a journey and feedback on any discriminatory behaviours. Where this has taken place, the incident will be reported and investigated.

Protected characteristics are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Collectively, this information is known as 'equalities data'. All characteristics, except marriage or civil partnership, will be tested.

It will inform a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the public sector equality duty.

This will be successful if the outcome of the operations are reported annually to Regulatory Committee.

If you have a protected characteristic, particularly those with assistance dogs or wheelchairs, and would like to volunteer to help the service with test purchase, please contact us via email at licn_comp@wolverhampton.gov.uk or via telephone at 01902 551155.

Equalities Monitoring

Whilst the capability in the service's systems to record equalities data does not yet exist, the service is working with developers to address this. Once this has been addressed, the service will report on the equalities data of the subjects of compliance

action. It should be noted that individuals cannot be required to provide their equalities data and may refuse to provide this information.

The service will also encourage its own employees to complete reports on their own equalities data, to be reported corporately.

Driver Discrimination

Similarly, members of the trade are subject to discrimination, particularly racism. Department for Transport statistics show that in 2023 In 2023, 50% of drivers are Asian or Asian British.

To tackle racism, a video will be developed highlighting the impact of racist abuse on drivers.

This will be successful if the video is released by June 2025.

3. Protect the right of the Hackney Carriage trade to stand and ply for hire.

Operation Trojan: Illegal Plying for Hire Test Purchases

Plying for hire is where a private hire driver makes themselves available to hire (e.g. by entering a hackney carriage rank) or makes a journey for hire and reward without a booking.

Only hackney carriages and their drivers are licensed to do this and they may only do so in the area where they are licensed. Where a private hire driver undertakes a journey without a booking made through an operator licensed by the same authority, they are illegally plying for hire. These bookings are not insured and council approved taximeters are only available in hackney carriages. Without a taximeter, there is no protection for passengers from overcharging.

It is important to undertake compliance operations to deter and detect this behaviour, to protect the public and the hackney carriage trade.

Undercover officers, sometimes including police officers or officers from another licensing authority, perform test purchases by approaching private hire vehicles and asking the drivers if they will undertake a journey without a booking. If the driver accepts, the incident will be reported and investigated. The Council's guidelines indicate that a private hire driver's licence will normally be revoked for this matter, even on a first occasion. As a result, over the last few years, the number of drivers accepting the offer of undercover officers has reduced.

These operations are regularly conducted across the country.

This will be successful if the outcome of the operations are reported to Regulatory Committee at each meeting.

Hackney Carriage Measured Mile

Each year, normally during National Licensing Week, the service will undertake a measured mile. This means that every hackney carriage will be asked to visit officers, where they will take the officer on a route which is exactly one mile. The officer will check that the taximeter has not been tampered with and that the price displayed is correct. There will be specialist contractors on site to adjust any meters not working correctly.

Where vehicles are unable to be presented for this inspection, they will be required to make separate arrangements directly with the suppliers at their own cost as soon as practicable.

Hackney Rank enforcement

The service has recently finished renewing the traffic regulation order (TRO) for the ranks in the city centre. This means that it is illegal for any vehicle other than a hackney carriage licensed by Wolverhampton to enter the rank. Private hire vehicles may not enter ranks, not even to drop off nor pick up passengers.

The service will monitor this using automatic numberplate recognition (ANPR) cameras. The service will also conduct joint patrols with Parking Enforcement, who may issue fines to the motorists in breach. Where the vehicle in breach is a private hire vehicle, enforcement action will also be taken.

4. Ensure accountability and transparency, to improve the reputation of the licensing authority.

Reporting to the trade

A summary of the compliance work undertaken will be reported to the Hackney Carriage Trade Working Group and the Private Hire Trade Working Group.

Reporting to Committee

Councillor involvement is critical to the function of the service. This strategy will be approved by the Regulatory Committee and will be reviewed every three years.

Many of the objectives are measured as successful through their reporting to the Regulatory Committee.

An annual report to the Regulatory Committee will be provided, summarising the compliance operations of the previous financial year. Analysis of any trends will also be reported to the Committee.

The service will work with Digital & IT Services to develop a bespoke system to record compliance operations and report on. This is expected to be in place by the end of 2024.

Climate Emergency

Transportation is essential for the Compliance Service to undertake its functions effectively. As such, the service has several fleet vehicles. The Council was the first local authority in the Black Country to declare a climate emergency. As a result, it pledged to make all activities carbon neutral by 2028.

This will be successful if the Compliance Service transitions to battery electric vehicles with zero tailpipe emissions by 2028.

5. Inform the trade, public and partner authorities about safe transport in the industry.

It is critical that the activities of the service are publicised, demonstrating the work done and the consequences of non-compliance. Should licensees not be aware that enforcement action is undertaken, this could embolden them to not adhere to the strict high standards expected. It is also important that the public are reassured of the continuous work undertaken by the service to keep them safe, so that they have trust in using licensed vehicles and their drivers.

Press Releases and Social Media

It is important that the Council publicises its regulatory activity,.

Some of the compliance operations are given a specific name, which allows the service to be hash tagged on social media for links to other similar work undertaken. The primary social media platform will be X (formerly known as Twitter). Press releases will be published on the Council's website and on its Wolverhampton Today Facebook page.

Quarterly Newsletter

A quarterly newsletter will be emailed to all members of the trade. This will include a message from the Chair of the Regulatory Committee, relevant press releases and safety information for licensees.

This will be successful if a quarterly newsletter is published.

Induction Pack

Whilst all drivers have undertaken training as a requirement of their licence, the service will work with the Licensing Service to develop a document which acts as a informative reference guide for the trade. This will be a live document which is continuously updated.

This will be successful if the first iteration is published by the end of 2024.

Police Training

The service offers free training to any police force on the role of the licensing authority and the conditions of licence. If you would like to request training, please

contact us via email at licn_comp@wolverhampton.gov.uk or via telephone at 01902 551155.

Get Home Safe

The service will relaunch a campaign each autumn publicising the importance of using licensed vehicles as daylight reduces. This will also educate people on the differences between hackney carriages and private hire vehicles.

Fresher's Fayre

The service will attend University of Wolverhampton's Fresher's Fayre to promote the use of Wolverhampton's licensed vehicles to students new to the City. This will also educate people on the differences between hackney carriages and private hire vehicles.

This will be successful if the compliance service is represented at every University of Wolverhampton's Fresher's Fayre.

Unlicensed Prom Vehicles

Unlicensed drivers are relatively rare in the taxi trade, but every year many people book unlicensed chauffeurs to take their children to prom. Many of these unlicensed drivers offer their services through social media such as Facebook Marketplace, or on internet sites such as Craigslist.

Vehicles with 9 or more passenger seats, such as limousines and party buses, are public service vehicles (PSV) licensed by Traffic Commissioners, which is not within the remit of the Council's Compliance Service.

Vehicles with 8 or fewer passenger seats, such as supercars, campervans and vintage cars are private hire vehicles (PHV) licensed by local councils. The driver must hold a Private Hire Driver licence with the same council that the vehicle and operator (company) are licensed with. For more information, please visit the [Council's website](#).

Each year, the Council will engage with local schools to inform parents of the importance in checking that the vehicle they use is safe and legal.

This will be successful if the results of the related compliance operation are reported to the Regulatory Committee each year.

Trade Complaints Policy

Complaints about the hackney carriage and private hire trade should be made to Compliance via:

- Calling 01902 55 TAXI (8294)
- Completing the webform at www.wolverhampton.gov.uk/taxi-complaints

All complaints will be investigated, however where a complainant does not cooperate with Compliance Officers, for example by not providing a signed witness statement, complaints may be recorded as unsubstantiated. Complainants are expected to agree to attend court and give evidence, where a prosecution or appeal against a licence decision is made. All complaints will be recorded on Council systems and where possible linked to the suspected licence holder. Where a licence is reviewed, the complaints history will be included in the report to the decision maker.

A licence may be reviewed as a result of a single serious complaint or as a result of several minor complaints and action taken against the driver will be determined by the licensing authority and could include revocation, suspension, the offer of training or no further action.

The Compliance Service will be separated from the decision-making process of licence applications and reviews. This means that no officer working in the service will grant, refuse, suspend or revoke a licence, except for issuing Section 68 suspension notices when a vehicle is in a dangerous condition.

Where an immediate safeguarding or serious public safety issue is identified, the matter will be investigated within one working day for a decision on an urgent review or alternative safeguarding measures, which could include voluntary surrender of the licence. Should they refuse, an urgent review will be undertaken with the limited information available. One week's notice is legally required for all urgent reviews to ensure that it is a fair hearing where the licensee has sufficient time to arrange legal representation.

Informal action

Informal action may be taken by compliance officers following an investigation. This could include:

An advisory notice – written confirmation of the matter investigated where no formal action is required but a record of the matter is to be retained on file.

Advice/ warning – a written notice where a minor breach of licence conditions has been identified and further breach of which is likely to result in suspension or revocation of the licence.

Simple cautions – in certain situations, it may be appropriate to offer a simple caution instead of deciding to prosecute. Simple cautions may be used to deal with less serious offences quickly. It is unlikely that a caution would be offered in circumstances where the offender has a history of poor behaviour. When a simple caution is offered, the person involved must admit the offence and accept the caution. The same standard of evidence is needed for a simple caution as for a prosecution.

Circumstances where informal action is considered appropriate may include, but is not limited to, the following:

- the breach is not of a serious nature
- there is no significant risk to the health or safety of any person
- there is no previous history of non-compliance
- there is no independent evidence to support the matter under consideration
- the breach was as a result of a genuine mistake or misunderstanding.

Section 68 Local Government (Miscellaneous Provisions) Act 1976 (Suspension Notices)

An authorised officer of the Council or any constable may at any reasonable time inspect and test any hackney carriage or private hire vehicle licensed by the Council or the taximeter affixed to such vehicle for the purpose of ascertaining its fitness. If the authorised officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, the officer may give notice in writing to require the proprietor of the vehicle to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and suspend the licence until such time as the officer is satisfied that the vehicle or meter is again fit for purpose.

The suspension notice will remain in place until such time as the Officer issuing the notice is satisfied that the grounds for suspension have been satisfactorily resolved. Written confirmation of the lifting of the suspension notice will be given.

If the Authorised Officer or constable who issued the suspension notice is not satisfied as to the fitness of the vehicle or its taximeter before the expiration of a period of two months, the licence will, by virtue of the provisions of section 68, be deemed to have been revoked. Where a licence is deemed to be revoked, the Council will write to the proprietor of the vehicle giving notice of the grounds on which the licence has been revoked within 14 days of the deemed revocation. The proprietor may appeal to the Magistrates' Court.

Formal action

Formal Action is action where the licence is submitted for a review. The review may be undertaken by a sub-committee or an officer with delegated authority. Previous complaints recorded on file may be taken into account in a licence review.

There will always be a council solicitor present to ensure that it is a fair hearing. The matter will be considered in line with the Council's current guidelines, which are available in the 'Downloads' section on the [website](#).

Circumstances where the council may consider such action include but are not limited to the following:

- there has been or is a significant contravention of the legislation.
- there has been or is a significant risk to the health or safety of any person.
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed.

- there is a history of non-compliance or offences.

Where the council is considering such steps, the licensee/applicant will be given notice of the course of action being considered and given the opportunity to respond at a formal review.

Suspension

If a licence is suspended, this may be for a set period of time and/or until an action is completed. For example, the licence may be suspended until its expiry, unless the driver provides a new DBS Certificate.

Refuse to Renew

If a licence is refused renewal, the current licence will expire and a new licence would need to be applied for.

Revocation

If a licence is revoked, the current licence is removed and a new licence would need to be applied for.

Add Conditions

In rare circumstances, it might be appropriate for additional conditions to be added to the licence.

Medical Testing

This may be done where there is a concern about the licensee's health. This can include drug and alcohol testing.

Road Risk Assessment

Licensed drivers and applicants may be required to undertake a road risk assessment. This is provided by Worcestershire County Council

Driver Training Programme

Licensees may be required to attend the training programme provided by Worcestershire County Council.

Written Warning

The licensee may receive a written warning, which will be kept on file for future consideration.

Appeals

Where the licence is suspended, revoked or refused renewal, there is a statutory right of appeal to the Black Country Magistrates' Court within 21 days of the decision. These decisions are communicated in writing via email to the licensee.

Suspensions and revocations start 21 days after the decision, unless an appeal is lodged or the decision is made with immediate effect in the interests of public safety.

If the Council considers that the interests of public safety require the suspension or revocation of a driver's licence to have immediate effect and the written notice given

to the driver by the Council includes a statement that this is so and an explanation why. The suspension or revocation takes effect when the notice is given to the driver. The revocation or suspension will then be effective when the notice is given to the driver, regardless of whether an appeal is lodged with the Magistrates' Court.

A driver whose licence has been revoked or refused renewal may apply for a new licence the day after the decision, however they will normally be required to attend another hearing to determine the application.

If a suspension or revocation is appealed (excluding immediate decisions) the licensee may continue to use the licence until the appeal is determined in the Magistrates' Court.

There is a further right of appeal to the Crown Court against the Magistrates' decision, within 21 days.

When appeals against the Council's decisions are dismissed, a request will be made to the court for the full legal costs to be paid for by the appellant.

Prosecution

Circumstances where the Council may consider a prosecution include, but are not limited to, the following:

- there has been or is a significant contravention of the legislation.
- there has been or is a significant risk to the health or safety of any person.
- there is a lack of confidence in an informal approach being positively responded to or such an approach has already failed.
- there is a history of non-compliance or offences.

In cases where prosecution is under consideration, a file containing all the relevant evidence and information will be submitted by the Licensing Service to the Council Solicitors for a decision to be made in accordance with the Code of Crown Prosecutors.

Complaints About the Compliance Service

If you consider that the enforcement action taken does not follow the principles set out in this document, you should raise your concerns with the relevant enforcement officer. If the officer is not able to resolve your problem, your complaint will be passed to a manager.

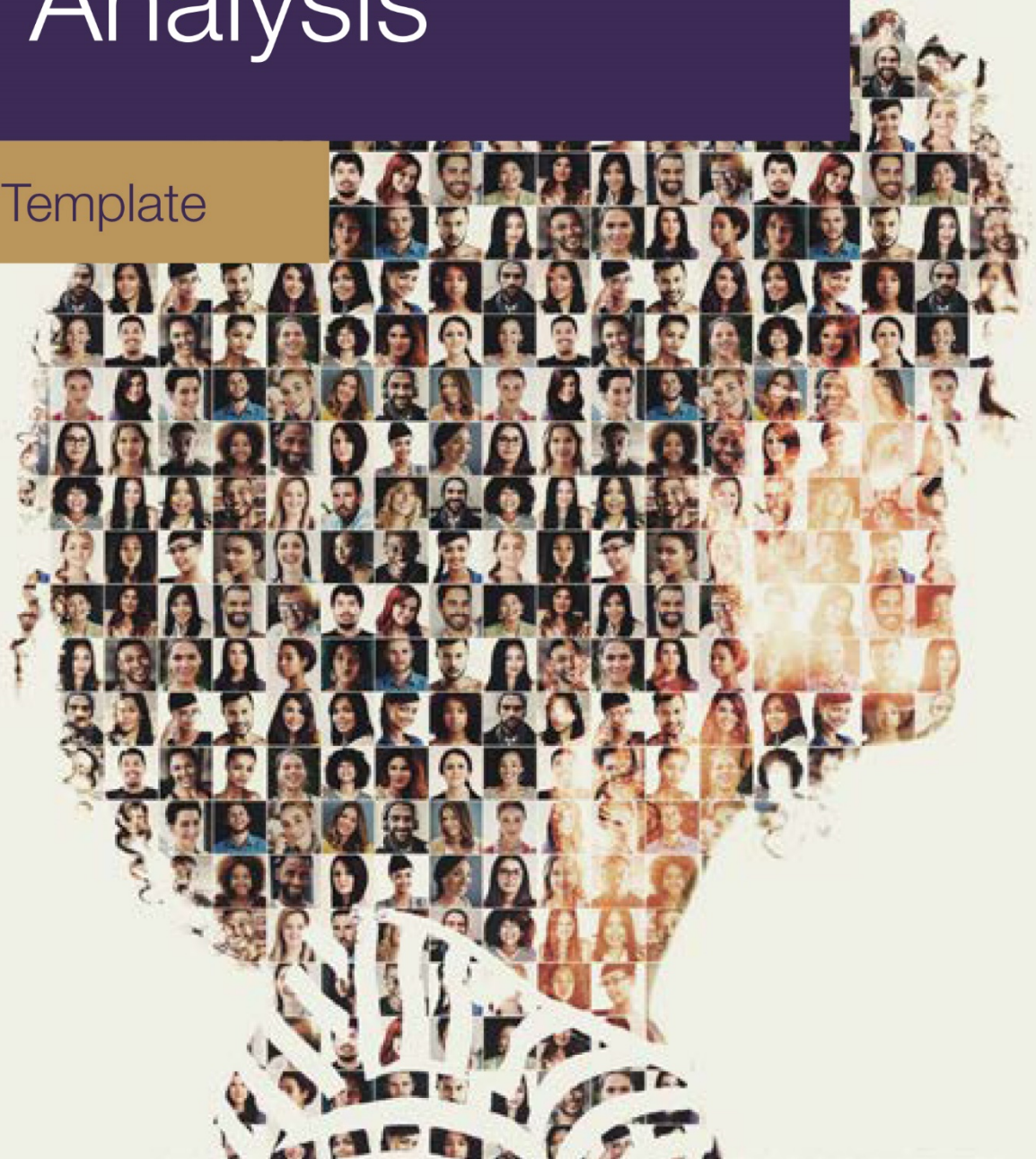
If you are not happy with the outcome of your complaint you can escalate your concerns using the complaints procedure, details of which can be found [here](#).

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A Guide to Undertake Equality Analysis

Equality Analysis Template

Page 35





Equality Analysis Template

Page 36 The Equality Analysis (EA) may relate to a service, function, policy, procedure.

1. Officer completing the Equality Analysis (EA):

Glen Moseley, Compliance Service Lead

The service, function or policy being analysed:

Taxi Compliance Strategy

Is the EA being completed for a new service, function or policy or review of an existing service, function or policy:

Yes No

Directorate - Service Area:

If this EA supports a Cabinet Report or similar, please insert title and date of report

Resident Services

Date completed:

02/02/2024

Step 1 - Make sure you have clear aims and objectives on what you are impact assessing – The intended benefits

2. What are the aims of the service, function or policy you are analysing?

To set a strategy, including five objectives to deliver public safety, for the taxi compliance service.
To publicise the operational work of the service.
To set expectations on how complaints about the trade will be handled.

Step 2 – What does the information you have collected, or that you have available, tell you?

3. What Impact will or does the service, function or policy have on different equality groups at the moment on:- Race, Disability, Sex, Gender Re-assignment, Age, Religion or Belief, Sexual Orientation, Maternity/Pregnancy, Marriage/Civil Partnership and other Socially Excluded Communities or Groups)?

The strategy includes protected characteristics operations where discriminatory behaviour is targeted.

4. What does the equalities data or evidence you hold tell us about the people or groups who will be affected by the service, function or policy? (positive or negative impact) What evidence/data already exists about the service and its users? (in terms of its impact on the 'equality groups', i.e. race, disability, sex, gender re-assignment, age, religion or belief, sexual orientation, maternity/pregnancy, marriage/civil partnership and other socially excluded communities or groups) and what does the data tell you? For example, are any groups not using or under-using the service?

Whilst almost everyone uses taxis people with mobility issues are particularly reliant upon them, this includes wheelchair users and elderly people, we have evidence to suggest that passengers with assistance dogs are regularly discriminated against by carriage

being refused. National data shows that 50% of drivers are Asian or Asian British and the service intends to tackle racism towards drivers.

5. Engagement and consultation - If we do not hold equality data relevant to this proposal, consultation will help to inform the impact of the proposed service, function and policy? If consultation has taken place, who have we consulted?

Policy will under go a full 12 week consultation.

Step 3 – Identify the impact

6. Identifying the impact - from the data you have gathered, and the consultation undertaken to date to inform your decisions, can you please set out below details as to whether the impact or the potential impact is positive and or negative. Where a negative impact is identified, please outline solution to mitigate.

Equality Themes Protected Characteristics	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
Age (including children, young people and older people)	Strategy outlines operations to target age discrimination.		
Disability (including carers)	Strategy outlines operations to target disability discrimination.		
Sex (male, female, trans, non-binary)	Strategy outlines operations to target sex discrimination.		

Equality Themes Protected Characteristics	Positive Impacts	Negative Impacts identified	Solutions (ways in which you could mitigate the negative impact)
Race (including Gypsies & Travellers and Asylum Seekers)	Strategy outlines operations to target race discrimination.		
Religion or Belief (including people of no religion or belief)	Strategy outlines operations to target religion/belief discrimination.		
Gender Re-assignment (those that are going or have gone through a transition: male to female or female to male)	Strategy outlines operations to target gender Re-assignment discrimination.		
Pregnancy and Maternity	Strategy outlines operations to target pregnancy and maternity discrimination.		
Sexual orientation (including gay, lesbian, bisexual and heterosexual)	Strategy outlines operations to target sexual orientation discrimination.		
Marriage and Civil Partnership		This protection applies to employment only and the service does not employ licence holders.	
Human Rights	Strategy outlines operations to target human right discrimination.	Compliance action may result in the suspension and revocation of licences, licences are considered possessions under Article 1.	A council solicitor is present for all licence review hearing to ensure that they are conducted legally.

Step 4 – Changes or mitigation actions proposed or adopted

7. What changes have been made, or are proposed to the service, function or policy after implementing the mitigating solutions above, is the service, function or policy more accessible and inclusive?

Having undertaken the analysis are there any changes necessary to the existing service/activity?

What changes or mitigating actions are proposed?

How will you provide this service to ensure it is accessible to all Equality Groups?

None.

Step 5 – Monitoring

8. Monitoring - How are you going to monitor the resulting service, function, policy or procedure?

Equalities analysis will be reviewed following the consultation.

Step 6 – To complete Action Plan on progress

9. Action Plan

Barrier	Improvement Action Required	Responsible Officer	Date for completion

Barrier	Improvement Action Required	Responsible Officer	Date for completion

Page 41

10. Equality Analysis approved by (Head of Services):

Date:

Greg Bickerdike

15 February 2024

Please keep a copy of the signed EA with the report for future updates, reviews etc.

11. Date of review:

June 2024

Please upload your completed Equality Analysis form by following the link to: Equality, Diversity and Inclusion (sharepoint.com).

This function is not available until June 2022.

Please email your completed Equality Analysis form to: EDI@wolverhampton.gov.uk

A word version of this template for larger and complex Equality Analysis is available.

It is important to retain a copy of your completed Equality Analysis for future reference

Additional notes

You can get this information in large print, braille, audio or in another language by calling 01902 551155

wolverhampton.gov.uk 01902 551155

  WolverhamptonToday  Wolverhampton_Today  @WolvesCouncil

City of Wolverhampton Council, Civic Centre, St. Peter's Square,
Wolverhampton WV1 1SH

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2 style="margin: 0;">Regulatory Committee</h2> <p style="font-size: 1.2em; margin: 0;">6 March 2024</p>
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Report title	Joint Authorisation of Taxi Compliance Officers	
Wards affected	All	
Accountable director	John Roseblade, Director of Resident Services	
Originating service	Licensing	
Accountable employee	Greg Bickerdike	Licensing Manager
	Tel	01902 554030
	Email	Greg.Bickerdike@wolverhampton.gov.uk
Report has been considered by	Resident Services Leadership Team	13 February 2024
	Strategic Executive Board	20 February 2024

Recommendation for decision:

The Regulatory Committee is recommended to:

1. Approve a delegation of authority to Milton Keynes Council until 30 September 2024.

Recommendations for noting:

The Regulatory Committee is asked to note:

1. That a report on the pilot scheme will be presented to the next Committee meeting after September 2024.

1.0 Purpose

- 1.1 To seek approval from the Committee for authorisation of Milton Keynes City Council's Enforcement Team Lead to undertake compliance functions under Section 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976, as amended.

2.0 Background

- 2.1 Whilst the Council has three teams of compliance officers who are deployed across the country, alternative methods are being explored to efficiently and effectively uphold public safety.
- 2.2 Section 5.3 of the Department for Transport's 'Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England' states,
- "Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of compliance and enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook."

3.0 Milton Keynes Pilot

- 3.1 As of 27 February 2024, there are 126 private hire drivers and 75 private hire vehicles licensed by City of Wolverhampton Council who live in Milton Keynes.
- 3.2 Milton Keynes City Council has requested authorisation of their officers, to allow for immediate suspensions of a vehicle licence. For example, where a vehicle is found to have tyre tread below the legal limit of 1.6mm.
- 3.3 Milton Keynes City Council have been jointly authorised with Buckinghamshire Council and West Northamptonshire Council since around 2016.
- 3.4 It is proposed that a six-month authorisation to the Enforcement Team Lead at Milton Keynes City Council be approved by the Committee, with the pilot reviewed and a report submitted to Committee in September.
- 3.5 The authorisation would be for powers under Sections 68 and 73 of the Local Government (Miscellaneous Provisions) Act 1976, as amended. Section 68 relates to the fitness of a vehicle and section 73 relates to obstructing officers investigating offences under the Act.
- 3.6 It is proposed that City of Wolverhampton Council's Compliance Service Lead receive an authorisation for the same powers from Milton Keynes City Council.

3.7 A letter of authorisation for each named officer will be provided and this can be shown to licensees. Copies of the licence conditions and relevant policies will be exchanged, as well as information on reporting enforcement action.

3.8 All licensees in Milton Keynes will be written to, advising of the joint authorisation.

4.0 Reporting

4.1 The councils will report, to each other, enforcement action taken against the other's licensees.

5.0 Financial implications

5.1 Production of the authorisation documents will be met through existing revenue budgets.

5.2 There are no proposals for recharge for officer time between the authorities.

[SB/15022024/D]

6.0 Legal implications

6.1 Section 101 (1) (b) of the Local Government Act 1972 permits councils to discharge functions on behalf of another authority.

[DA/22/02/2024/1]

7.0 Equalities implications

7.1 There are no equalities implications.

8.0 All other Implications

8.1 There are no other direct implications contained within this proposal.

9.0 Schedule of background papers

9.1 None

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