

Non-Statutory Licensing Committee

18 March 2020

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

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair Cllr Obaida Ahmed (Lab)

Labour

Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Rita Potter
Cllr Milkinderpal Jaspal
Cllr Asha Mattu
Cllr Anwen Muston
Cllr Zee Russell

Conservative

Cllr Jonathan Crofts
Cllr Jane Stevenson

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:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
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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 - 6)
4	Matters arising
5	Minutes - 18 February 2020 - Non-Statutory Licensing Sub-Committee (Pages 7 - 10)
6	Outcome of Taxi Rank Review (Pages 11 - 18)
7	Evaluation of Taxi & Private Hire Services Mystery Shopper Exercise (Pages 19 - 38)

Non-Statutory Licensing Committee

Minutes - 22 January 2020

Attendance

Members of the Non-Statutory Licensing Committee

Cllr Alan Bolshaw (Chair)
Cllr Obaida Ahmed (Vice-Chair)
Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Rita Potter
Cllr Milkinderpal Jaspal
Cllr Zee Russell
Cllr Anwen Muston
Cllr Jonathan Crofts

Employees

Donna Cope	Democratic Services Officer
Sarah Hardwick	Senior Solicitor
Chris Howell	Licensing Manager
Michelle James	Licensing Policy Manager
Sophie Candfield	Public Health Registrar (observing)

Invited Guest

Ian Millership	CTS Traffic and Transportation Ltd
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Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies were received from Councillor Dr Paul John Birch J.P and Councillor Asha Mattu.
- 2 Declarations of interest**
There were no declarations of interest.

3 **Minutes of previous meeting**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Committee held on 18 September 2019 be confirmed as a true record and signed by the Chair.

4 **Matters arising**

There were no matters arising.

5 **Minutes - 20 September 2019 - Non-Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Sub-Committee held on 20 September 2019 be confirmed as a true record and signed by the Chair.

6 **Minutes - 14 November 2019 - Non-Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Sub-Committee held on 14 November 2019 be confirmed as a true record and signed by the Chair.

7 **Minutes - 3 December 2019 - Non-Statutory Licensing Sub-Committee**

Resolved:

That the minutes of the meeting of the Non-Statutory Licensing Sub-Committee held on 3 December 2019 be confirmed as a true record and signed by the Chair.

8 **Hackney Carriage Unmet Demand Survey 2019 - 2020**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Maintain the existing policy of not capping the numbers for Hackney Carriage Vehicles.
2. Endorse the recommendation of the demand survey to use CCTV cameras.
3. Approve the continued rolling programme for Hackney Carriage Demand Surveys.
4. Note the findings of the Hackney Carriage Demand Survey attached at Appendix 1 to this report.

Ian Millership, CTS Traffic and Transportation Ltd, presented the survey findings and responded to questions asked.

Members commended the survey report and welcomed the recommendations.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Maintained the existing policy of not capping the numbers for Hackney Carriage Vehicles.
2. Endorsed the recommendation of the demand survey to use CCTV cameras.
3. Approved the continued rolling programme for Hackney Carriage Demand Surveys.
4. Noted the findings of the Hackney Carriage Demand Survey attached at Appendix 1 to this report.

9 **Vehicle Control and Supervision Operative Research**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Review the 'Event Management for Licensed Vehicles' report.
2. Endorse the event management guidance, sample plan and recommendations.

Ian Millership, CTS Traffic and Transportation Ltd, presented the research findings and responded to questions asked.

He commended the City of Wolverhampton Council Licensing team for commissioning such critical research and encouraged them to continue the good work.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Reviewed the 'Event Management for Licensed Vehicles' report.
2. Endorsed the event management guidance, sample plan and recommendations.

10 **Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2020/2021**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed fees and charges for General Licensing as set out in Appendix 1 with effect from 1 April 2020.

The Licensing Manager discussed how the fees and charges had been determined and outlined the proposals for the coming year.

Councillor Greg Brackenridge commended the work of Licensing Services and welcomed the report.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed fees and charges for General Licensing as set out in Appendix 1 with effect from 1 April 2020.

11 **Review of Fees and Charges for Street Trading Consents for 2020/2021**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed fees and charges for Annual Street Trading Consents as set out in Appendix 1 of this report with effect from 1 April 2020.
2. Approve the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in Appendix 2 of this report with effect from 1 April 2020.
3. Note that a review of the Street Trading Policy provision is taking place.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed fees and charges for Annual Street Trading Consents as set out in Appendix 1 of this report with effect from 1 April 2020.
2. Approved the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in Appendix 2 of this report with effect from 1 April 2020.
3. Noted that a review of the Street Trading Policy provision is taking place.

12 **Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2020-2021**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers as set out in Appendix 1 with effect from 1 April 2020.
2. Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicles as set out in Appendix 2 with effect from 1 April 2020.
3. Approve the proposed fees and charges for Private Hire Operators as set out in Appendix 2 with effect from 1 April 2020
4. Note the working fund reserve.
5. Note the comprehensive checks undertaken on the National Register of Taxi and Private Hire revocation and refusals.

The Licensing Manager outlined the proposals for the coming year and responded to questions asked.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers as set out in Appendix 1 with effect from 1 April 2020.
2. Approved the proposed fees and charges for Hackney Carriage and Private Hire Vehicles as set out in Appendix 2 with effect from 1 April 2020.
3. Approved the proposed fees and charges for Private Hire Operators as set out in Appendix 2 with effect from 1 April 2020
4. Noted the working fund reserve.
5. Noted the comprehensive checks undertaken on the National Register of Taxi and Private Hire revocation and refusals.

13 **Consultation Response on amendments to Private Hire Operator, Driver and Vehicle Conditions**

Chris Howell, Licensing Manager, presented a report asking Members to:

1. Approve the final draft conditions for Private Hire Driver, Vehicle and Operators attached at Appendices 1, 2 and 3.
2. Note the proposed draft conditions that have been subject to the consultation exercise attached at Appendices 4, 5 and 6.
3. Note the consultation response attached at Appendix 7.

The Licensing Manager pointed out a typographical error on page 203 of the report and confirmed that West Midlands Private Hire Drivers Association had not been invited to respond to the consultation.

He stated that twenty one responses had been received from drivers requesting that they be allowed to work for multiple Private Hire Vehicle Operators and that given the number of requests, this was to be determined by Members of the Non-Statutory Licensing Committee.

Members considered the request and although they acknowledged the importance of worker's rights, they had great concerns for the impact it could have on public safety. It was noted that drivers could move Operator, giving the prescribed notification.

It was therefore agreed that the current policy should remain unchanged and Private Hire Vehicle Drivers should only work for one operator at a time.

The new conditions would be applicable for licences granted after 1st February 2020.

Resolved:

That Members of the Non-Statutory Licensing Committee:

1. Approved the final draft conditions for Private Hire Driver, Vehicle and Operators attached at Appendices 1, 2 and 3.
2. Noted the proposed draft conditions that have been subject to the consultation exercise attached at Appendices 4, 5 and 6.
3. Noted the consultation response attached at Appendix 7.

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CITY OF
WOLVERHAMPTON
COUNCIL

Non-Statutory Licensing Sub-Committee

Minutes - 18 February 2020

Attendance

Members of the Non-Statutory Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Obaida Ahmed
Cllr Anwen Muston

Employees

Richard Phillips	Solicitor
Donna Cope	Democratic Services Officer
Elaine Moreton	Section Leader – Licensing
Bronee Davies	Senior Licensing Officer (observing)

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 Driver's Licence - SS

The Chair invited Elaine Moreton, Section Leader Licensing, Bronee Davies, Senior Licensing Officer, and the Applicant (SS) into the Hearing. SS was accompanied by his wife and Solicitor, Mr Anthony Schiller. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver'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 SS was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

All parties were invited to question the Section Leader on the report. Elaine Moreton provided responses to questions asked.

The Chair invited SS to make representations.

Mr Schiller made representations on behalf of his client. He detailed the circumstances that led to his client's convictions and stated that SS had been an excellent taxi driver for a long time and had no penalty points on his driving licence. He stated that SS no longer drank alcohol, for which he had medical evidence, and had sought professional help and guidance on the matter. He stated that SS had learnt from his mistakes and was now older and wiser.

Mr Schiller advised that SS had additional supporting documents with him and wished for them to be considered by the Sub-Committee. The Sub-Committee agreed to the request (copies filed with these minutes).

All parties were invited to question SS and Mr Schiller on the submission.

In response to questions asked, Mr Schiller elaborated further on the situations that led to his client's convictions and stated that SS underwent regular blood tests confirming that he no longer drank alcohol. He stated that the circumstances surrounding his client's convictions were unique and requested that the Sub-Committee depart from the Council guidelines.

All parties agreed to adjourn the hearing to allow Elaine Moreton the opportunity to view the supporting documents submitted by Mr Schiller.

The Sub-Committee adjourned at 11.03 hours.

The Hearing reconvened at 11.27 hours.

The Chair invited Elaine Moreton to question SS and Mr Schiller on the supporting documents. Mr Schiller provided responses to questions asked.

The Chair invited Mr Schiller and SS to make a final statement and Mr Schiller did so. He stated that SS had a good history as a licensed driver and had learnt from his mistakes. He stated that his client was not a risk to the public and had medical evidence confirming he no longer drank alcohol.

SS, his wife, Mr Schiller, the Section Leader and Senior Licensing Officer left the room to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that SS was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraph 5.1.4(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 20 March 2019.

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

The Sub-Committee adjourned at 11.43 hours.

The Hearing reconvened at 11.56 hours.

5 **Application for a Private Hire Vehicle Driver's Licence - SH**

The Chair invited Elaine Moreton, Section Leader Licensing, Bronee Davies, Senior Licensing Officer, and the Applicant (SH) into the Hearing. SH was accompanied by

his Solicitor, Mr Anthony Schiller. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver'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 SH was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

All parties were invited to question the Section Leader on the report. Elaine Moreton provided responses to questions asked.

The Chair invited SH to make representations.

Mr Schiller made representations on behalf of his client.

He stated that SH was innocent of the allegation made against him and wanted to clear his name. He stated that his client had no criminal convictions, a clear DBS and had received no other complaints whilst working as a licensed driver.

All parties were invited to question SH and Mr Schiller on the submission. SH and Mr Schiller provided responses to questions asked.

The Chair invited Mr Schiller and SH to make a final statement. Mr Schiller did so. He reiterated that his client had a clean DBS and said the stain on his character was haunting him.

SH, Mr Schiller, the Section Leader and Senior Licensing Officer left the room to allow the Sub-Committee to determine the matter.

All parties were invited back to the meeting.

The Chair advised them of the decision of the Sub-Committee, which was explained in full by the Solicitor.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that SH was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraphs 5.1.9 and 5.1.25 of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 20 March 2019.

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>18 March 2020</p>
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Report title	Outcome of Taxi Rank Review	
Wards affected	St. Peter's and Heath Town	
Accountable director	Ross Cook, Director for City Environment	
Originating service	Licensing Services	
Accountable employee	Greg Bickerdike	Section Leader
	Tel	01902 554030
	Email	Greg.Bickerdike@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to note:

1. Licensing Services' response to the consultation on taxi ranks.
2. The proposed traffic regulation order.

1.0 Purpose

- 1.1 To present a proposed traffic regulation order (TRO) resulting from the review and consultation on taxi ranks.

2.0 Background

- 2.1 A six-week public consultation requesting feedback on taxi ranks ran from 22 October – 6 December 2019. Every hackney carriage licence holder at the beginning of the consultation period was informed of this in writing.

3.0 Licensing Services' Response to Consultation Feedback

- 3.1 Consultees provided feedback in several areas for consideration. The issues have been summarised and responded to below:
- Feedback that the ranks are being used by vehicles other than Wolverhampton licensed hackney carriages.
 - Licensing Services will be utilising automatic number plate recognition (ANPR) cameras to monitor taxi ranks. Enforcement action will be taken against violators.
 - Request for a new rank in Bilston Street, eastbound.
 - The requested area is a bus stop. Bus stops are in force 24/7, therefore cannot be made into taxi ranks.
 - Request for a new rank in Broad Street, westbound.
 - A 3 vehicle rank between 18:00 - 06:00 is proposed in the westbound loading bay. The area will be loading only between 06:00 - 18:00.
 - The westbound parking bays are used by customers visiting businesses and the eastbound area is double yellow lines, apart from a bus stop. Double yellow lines are in force to prevent obstructions and bus stops are in force 24/7, therefore cannot be made into taxi ranks.
 - Request for a new rank in Cleveland Street, outside City of Wolverhampton Market.
 - The parking bays are used by customers visiting businesses.
 - Request for a new rank in Lichfield Street, westbound.
 - A 4 vehicle rank between 18:30 - 06:00 is proposed by the post box from the bollards to the beginning of the bus stop.
 - Should there be an obstruction to traffic or other compelling reason, public service vehicles (such as coaches with passengers for Wolverhampton Grand Theatre) are permitted to wait for so long as is reasonably necessary for the taking up or setting down of passengers on taxi ranks.
 - Request for a new rank in Market Street, northbound.
 - The two disabled parking bays on the left-hand side of the road before the existing taxi rank are needed for passenger-side loading into wheelchair accessible vehicles.

- A rank in the loading bay on the right-hand side of the road would require a feeder rank, which would restrict traffic flow on Castle Street, which is an existing bus route.
- Request for a new rank in Piper's Row, southbound.
 - A 3 vehicle rank between 18:00 - 06:00 is proposed in the loading bay. It will remain a loading bay between 06:00 - 18:00.
- Request for a new rank in Princess Street, northbound.
 - A 3 vehicle rank between 18:00 – 06:00 in front of the electric vehicle charging bay is proposed. The area will be loading only between 06:00 - 18:00.
 - It was originally proposed that this would be a 24-hour taxi rank, however loading provision is required for the adjacent business premises, which are currently unoccupied. This provision is required to attract future tenants.
- Request for a new rank in Stafford Street, southbound.
 - Taxis waiting here would obstruct the view from the pedestrian crossing.
- Request for a new rank in Queen Street, eastbound.
 - A 4 vehicle rank between 18:30 - 06:00 is proposed in the loading bay. It will remain a loading bay between 06:00 - 18:30.
- Request for a new rank in Victoria Street, northbound.
 - This area will be pedestrianised as part of the Westside Link development. New taxi ranks will be created near the Westside development once plans are confirmed.

4.0 Proposed Traffic Regulation Order

- 4.1 As a result of the review, new rank space for 17 taxis has been identified.
- 4.2 The creation of taxi ranks is an executive function, requiring the approval of the proposed TRO (Appendix 1) by the Cabinet Member for City Environment through the individual executive decision procedure.
- 4.3 The existing rank at Bailey Street, which is used as a feeder rank for the train station, will also be included on the TRO.
- 4.4 Permission has been obtained by the landowner, the highways authority, for the creation of the taxi ranks in this proposed TRO.
- 4.5 The Council will be required to give notice to the Chief Constable of West Midlands Police. Notice must also be given to the public by advertisement in at least one local newspaper circulating in the district. Should any written objections or representations be made within 28 days of the first published advertisement, the Council will consider them before deciding on the final TRO for implementation.
- 4.6 Once the TRO has been implemented, automatic number plate recognition cameras will be used to monitor the ranks. Unauthorised drivers entering the taxi ranks without

reasonable excuse are committing an offence under Section 64 of The Local Government (Miscellaneous Provisions) Act 1976.

5.0 Financial implications

- 5.1 The cost of this work was included in the financial implications of the report to Licensing Committee on 6 June 2018 and the approved budget remains in place.

[NC/06032020/Q]

6.0 Legal implications

- 6.1 Section 63 of The Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may from time to time appoint stands for hackney carriages.
- 6.2 Before appointing any stand for hackney carriages a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.
- 6.3 The power to appoint stands for hackney carriages shall include power to revoke such appointment and to alter any stand so appointed.
- 6.4 A Traffic Regulation Order (TRO) is used to appoint, revoke or alter a hackney carriage stand. The power and procedure for the making of such an Order is contained within The Road Traffic regulation Act 1984 and The Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996.
- 6.5 The taxi ranks/stands will be marked in accordance with the Traffic Signs Regulations and General Directions 2016.
- 6.6 Parking Services and Licensing Compliance will be responsible for enforcement under the TRO.

[SH/06032020/A]

7.0 Equalities implications

- 7.1 An equalities analysis was undertaken on the proposals. The primary group affected is those with disabilities, particularly wheelchair users. The traffic regulation order does not affect any disabled parking bays, however as hackney carriages are used heavily by those with mobility issues, the proposals improve accessibility for this group.
- 7.2 The proposed rank on Market Street will be unable to load wheelchair passengers from the pavement, due to the rank being on the right-hand side of a one-way road. Without

changing the direction of traffic flow, which would negatively affect the disabled parking and taxi ranks on the left-hand side of the road, this is unavoidable.

8.0 Climate change and environmental implications

8.1 The proposed taxi ranks will assist in ensuring the safe and efficient operation of the highway, resulting in fewer greenhouse gas emissions.

9.0 Human Resources implications

9.1 There are no Human Resources implications.

10.0 Corporate Landlord implications

10.1 Licensing Services has worked in conjunction with Highways Services on this project and has its permission, as landowner, to create the proposed taxi ranks on the highway.

11.0 Schedule of background papers

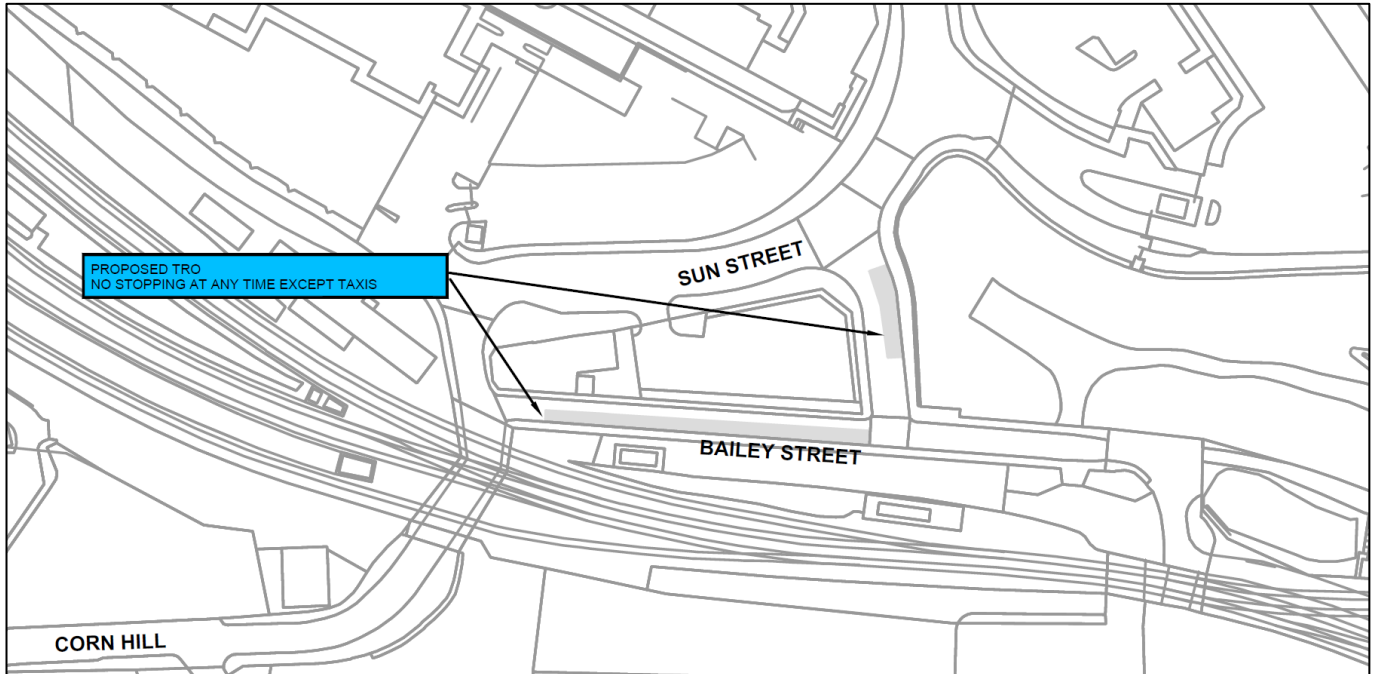
11.1 Support for City Centre Taxi Rank Review and Consultation - Licensing Committee (6 June 2018).

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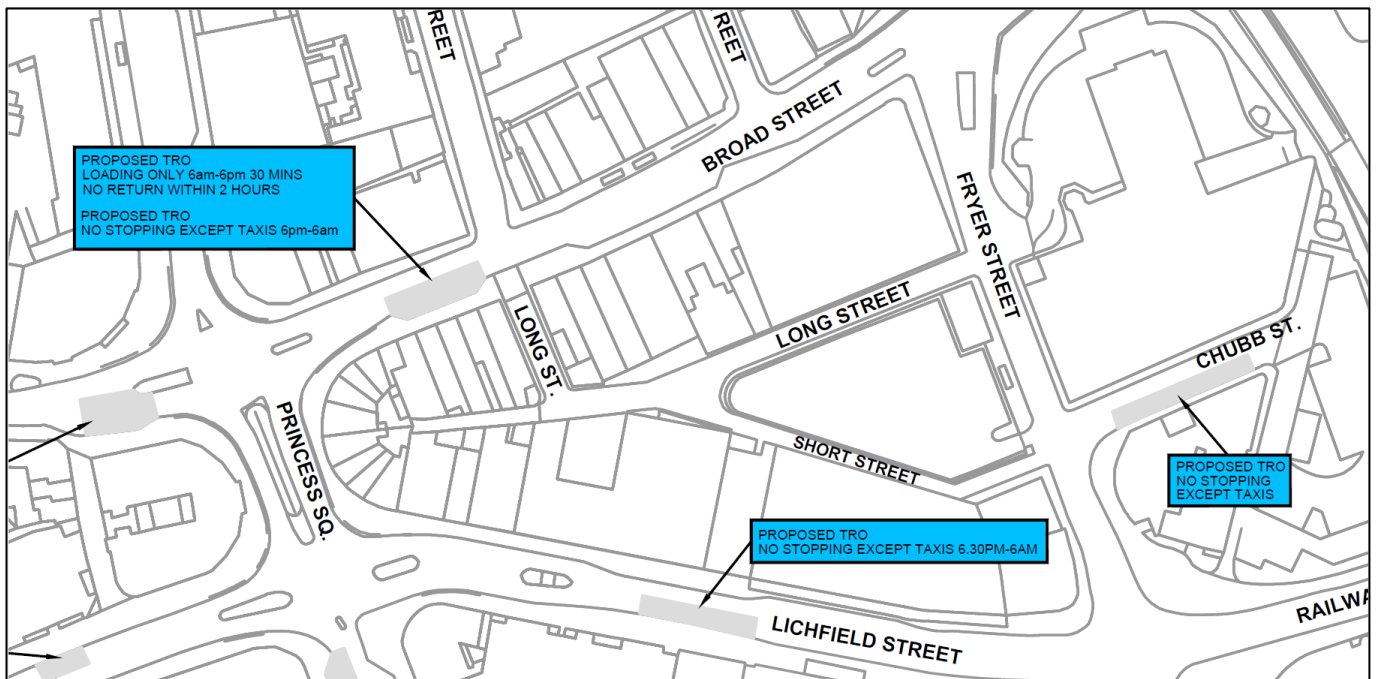
Appendix 1

Excerpts from a proposed Traffic Regulation Order map displaying the ranks described in this report.

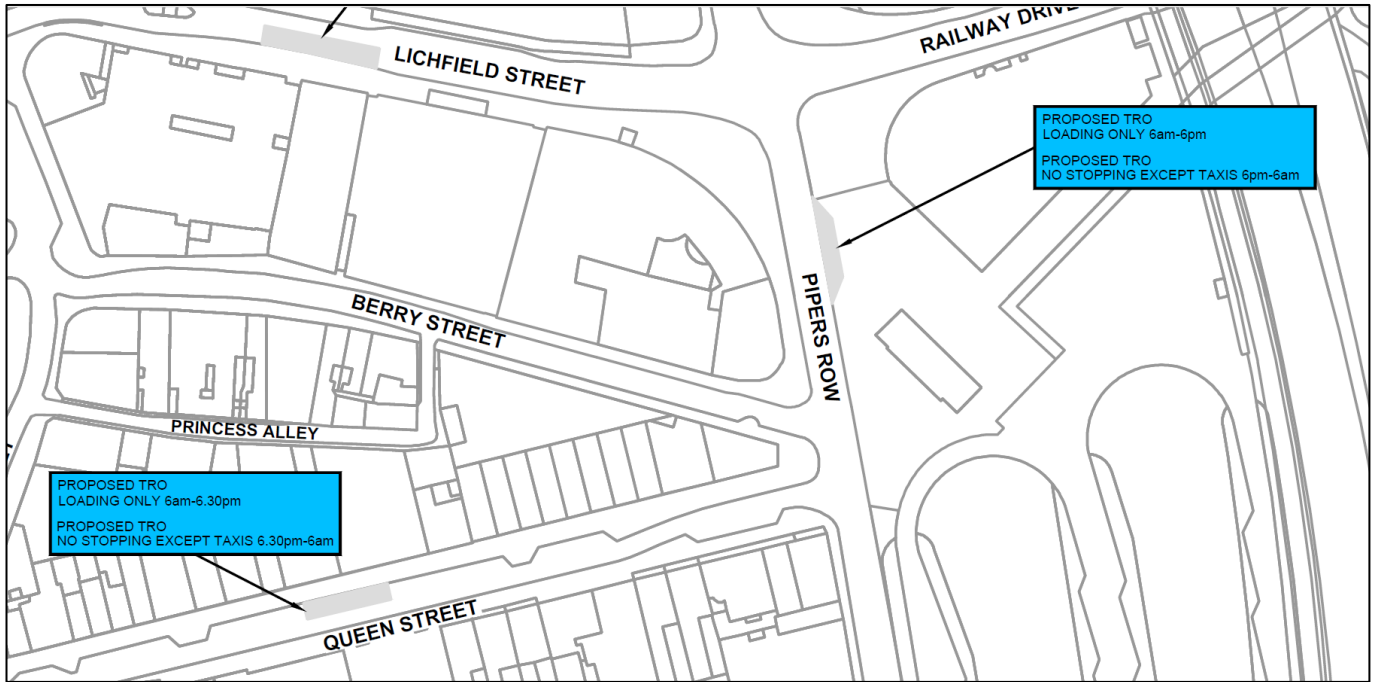
Bailey Street Rank



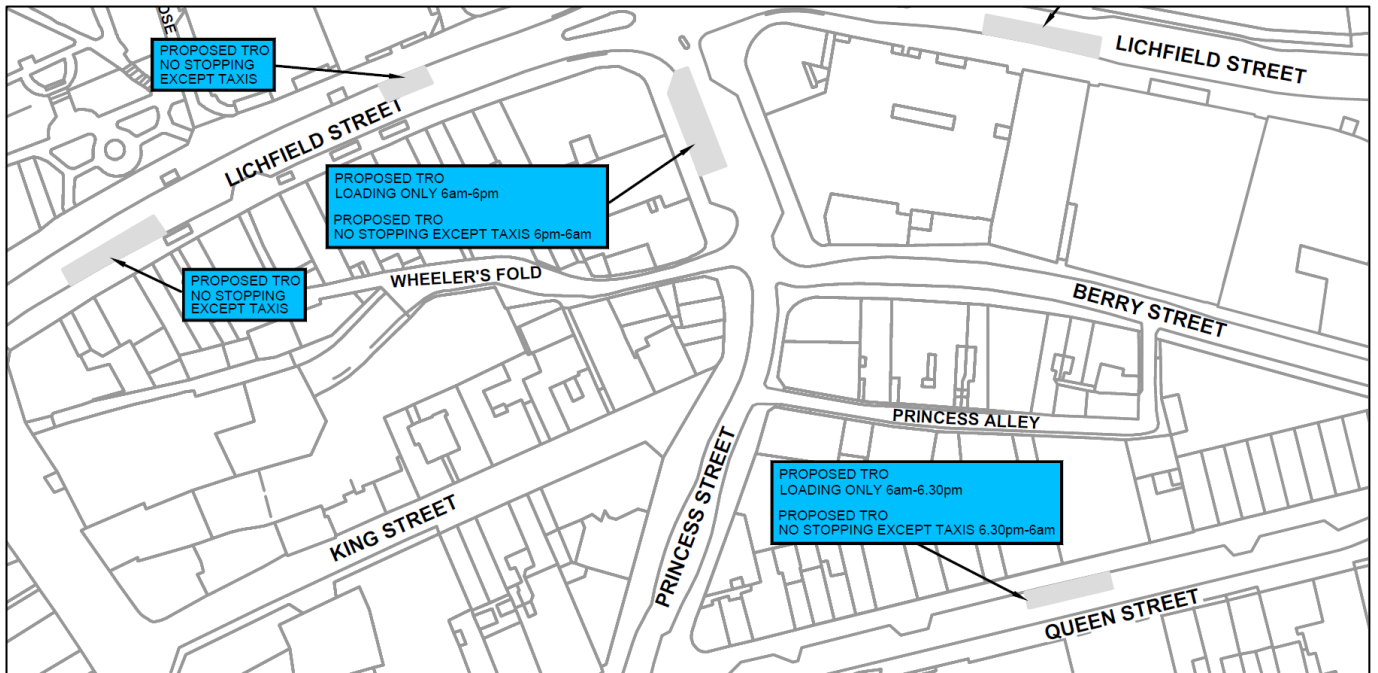
Broad Street and Lichfield Street Ranks - Existing rank on Chubb Street also labelled.



Piper's Row Rank



Princess Street and Queen Street Ranks - Existing ranks on Lichfield Street also labelled.



<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>18 March 2020</p>
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Report title	Evaluation of Taxi & Private Hire Services Mystery Shopper Exercise	
Wards affected	All	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Dean Ball	Acting Service Lead - Compliance
	Tel	01902 550150
	Email	dean.ball@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. To approve the extension of the Mystery Shopper Exercise in relation to private hire and hackney carriage licensed vehicles.

Recommendation for noting:

The Non-Statutory Licensing Committee is asked to:

1. Note the evaluation of the Mystery Shopper Scheme at Appendix 1.

1.0 Purpose

- 1.1 To inform Councillors of the findings of an evaluation report into the operation, usage, accessibility and equal access provided to people who are physically disabled when using Hackney Carriages and Private Hire Vehicles.
- 1.2 To obtain endorsement from Councillors for the extension of the Mystery Shopper Exercise to include individuals who identify as having a protected characteristic as defined under the Equality Act 2010.

2.0 Background

- 2.1 In 2008, as a result of feedback from members of the public and complaints received, Licensing Services and Public Protection undertook an exercise to evaluate the provision of Hackney Carriage Services to disabled customers within Wolverhampton.
- 2.2 The evaluation of the Taxi Mystery Shopper Scheme in 2008 highlighted that many Hackney Carriage Drivers were unaware of the appropriate understanding or techniques to assist passengers with physical disabilities. As a result, Licensing Committee resolved to endorse the proposal for the training of drivers of Hackney Carriages in respect of disability awareness.
- 2.3 On 1 October 2010 the Equality Act 2010 came into force bringing together 116 separate pieces of legislation, including the Disability Discrimination Act 1995. The Equality Act included many of the taxi and private hire vehicle provisions which were in the Disability Discrimination Act 1995, but it also includes some important changes.
 - Sections 160 to 173
Relate specifically to disabled persons and taxis and private hire vehicles.
 - Sections 165 and 167 (came into effect on 6 April 2017).
Section 165 imposes legal duties on the driver of a designated hackney carriage and private hire vehicle which has been hired by or for a disabled person in a wheelchair, or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.
 - Section 167 allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible taxis and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. Licensing Services does maintain a list of designated vehicles.
 - Section 168 of the Equality Act 2010 imposes duties on the drivers of Taxis and Private Hire Vehicles when their vehicle has been hired by either a disabled person who is accompanied by an assistance dog, or by another person who wishes to be accompanied by a disabled person with an assistance dog.

- Section 170 of the Equality Act 2010 states that an operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person and the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

2.4 Considering the provisions of the Equality Act 2010 and the length of time since the last evaluation exercise, Licensing Services, between December 2019 and February 2020, carried out a new exercise to evaluate the provision of Hackney Carriage and Private Hire Services to disabled customers within Wolverhampton.

3.0 Mystery Shopper Exercise

3.1 The evaluation took place through a 'Mystery Shopper' exercise across all areas of Wolverhampton. This involved volunteers from local disability groups, Council employees and an Officer from West Midlands Police undertaking journeys in Hackney Carriages and Private Hire Vehicles. The method of booking the journeys included telephone and App bookings for Private Hire Vehicles and selecting vehicles from the Hackney Carriage ranks.

3.2 At the end of each journey the volunteers completed a questionnaire to ascertain their views on the journey in order that the Council could evaluate whether the level of service was of an appropriate standard.

3.3 The evaluation of the Taxi and Private Hire Services Mystery Shopper Scheme is attached at Appendix 1 of this report.

4.0 Recommendations

4.1 That Councillors note the evaluation of the Taxi and Private Hire Services Mystery Shopper Scheme.

4.2 That Councillors approve the extension of the Mystery Shopper Exercise to evaluate the operation, usage, accessibility and equal access provided to individuals who identify as having a protected characteristic as defined under the Equality Act 2010.

5.0 Financial implications

5.1 Approval to extend the Mystery Shopper Exercise will incur costs in order to cover the price of the taxi and private hire journeys undertaken by the volunteers. This is business as usual and therefore no additional budget is required.

[NC/10032020/Y]

6.0 Legal implications

- 6.1 The law governing the licensing of Hackney Carriage and Private Hire vehicles is largely contained within The Town Police Clauses Act 1847, as amended and the Local Government (Miscellaneous Provisions) Act 1976.
- 6.2 Hackney Carriage and Private Hire Vehicle drivers fall into the category of a “service provider” under the Equality Act 2010. Service providers are prohibited from discriminating against, harassing and victimising persons who possess protected characteristics.
- 6.3 Hackney Carriage and Private Hire licensing is a non-executive function and it is therefore the responsibility of Licensing Committee to determine the policy and procedures in respect of this matter.

[RP/06032020/A]

7.0 Equalities implications

- 7.1 No Equalities Impact Assessment has been produced for this initiative, however the findings of the scheme will be used in future to assist with reviews of existing Equalities Impact Assessment for Hackney Carriage and Private Hire policies.

8.0 Climate change and environmental implications

- 8.1 There are no direct climate change and environmental implications arising from this report.

9.0 Human Resources implications

- 9.1 There are no Human Resources implications.

10.0 Corporate Landlord implications

- 10.1 There are no Corporate Landlord implications.

11.0 Schedule of background papers

- 11.1 Licensing Committee - 19 November 2008. Evaluation of Taxi Mystery Shopper Exercise.

**CITY OF
WOLVERHAMPTON
COUNCIL**

**NON-STATUTORY LICENSING
COMMITTEE**

**Evaluation of Taxi & Private Hire
Services Mystery Shopper Scheme**

March 2020

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1.0 Introduction

- 1.1 The purpose of this report is to inform Councillors of the findings of an evaluation into the operation, usage, accessibility and equal access provided to people who are disabled.
- 1.2 Considering the provisions regarding taxi and private hire services contained within the Equality Act 2010 and the length of time since the last evaluation exercise carried out in 2008, in December 2019 Licensing Services began its Taxi and Private Hire Services Mystery Shopper scheme to evaluate the current provision of Hackney Carriage and Private Hire Services to disabled customers within Wolverhampton.
- 1.3 To identify users of this service, appropriate external groups were contacted to gather a wide range of disabilities in which we could fully establish and recognise any flaws in the taxi service provided by drivers and vehicles licensed by Wolverhampton City Council.

2.0 Details of the Mystery Shopper Scheme

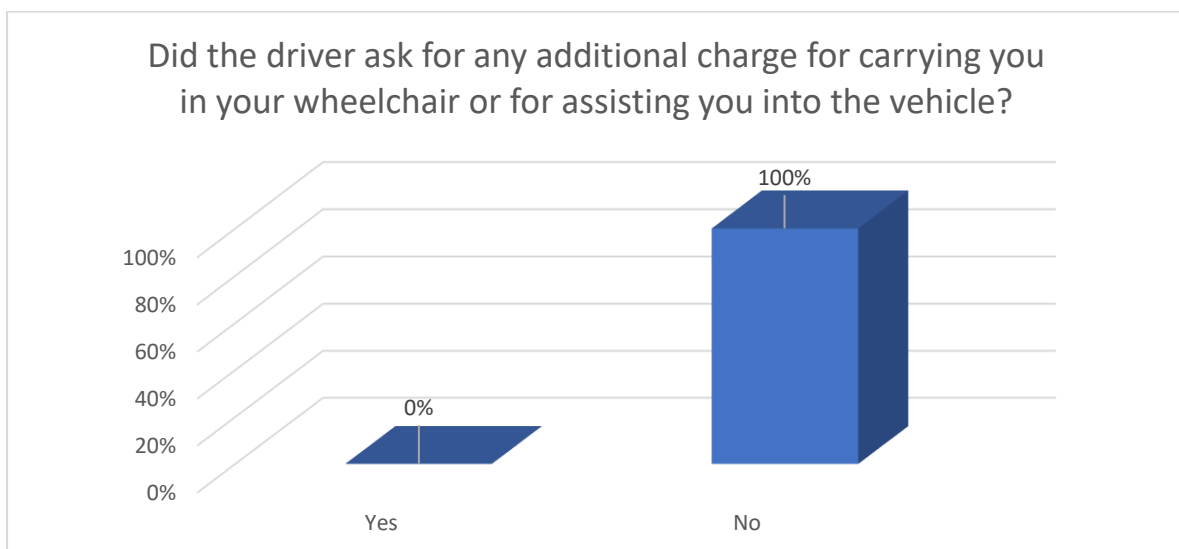
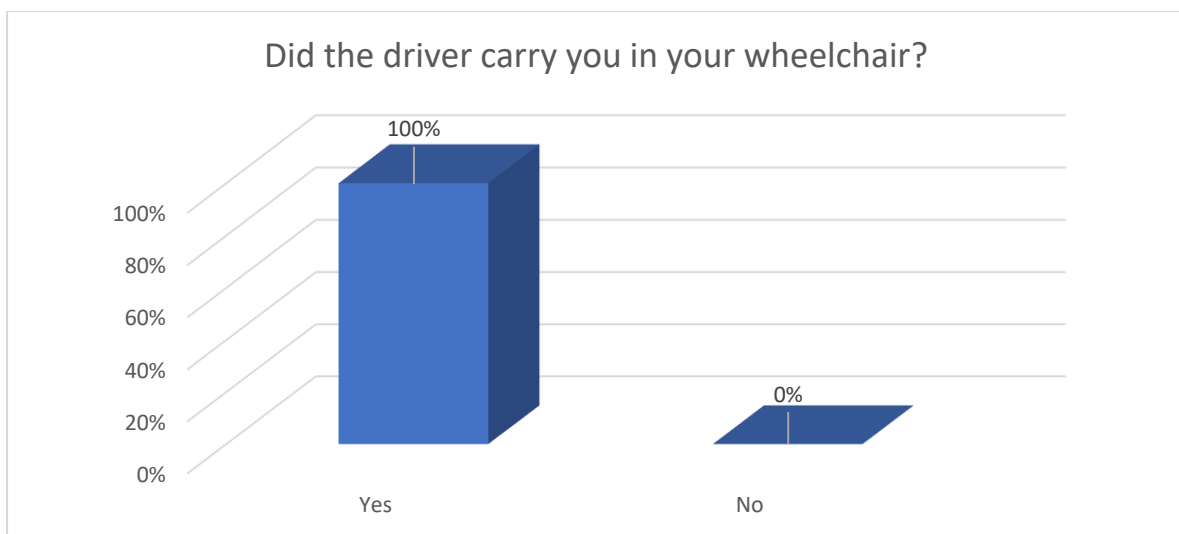
- 2.1 Contact was made with Disability groups informing them of the mystery shopper scheme. The scheme consisted of a set questionnaire surrounding the provisions and duties contained within the Equality Act 2010, issues of safety, accessibility, the driver's attitude, the comparison to other transport facilities and anything they thought was particularly good or bad.
- 2.2 The mystery shopper was required to hire a taxi from a taxi rank in the City Centre to a particular destination and then book a private hire for a return journey. If physically possible, the mystery shopper was asked to travel alone. All visits and questionnaires completed were anonymously to ensure that accurate and efficient results were collated.
- 2.3 Licensing Compliance Officers observed the start of the hiring from a concealed location so that they could take down the vehicle registration number and the Hackney Carriage/Private Hire licence number.
- 2.4 Every mystery shopper was accompanied beforehand and met afterwards to ensure their physical wellbeing and safety in locations they were not familiar with or areas that could be potentially busy.
- 2.5 Council staff involved were fully informed of the individuals' physical disability and how to further assist them in making their journey more comfortable.

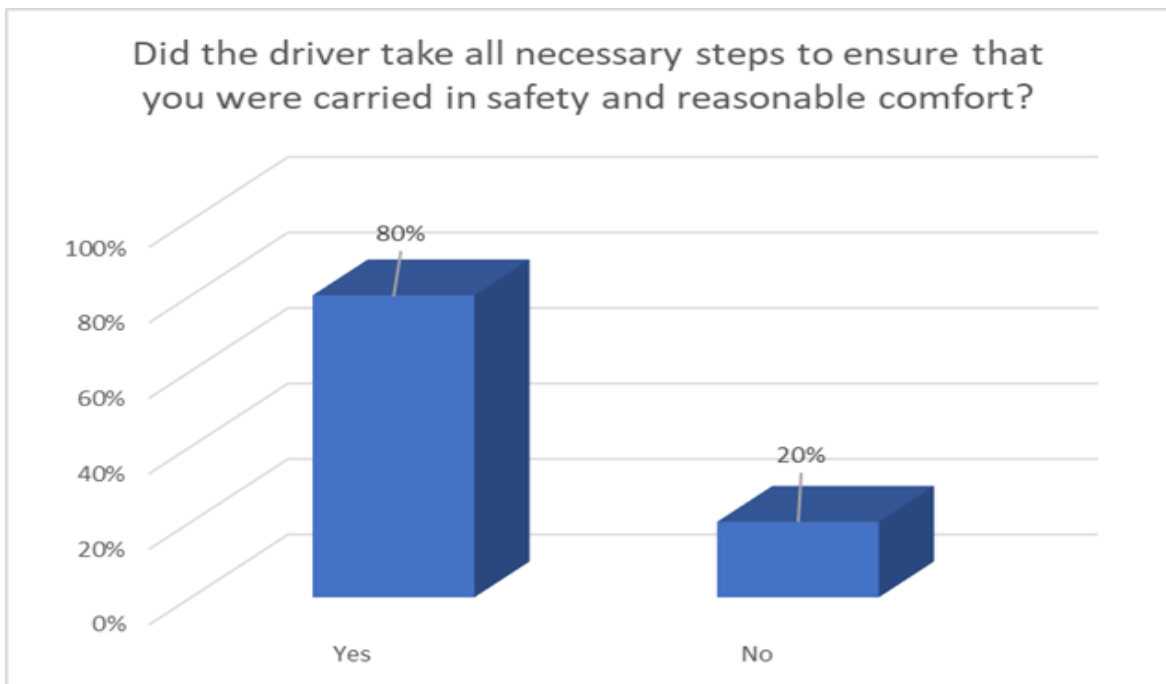
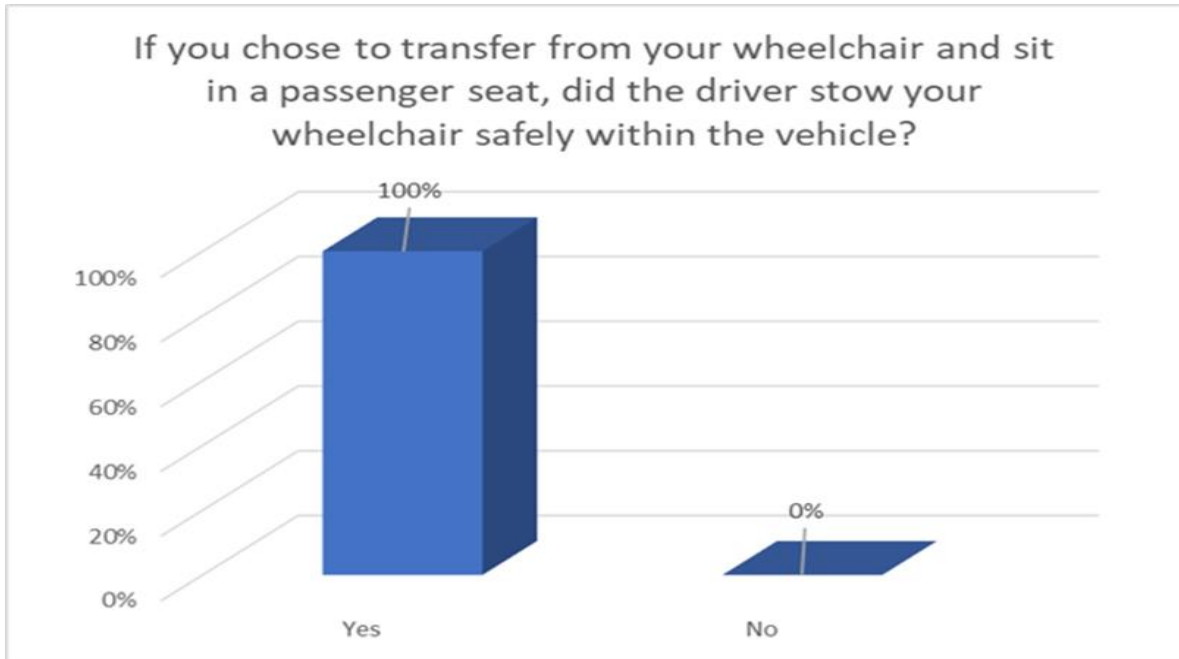
3.0 Data Analysis

- 3.1 A total of 19 journeys were undertaken during December 2019 and February 2020, using both Hackney Carriages and Private Hire Vehicles. 13 journeys were undertaken in a Private Hire Vehicle and six in a Hackney Carriage.
- 3.2 10 journeys were taken by a volunteer in a wheelchair. Seven journeys were taken by a volunteer that was blind or partially sighted and accompanied by an assistance dog. Two journeys were taken by volunteers who were blind/partially sighted and also had difficulties with their mobility due to hip replacements and osteoarthritis.

4.0 Survey results

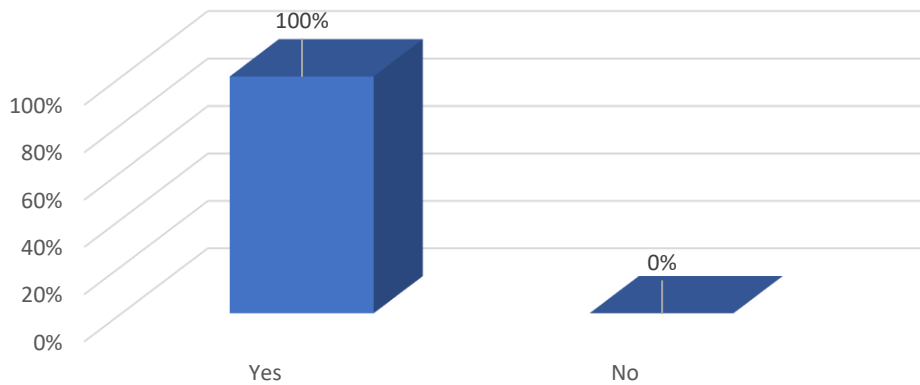
- 4.1 The survey consisted of both qualitative and quantitative questions in order to gather further information and identify possible reasons and issues that would otherwise not be recognised.
- 4.2 The Equality Act 2010 places clear duties on drivers when carrying a passenger in a wheelchair or when carrying a passenger accompanied by an assistance dog.
- 4.3 The Mystery Shopper was asked to confirm if the drivers complied with these duties, the following charts show the level of compliance that they experienced.



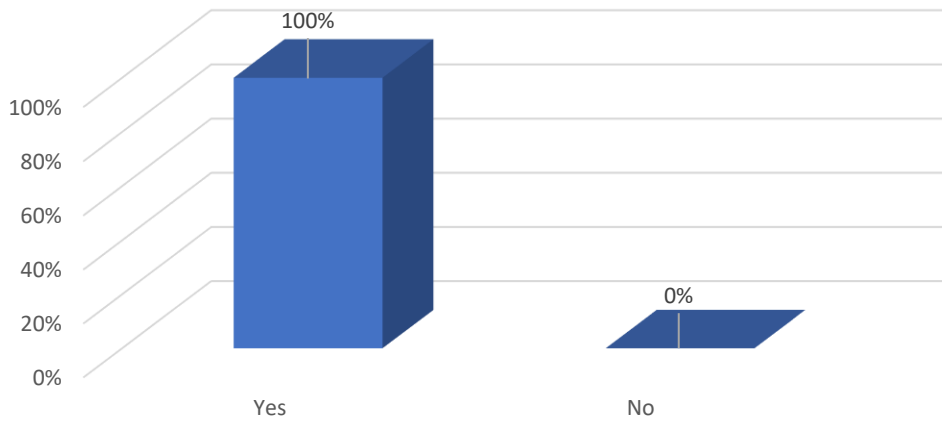


4.4 During two journeys undertaken in hackney carriages by wheelchair volunteers, the drivers failed to secure the wheelchair users correctly. As a result both drivers have attended a review hearing and have been sent on a Wheelchair Training and Assessment Course.

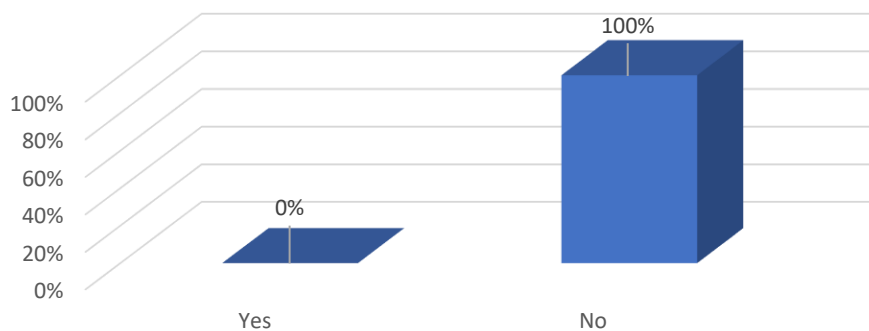
Did the driver give you such mobility assistance as is reasonably required?



Did the driver carry your assistance dog and allow it to remain with you during the journey?

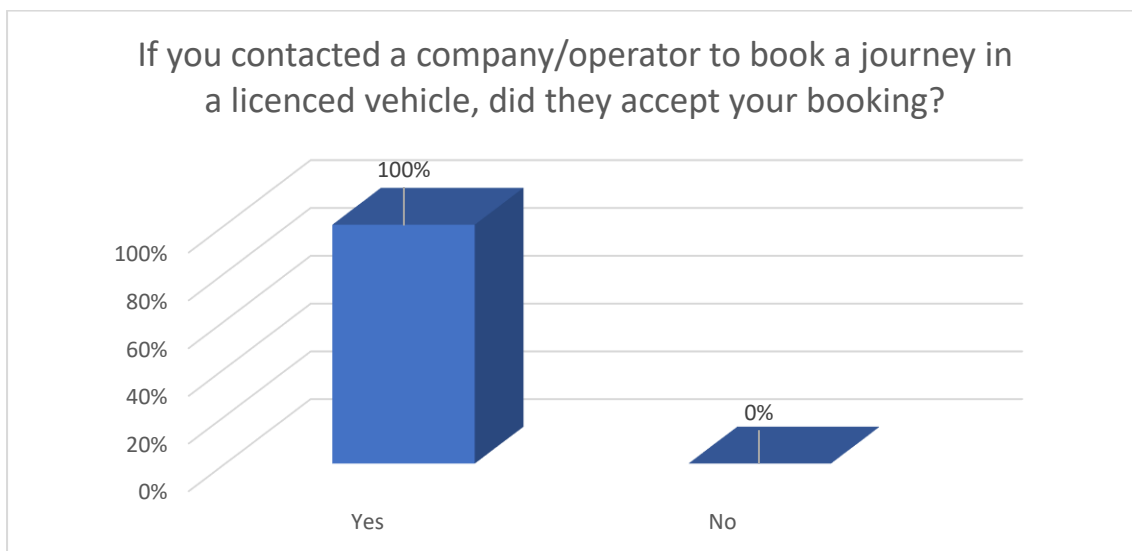
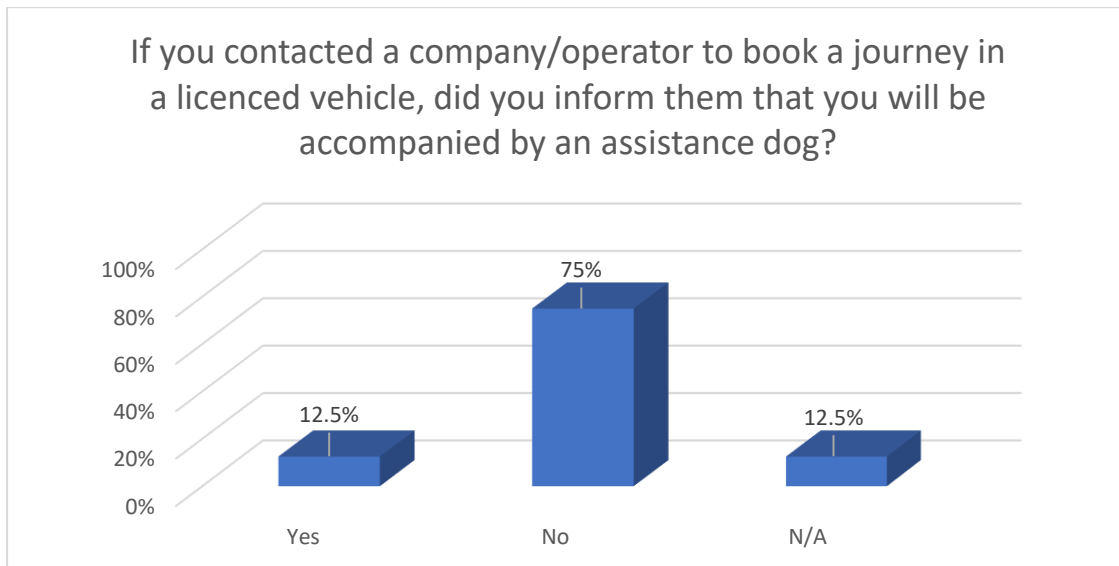


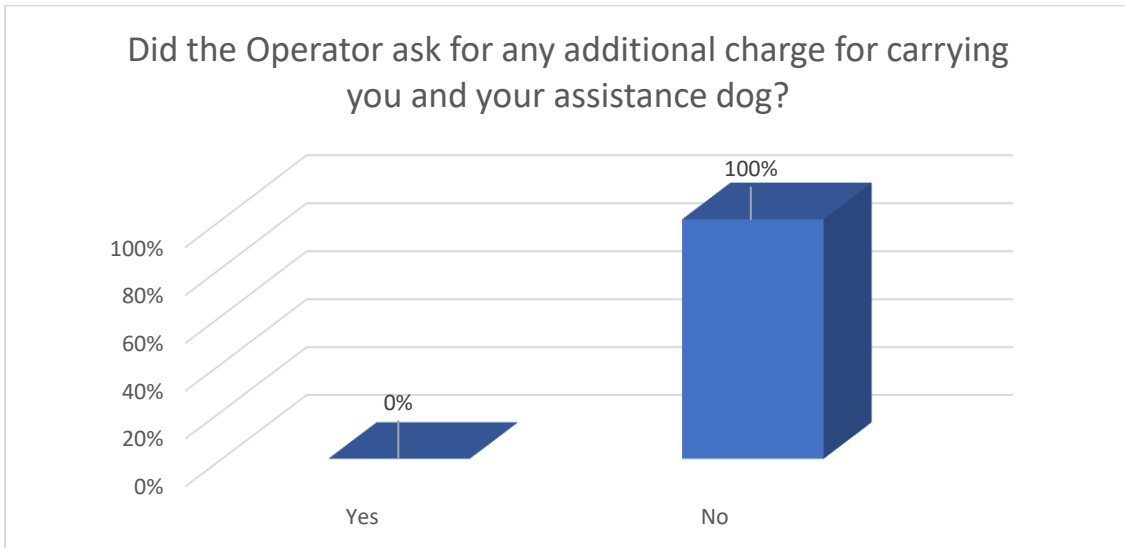
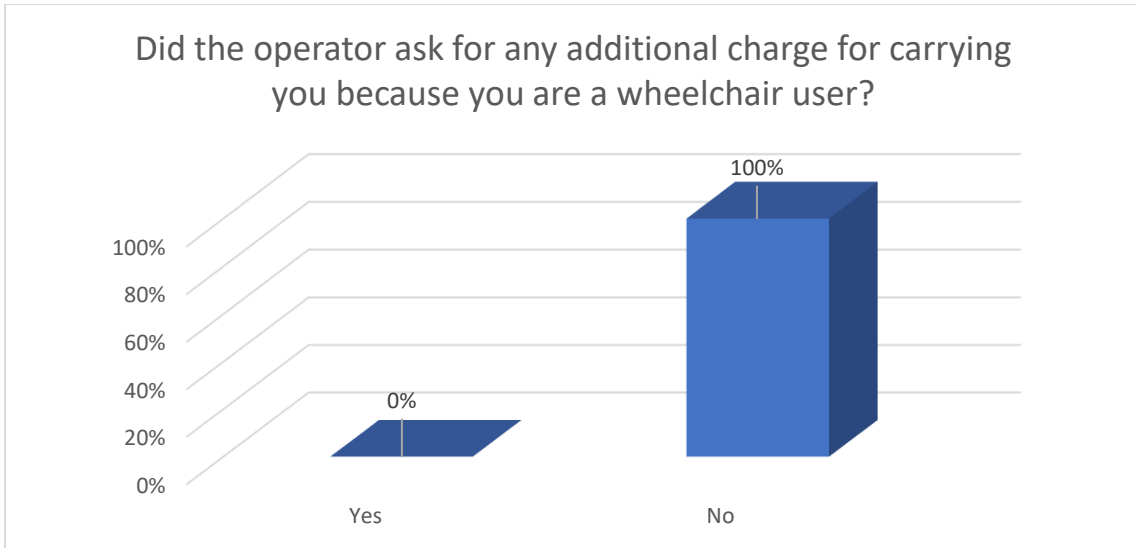
Did the driver ask for any additional charge for carrying you and your assistance dog or for assisting you into the vehicle?



4.5 Overall the compliance with the duties contained within the Equality Act 2010 in relation to drivers was very positive with the level of compliance being 100% in 6 of the 7 duties.

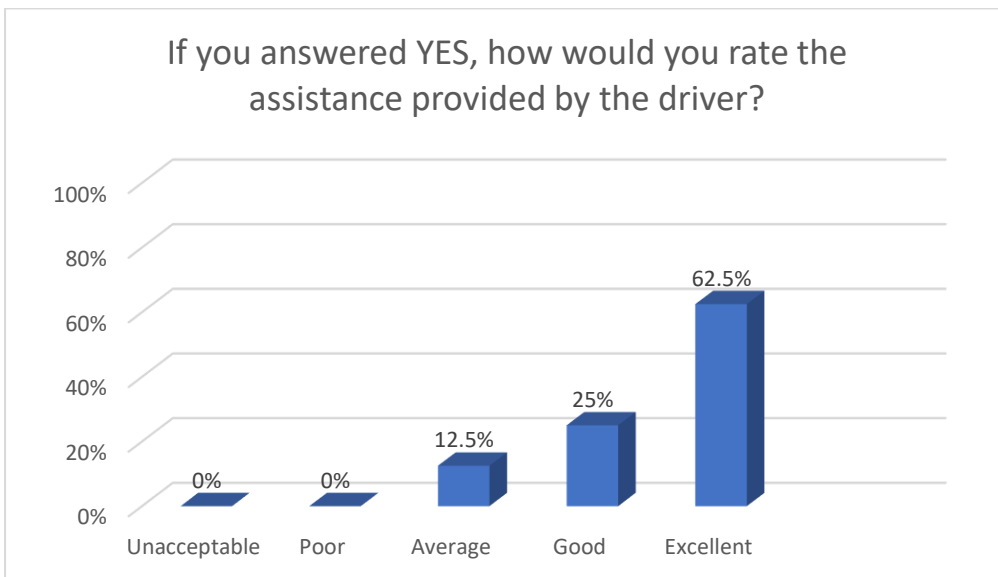
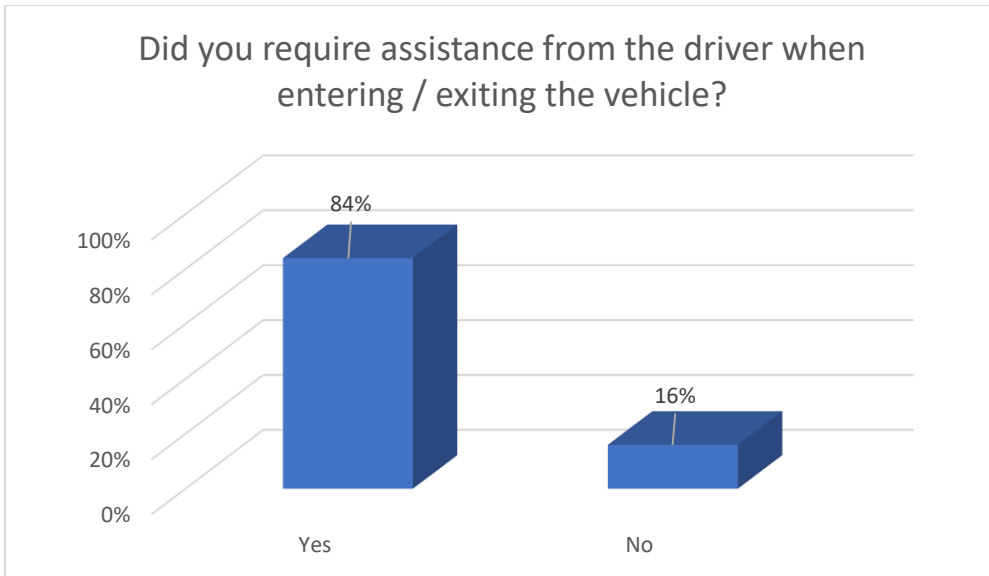
4.6 The Equality Act 2010 also places duties on Private Hire Operator's when receiving a request to book a vehicle to carry passengers / a passenger in a wheelchair or a passenger accompanied by an assistance dog. The results are shown below.





4.7 The Operators achieved 100% compliance with all the duties contained within the Equality Act 2010.

4.8 The following charts show the volunteers responses to generic questions which were asked to assess the overall satisfaction of the level of service that they received.



4.9 Overall 87.5% of the mystery shoppers rated the assistance provided by the drivers as good to excellent with 12.5% rating it as average.

Positive Comments

“driver offered to push me”

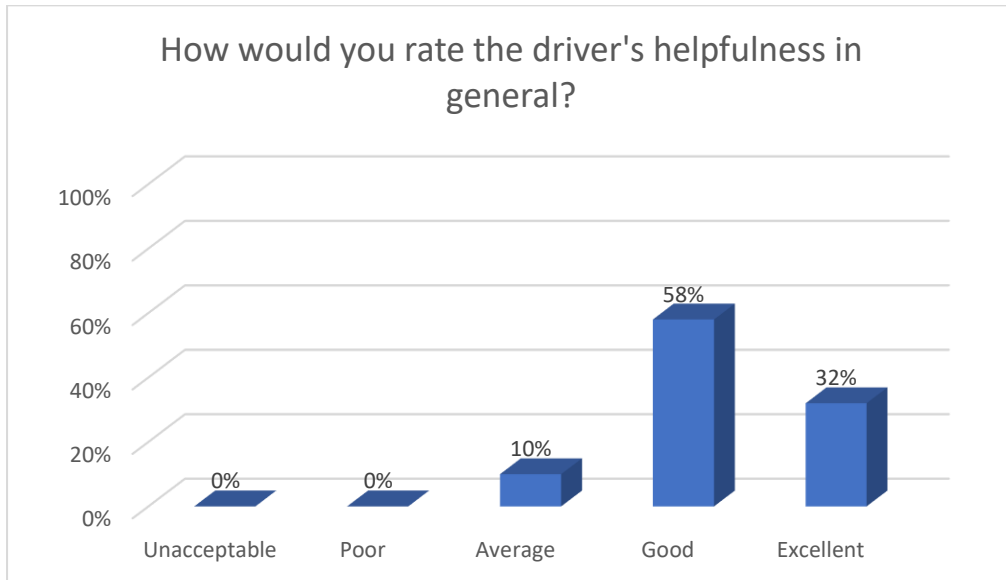
“driver offered to stow my bag with wheelchair”

“driver was unsure of the ramps he was using would be suitable, however when asked to try them they were fine”

“secured fully with straps...”

Negative Comments

“driver didn’t fold up offside bench seat making it difficult to turn to face rear”.



4.10 Overall 90% of the mystery shoppers rated the driver’s helpfulness as good to excellent with 10% rating it as average.

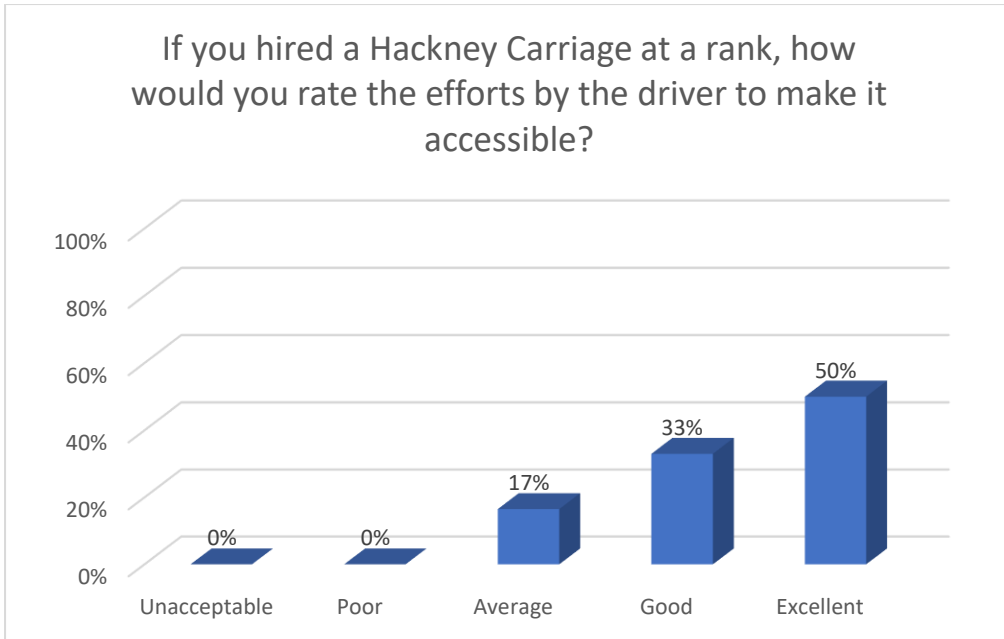
Positive Comments

“Driver had to reposition car after drop off to avoid a kerb that would have hindered me transferring from car to wheelchair”

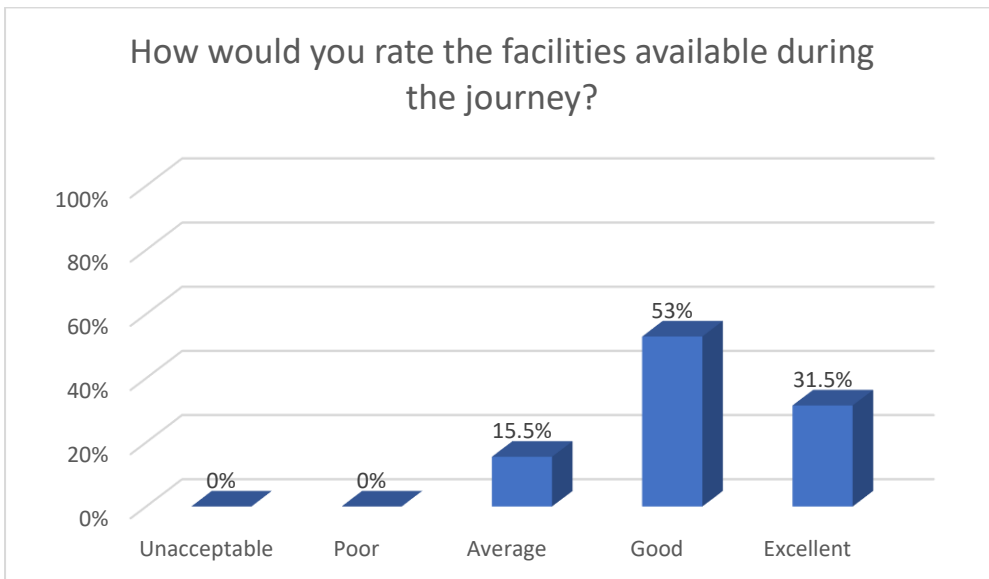
“Got out to help twice”

Negative Comments

None



4.11 Overall 88% of the mystery shoppers rated the driver’s efforts to make the vehicle accessible as good to excellent with 17% rating it as average.



4.12 Overall 84.5% of the mystery shoppers rated the facilities available during the journey as good to excellent with 15.5% rating them as average.

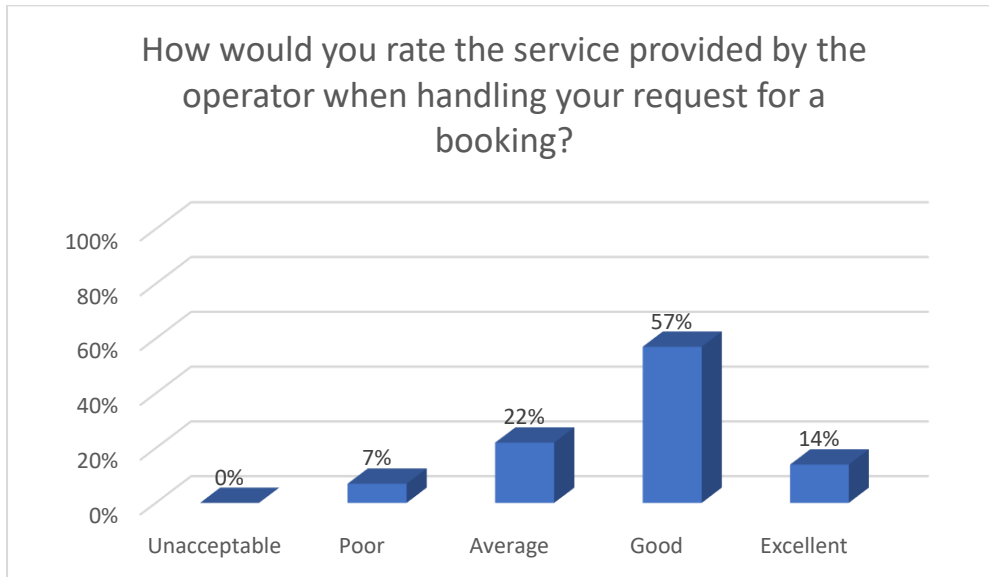
Positive Comments

“Clean Car, room to store wheelchair”

Negative Comments

“Big car, driver never told us to put seat belts on, prefer a small car due to bad hip”

“Used handrails to account for chair not being secured”



4.13 Overall 71% of the mystery shoppers rated the service provided by the operator as good to excellent with 29% rating it as poor to average.

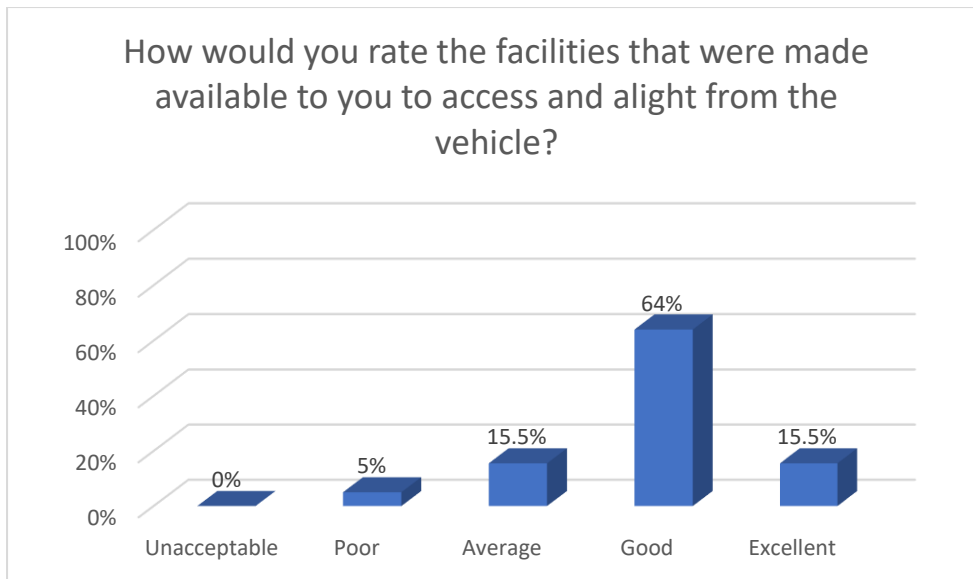
Positive Comments

“Gave price on phone and used texts to update”

Negative Comments

“Operator could not give pick up time”

“Didn't know where Molineux Stadium or Wulfruna Street was, couldn't offer an estimated time of arrival, difficult to understand”



4.14 Overall 79.5% of the mystery shoppers rated the facilities as good to excellent with 20.5% rating it as poor to average.

Positive Comments

“Driver assistance given”

“Assisted throughout by driver”

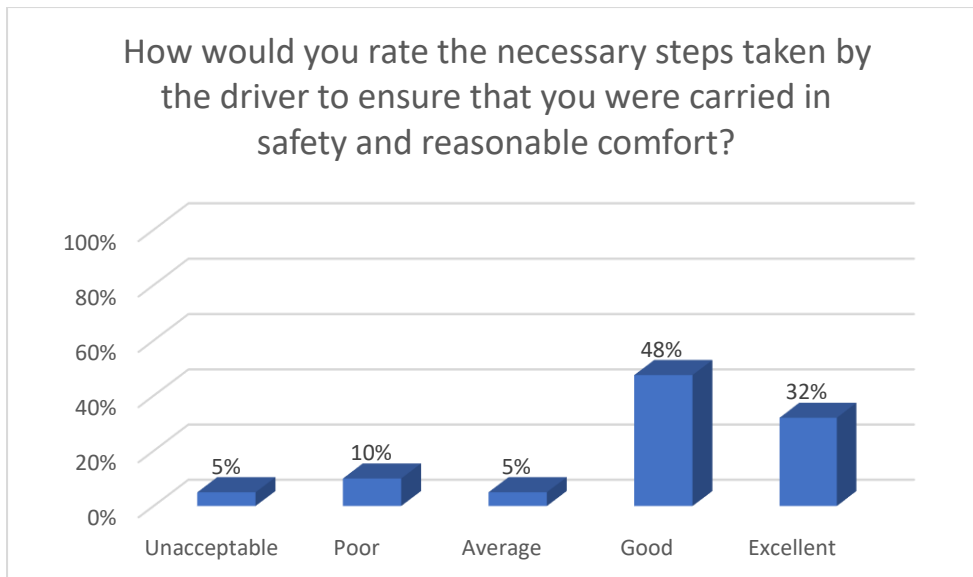
“Retractable ramp required, assistance to get in and out”

Negative Comments

“Small car so front seat did not go forward so slightly cramped”

“Very hard to get in as the taxi that arrived was a hackney carriage”

“Ramps a bit tight”



4.15 Overall 80% of the mystery shoppers rated the necessary steps taken by the driver as good to excellent with 15% rating it as poor to average and 5% as unacceptable.

Positive Comments

“I was totally secure and did not have to hold on to any handrail”

“3 straps used”

Negative Comments

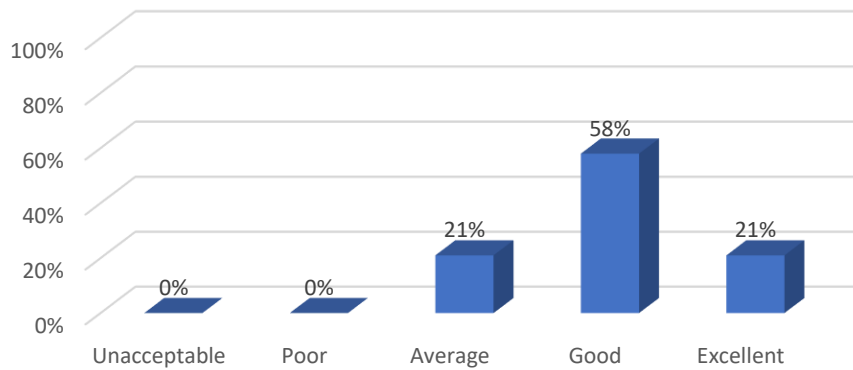
“Poor, due to not securing the wheelchair to the taxi”

“Didn’t strap the wheelchair, asked if I wanted seatbelt on, I asked for seatbelt, but he tried and pull strap out, said he would drive slowly”

“Driver initially asked if dog could go in boot and mentioned that he was not told about the dog”

“Poor, didn’t ask to put seat belts on”

How does the City of Wolverhampton Council Hackney Carriage / Private Hire fleet compare for accessibility to other forms of public transport?



4.16 Overall 79% of the mystery shoppers rated the fleet's accessibility as good to excellent compared to other forms of public transport with 21% rating it as average.

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