

LICENSING COMMITTEE MEETING

Date: Thursday 17 March 2022
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cooke, English, Fort, Garten, Hinder (Vice-Chairman), Joy, Naghi, Mrs Robertson, M Rose, J Sams, Springett (Chairman) and Trzebinski

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

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3. Urgent Items	
4. Disclosures by Members and Officers	
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6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
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Issued on Wednesday 9 March 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

INFORMATION FOR THE PUBLIC

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If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 15 March 2022). You will need to tell us which agenda item you wish to speak on.

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MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 11 NOVEMBER 2021

Present: Councillors Brindle, Coates, Fort, Garten, Hinder, Joy, Naghi, Mrs Robertson, Russell and Springett (Chair)

Also Present: Councillor Kimmance

31. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Grigg and J Sams.

32. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Russell was present as Substitute Member.

33. **URGENT ITEMS**

The Chair had agreed an urgent update to Item 14 – Licence Fees and Charges 2022/23, which provided an updated fee table to that shown in point 2.15 of the report.

34. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

35. **DISCLOSURES OF LOBBYING**

Councillors Garten, Hinder, Naghi and Springett had been lobbied on Item 13 – Hackney Carriage & Private Hire – Knowledge Test.

36. **VISITING MEMBERS**

Councillor Kimmance was present as a Visiting Member for Item 13 – Hackney Carriage & Private Hire – Knowledge Test.

37. **EXEMPT ITEMS**

RESOLVED: That all items be taken in public as proposed.

38. **MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2021**

RESOLVED: That the Minutes of the Meeting held on 16 September 2021 be approved as a correct record and signed.

39. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 17 SEPTEMBER 2021

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee held on 17 September 2021 be agreed as a correct record and signed.

40. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 11 OCTOBER 2021

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 11 October 2021 be approved as a correct record and signed.

41. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

42. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

43. HACKNEY CARRIAGE & PRIVATE HIRE - KNOWLEDGE TEST

Prior to the report's introduction the following speakers addressed the Committee; Mr John Iandolo; Mr Jason Brown on behalf of Express Cabs; Ms Jade Collier on behalf of Express Cabs; Mr Ben Acres on behalf of Streamline Taxis; Mr Bob Dyer on behalf of Cavalier Cars; Mr Bob Vietch on behalf of Apollo Taxi and Mr Mark Jones on behalf of Sapphire Cars.

The Head of Licensing Partnership introduced the report and reiterated the Council's role as a Licensing Authority, to appropriately enforce the relevant legislation alongside the provision of taxi licences. It was recommended that the proposal submitted by the Taxi Trade, attached at Appendix 2 to the report, be refused due to the resulting deviation from the government's national standards, as implemented in July 2020.

In addressing the statements made by the public speakers, the Head of Licensing Partnership stated that neighbouring Local Authorities (LA) had been approached, and all had implemented a similar testing regime. There were concerns across the Kent County that, should the proposal be agreed, there would be an increase in taxi drivers licenced by the Council providing sub-contracted work in other boroughs. The importance of appropriate safeguarding training for taxi drivers, as opposed to other types of drivers, was highlighted given the possibility of lone or few passengers. Kent Police had been contacted and were unable to provide any statistics that supported the notion that a shortage of taxi drivers directly correlated to an increase in criminal activity; the driver shortage being experienced by the taxi trade was of national concern and across multiple industries.

The Head of Licensing Partnership stated that the knowledge test pass rate had significantly increased to 26.7%, following a review of the

questions' wording and the removal of the routes section of the knowledge test, which was now provided weekly. Of the last seven candidates that undertook the test three passed on their first attempt, two on their second attempt and two on their third attempt.

The Committee expressed support for the trade being able to recruit drivers with greater ease and provide additional services to residents, and considered the proposal submitted. The Team Leader Contentious and Corporate Governance clarified that at least a four-week public consultation would need to occur if the trade's proposal was agreed due to the significant change in policy proposed. The Head of Housing and Community Services reiterated the necessity of consulting a wide range of consultees and the importance of a robust taxi policy that ensured public safety and did not leave the Council susceptible to challenge.

In response to questions, the Head of Licensing Partnership confirmed that whilst the knowledge test was not a legal requirement, LAs must have regard to the national standards and be able to explain any differentiation from those standards. The knowledge test did not include a section on English Language, as this was covered by the applicant's undertaking of the Knowledge and EQUO tests. The Senior Licensing Officer explained the concessions made to taxi drivers licenced by other LAs, such as acceptance of their medical and driving tests.

During the debate, Mr John Iandolo was invited to answer questions on the training package proposed by the taxi trade.

In response to further questions, it was confirmed that eight candidates could take the knowledge test at once and that further equipment would be required to increase the number of candidates. Additional tests could not be provided due to the impact on staff workloads, with candidates booked to undertake the knowledge test through to January 2022.

The Committee felt that an alternative to the taxi trade's proposal should be considered that assisted the trade whilst maintaining the high standards implemented by the Council, in reflection of national standards.

RESOLVED: That

1. Officers be requested to:
 - a. Review all the questions in the current knowledge test in conjunction with a representative of the taxi trade to ensure all questions were clearly understandable;
 - b. Urgently co-ordinate the provision of knowledge tests following an agreed training course provided by the Taxi Trade and investigate the possibility of extra equipment to provide additional places on test days; and

2. The Routes section of the knowledge test be removed for a further six-month period, to be reviewed again by the Committee at the end of that six-month period.

Note: Councillor Hinder left the meeting after the consideration of this item, at 8.15 p.m.

44. LICENCE FEES AND CHARGES 2022-23

The Senior Licensing Officer introduced the report and drew specific attention to the urgent update for the item, which included an updated table for point 2.15 of the report.

The fees and charges had been robustly reviewed in 2016, with a two per cent inflationary increase recommended. The increase was in accordance with the Council's Medium Term Financial Strategy 2020/21-2025/26.

The proposed Hackney Carriage and Private Hire Licensing Fees would be subject to a period of consultation before being implemented.

RESOVLED: That

1. The fee levels as set out at 2.7, 2.9, 2.11, 2.13, 2.15 (as updated) and 2.16 of the report, for implementation on 1 April 2022, be approved; and
2. The fee level as set out at 2.6 of the report for implementation on 1 April 2022 be approved, with any consultation responses received to be presented to the Committee for consideration before that fees implementation.

45. GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES 2022 - 2025

The Senior Licensing Officer introduced the report and reiterated the legislative requirement to develop, publish and publicly consult upon the Council's Gambling Act 2005, Statement of Licensing Principles. The current statement had been implemented in 2018, with the proposed statement to be implemented from January 2022, if agreed.

Three consultation responses had been received and were outlined in Appendix 2 to the report and the officer's response to these had been included within the report.

In response to questions, the Team Leader Contentious & Corporate Governance confirmed that Public Health was not a statutory consultee to the consultation. The Senior Licensing Officer stated that the references to alcohol and drug addiction related to the 'Local Area Profile', which should be considered when gambling services were provided.

RESOLVED: That

1. The consultation responses received be noted; and
2. Full Council be recommended to approve the draft Gambling Act 2005 Statement of Licensing Principles Policy 2022-2025, as attached at Appendix 1 to the report.

46. DURATION OF MEETING

6.30 p.m. to 8.30 p.m.

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

LICENSING ACT 2003 SUB COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 2 NOVEMBER 2021

Present: Councillors Garten (Chairman), Joy and Naghi

23. APOLOGIES FOR ABSENCE

There were no apologies for absence.

24. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

25. ELECTION OF THE CHAIRMAN

RESOLVED: That Councillor Garten be elected as Chairman for the duration of the meeting.

26. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

27. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

28. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

29. APPLICATION TO VARY A PREMISE LICENCE UNDER THE LICENSING ACT 2003 FOR THE ZOO, 10 - 11 MARKET BUILDINGS, MAIDSTONE, KENT, ME14 1HP

The persons participating in the hearing were identified as follows:

Chairman – Councillor Garten

Committee Member – Councillor Joy

Committee Member – Councillor Naghi

Legal Advisor (in attendance virtually) – Mr Robin Harris

Democratic Services Officer – Miss Oliviya Parfitt

Applicant – Mr Christopher Dyer

For the applicant:

Mr Stephen Thomas – Solicitor, Miss Rebecca Davis – Assistant Manager and Mr Owen Ranger – Sound Management Consultant.

All parties confirmed that they were aware of the Sub-Committee hearing procedure and had each received a copy of the hearing procedure document.

The Sub-Committee agreed to proceed in the absence of the objectors. The Sub-Committee confirmed that they had read the papers and the additional documentation provided by the applicant's representative.

The Chairman explained that:

- The Sub-Committee would allow all parties to put their case fully and make full submissions within a reasonable time frame.
- The procedure would take the form of a discussion led by the Sub-Committee and they would usually permit cross-examination conducted within a reasonable timeframe.
- Any person attending the hearing who behaved in a disruptive manner may be directed to leave the hearing by the Sub-Committee (including temporarily) after which, such person may submit to the Sub-Committee over the Instant messaging facilitating any information which that person would have been entitled to give orally had the person not been required to leave the meeting. If this is not possible, they may be permitted to speak at the Chair's Invitation.

The legal representative introduced the report and stated that the application submitted by the applicant requested an additional two hours of live or recorded music from 11 p.m. to 1 a.m. on Friday and Saturday nights. The application and subsequent notices had been advertised as required.

The objections received were outlined and included in Appendix 3 to the report. The Council's Community Protection Team had withdrawn their objections due to the conditions agreed with the applicant, as outlined in the report, which addressed the concerns raised.

The applicant's representative was invited to make their opening statement. The existing premises licence and the variation application submitted were referenced. The applicant had met with the Community Protection Team following receipt of their objections, with four draft conditions agreed in response. The noise management plan was highlighted, with decibel meters having been placed in the premises outside area so that the noise level could be monitored consistently and recorded. These records could be made available to the licensing authority if requested.

In preparation of the application's submission, the applicant had applied for six Temporary Event Notices which were used from the 24 September 2021. The noise level was set in line with the government's Covid-19 guidance and no comments or complaints had been received.

Mr Thomas referenced each individual objection received and stated that many of these had been submitted by individuals that were either employees, or personally connected to employees of a neighbouring premises called The Ashes and could have been commercially motivated and vexatious. Mr Thomas further stated that whilst some of the objections referred to the licensing objectives, there were no particular comments, explanations or incidents referenced that the applicant could address to provide reassurance of the actions being taken to ensure the promotion of the licensing objectives. The applicant would continue to work alongside neighbouring premises to promote these objectives.

The lack of objections from 'responsible authorities' such as Kent Police was reiterated in support of the applications appropriateness, alongside the numerous venues operating locally which remained open after 1 a.m.

In response to the comments made by the applicant's representative, the Council's legal representative stated that there was no specific requirement on a member of the public's proximity to a premises when submitting an objection. The suitability of the objections received had already been considered as part of the administrative process in organising a Sub-Committee hearing and the relevant legislation was referenced. If the objections had been considered vexatious or invalid, then the objectors would have been informed.

In response, Mr Thomas reiterated their view that the objections were not suitable for consideration, but that they wished for the application to be considered on its suitability in relation to the licensing objectives. Due to technical difficulties, there had been a delay in the additional documentation being provided to the Sub-Committee.

The legal advisor stated that consideration of the application was suitable, however the meeting was adjourned between 10.51 a.m. to 11.01 a.m. as the Sub-Committee wished to further consider the statements made in relation to the objections received.

Following the meetings recommencement, Mr Thomas reiterated that they wished for the application to be considered on its suitability in relation to the licensing objectives.

In response to questions from the panel, Mr Thomas confirmed that the noise level agreed with the Council's Community Protection Team had been 'locked in' to the sound management equipment. The sound engineer was the only person able and authorised to increase the volume rather than the premises staff, and only once a written request had been made. The Assistant Manager had lowered the music's volume when

necessary. The pedestrian walkway between the outside seating and the wall was two metres.

The applicant stated that the premises' phone number was available on multiple platforms and was operational during the evening, which could be used by residents also. Before an event, leaflets could be distributed within the local town centre area to ensure residents were informed.

Mr Thomas was invited to make their closing statement on behalf of the applicant and reiterated the importance of the promotion of the licensing objectives and the absence of objections from responsible authorities.

The Chairman advised that the Sub-Committee would retire for deliberation with the legal advisor present. Due to technical difficulties, the Democratic Services Officer was in attendance for the deliberations to ensure proper communication between the Sub-Committee and the Legal Advisor could be achieved.

The meeting was adjourned between 11.30 a.m. to 12.15 p.m.

The Sub-Committee returned and the Chair stated that the application had been granted, subject to the inclusion of the conditions agreed between the applicant and the Council's Community Safety Team. The reasons contributing to the decision were outlined.

It was confirmed that a written decision notice would be provided within five working days. Parties were reminded of the right of appeal to the Magistrates Court.

The meeting closed at 12.17 p.m.

RESOLVED: That the Sub-Committee's decision and reasons be provided within the Notice of Determination attached as an Appendix to the minutes.



LICENSING AUTHORITY: MAIDSTONE BOROUGH COUNCIL

**LICENSING ACT 2003
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

NOTICE OF DETERMINATION

Application Ref No: 21/02337/LAPRE

Applicant: Mr Christopher Dyer

Regarding **PREMISE LICENCE (VARIATION)**
THE ZOO, 10 – 11 MARKET BUILDINGS, MAIDSTONE,
KENT, ME14 1HP

Date(s) of hearing: 2nd November 2021

Date of determination: 2nd November 2021

Committee Members: Councillor Mr Garten (Chairman), Councillor Naghi and
Councillor Mrs Joy

Legal Advisor in attendance at hearing: Mr Robin Harris

Democratic Services Officer in attendance at hearing: Miss Oliviya Parfitt

Online Meeting Facilitator: Miss Oliviya Parfitt

Licensing Officer in attendance at hearing: None

This was an application for:

Variation

for a

Premises Licence

A: Representations, evidence and submissions:

The Committee considered the representations, evidence and submissions of the following parties:

Applicant

Name: Mr Christopher Dyer

Legal Representative: Mr Stephen Thomas

Witnesses: (Noise expert) Adam Brown and (Assistant Manager) Rebecca Davis

Responsible Authorities

Name: Maidstone Borough Council Community Protection Team made a representation which was subsequently withdrawn following proposed conditions being agreed

Other Persons

Name: Ana Brjan, Sara Mecaj, Kate William, Arber Hassani, Charles Mann and Kay Ince

Representations considered in the absence of a party to the hearing:

N/A

B: Consideration of the Licensing Act 2003, the Guidance under s. 182 of the Act and the Statement of Licensing Policy of Maidstone Borough Council

The Committee has taken into account the following provisions of the Licensing Act 2003 and the Regulations thereto:

Section 4 which relates to the licensing objectives;

Sections 34 - 36 which relate to the variation of a premises licence;

The Committee has taken into account the following provisions of the Guidance under section 182 of the Act:

Chapter 2 which relates to the licensing objectives

Chapters 8 & 9 which relate to premises licences & determinations

Chapter 10 which relates to conditions attached to licences;

The Committee has taken into account the following provisions of its Statement of Licensing Policy:

Chapter 17.9 which relates to prevention of crime and disorder

Chapter 17.16 which relates to the promotion of public safety

Chapter 17.19 which relates to the prevention of nuisance
Chapter 17.23 which relates to the protection of children from harm.

The Committee has decided to depart from the guidance under section 182 of the Act and or the statement of licensing policy for the following reasons:

N/A

C: Determination:

The Committee has decided to:

- Grant the application as applied for. For clarity, this includes the conditions that were agreed with the Community Protection Team prior to the hearing.

Reasons for determination:

Prevention of Crime and Disorder

Reasons (state in full):

The Sub-Committee noted that Kent Police had not made a representation and therefore gave little weight to representations that indicated Police presence was regularly required at the premises.

The Sub-Committee had regard to the written and oral submissions but were satisfied that the operating schedule, with the existing conditions, was sufficient to promote this licensing objective in the light of the variation being requested.

Public Safety

Reasons (state in full):

The Sub-Committee had regard to the written representations which included concerns centred around the potential of this variation to increase parking issues and impede emergency access.

The Sub-Committee noted that no responsible authority had made a representation in respect of this licensing objective.

The Sub-Committee were satisfied that the existing operating schedule and conditions was sufficient to promote this licensing objective in the light of the requested variation.

Prevention of Public Nuisance

Reasons (state in full):

The Sub-Committee noted that conditions had been agreed with the Maidstone Borough Council Community Protection Team, having worked with a sound expert and considered appropriate sound levels.

Having regard to the received written representations the Sub-Committee noted that no specific evidence, for example, dates of incidents were provided. The panel noted that the police did not make any representation. Comments from other persons appeared generic and duplicated.

The Sub-Committee were satisfied that the operating schedule as amended by the conditions agreed with the Maidstone Borough Council Community Protection Team was sufficient to promote this licensing objective.

Protection of Children from Harm

Reasons (state in full):

The Sub-Committee noted that there were no representations under this licensing objective and were therefore satisfied that the operating schedule and existing conditions were appropriate and proportionate to promote this licensing objective.

PRINT NAME (CHAIRMAN): COUNCILLOR Mr GARTEN

Signed [Chairman]:

A copy of the original document is held on file

Date: ___ November 2021

Agenda Item 12

LICENSING COMMITTEE

17 March 2022

Hackney Carriage & Private Hire – Knowledge & Safeguarding Tests

Final Decision-Maker	LICENSING COMMITTEE
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Sharon Bamborough, Head of the Licensing Partnership
Classification	Public
Wards affected	All

Executive Summary

There has been a two requests made by operators regarding the knowledge test and safeguarding training/test for new private hire drivers.

The first part of the report contains the proposal by operators to be supplied with the questions and answers for the safeguarding training/test in order for them to sit mock tests / study the answers in advance. This will require a decision by members.

In the second part of the report, Members may recall that in April 2021 they agreed to a temporary amendment of the knowledge test so as to remove the routes part of the test for six months and this was further extended by Members in November 2021 (to end of May 2022) to give an opportunity to assess whether that made a difference in the pass rate for new drivers. The results of those tests are in and are set out in the appendices. Members should note that period is coming to an end and may wish to decide to extend the period, make it permanent or confirm that it will be re-instated from 1 June 2022.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That:

1. The request to supply the questions and answers to the safeguarding training and test (supplied by INCLU [trading name Equo]) be refused; and
2. Consideration be given to further extending or permanently removing the routes/streets part of the knowledge test for private hire drivers.

Timetable

Meeting	Date
Licensing Committee	17-03-2022

Hackney Carriage and Private Hire - Knowledge & safeguarding tests

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Financial	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	John Littlemore, Head of Housing and Community Services
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Legal	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Robin Harris, Mid Kent Legal Services
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

Public Health	<ul style="list-style-type: none"> • <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Crime and Disorder	<ul style="list-style-type: none"> • <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Procurement	<ul style="list-style-type: none"> • <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Biodiversity and Climate Change	<ul style="list-style-type: none"> • <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

2. INTRODUCTION AND BACKGROUND

2.1 The safeguarding training was introduced in April 2021 as a result of the authority adopting the National Statutory Standards for drivers. The training and test covers three modules of:

- Disability awareness
- Child Sexual exploitation
- County lines

There is a bank of 66 questions and during the training and testing, 36 questions will be asked.

2.2 The revision materials which are already supplied to applicants for the safeguarding training are attached at **Appendix 1**

2.3 A request from the trade has been received asking for the questions and answers for the safeguarding training (**Appendix 2**)

2.4 A history of the introduction of the knowledge test and analysis of pass rates was considered by the committee at their meeting of 15th April 2021. An extract from that report is attached as **Appendix 3** for easy reference. At that meeting a decision by members was made as follows:

- The pass rate for the highway code section of the knowledge test, for private hire applicants only, be increased to 90% with the number of questions in that section be increased to 10; and

- The Routes and Street element of the rest for private hire applicants only be removed for a period of 6 months.

Section One

- 2.5 The operators have put forward a proposal that they be supplied with the questions and answers for the disability part of the safeguarding training and test. Please see **Appendix 2**.
- 2.6 The reason for the request is to allow the operators to have access to the questions and answers to help train applicants before they sit the training and test (which operators hope would increase the pass rate for new drivers so as to alleviate driver shortages in the trade)
- 2.7 The revision materials which are *already* supplied to applicants for the safeguarding training are attached at **Appendix 1**
- 2.8 The licensed operators have been invited to the meeting should Members wish to hear from the representatives of the group.

Section Two:

THE KNOWLEDGE TEST FOR PRIVATE HIRE DRIVERS - ROUTES

- 2.9 The temporary removal of the routes part of the knowledge test for private hire drivers comes to an end on 31 May 2022.
- 2.10 The most up to date information is set out in **Appendix 4** showing the pass rates.
- 2.11 From May – Oct 21 (5 months) we have had 16 candidates pass, double the number for the years 2018, 2019 & 2020 combined. Removing Routes and Streets has definitely improved the pass rate for candidates.
- 2.12 The current results show an upward trend in the number of passes being achieved by potential drivers which will increase the pool of available drivers in Maidstone borough.
- 2.13 Since the start of the trial no complaints have been received about drivers not knowing their journeys.
- 2.14 Officers feel that this warrants either a further extension of the trial or dispense with that part of the test for private hire drivers altogether.

3. AVAILABLE OPTIONS

- 3.1 *In respect of the proposal to be provided with the questions and answers for the safeguarding training and test for new drivers, to make a decision to:*

Either:

Refuse to provide the questions and answers to the safeguarding training and test

Or

Agree to provide the information.

3.2 *In respect of the knowledge test and whether to revert back to the routes forming part of the test for private hire drivers, to make a decision to:*

Either:

Instruct officers that the routes part of the test for all potential private hire drivers be re-instated from 1st June 2022

Or

Agree to a further extension of the removal of the routes part of the test for a further six months (or other period they deem necessary)

Or

Agree to permanently remove that element of the knowledge test for private hire drivers

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Members are requested to refuse the proposal to supply the questions and answers to the safeguarding training test, for the following reasons:

- (i) as this would be undermine the National Statutory Standards which require safeguarding training to be undertaken by drivers and would go against previous Member decisions to elevate the training standards and requirements, in that officers feel strongly that to supply this information will water down the value of the training and test because it will mean that the applicants only study and learn those specific questions and answers.
- (ii) Maidstone are not the only authority which uses Equo as their training package for safeguarding and they have confirmed that no other authority has agreed to supply questions and answers to the trade up front in order to make it easier for them to pass the test. As we are the customer they would agree to supply Q & A if we requested it but it is not something they are advocating.
- (iii) It has not been evidenced that there is a public safety issue requiring such a change to be made
- (iv) It is important that the Partnership acts as one in their approach to the delivery of this training and testing, and the other partners do not agree to the sharing of the questions and answers

5. RISK

- 5.1 Failure to supply the questions and answers to operators will potentially mean it takes longer to get through the safeguarding training and test which could result in a shortfall of Maidstone licensed drivers.
- 5.2 A return of the routes/streets part of the knowledge tests for private hire drivers could result in decrease in applicants passing the knowledge test leading to a shortfall of Maidstone licensed drivers.
- 5.3 For both proposals this could see an increase in out of town drivers being in Maidstone illegally cashing in on the employment gap and ultimately causing enforcement issues for the Licensing Department.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 N/A
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Should Members approve the proposal by the trade to be supplied with the questions and answers of the safeguarding training this would need to be reported to the other partner licensing committees with a view about what action to take and the results reported back to a future meeting of the licensing committee. This is because once the questions and answers were released they could easily be shared and this may go against the wishes of the other partners.
 - 7.2 Whatever the decision regarding the knowledge test routes element, this will be communicated to the trade and potential new drivers
-

8. REPORT APPENDICES

- Appendix 1: revision materials for safeguarding training
 - Appendix 2: request from operators to be supplied questions and answers of safeguarding training
 - Appendix 3: Extract from committee report of 15.04.2021 outlining the knowledge test and the decision made proposal from trade re temporary badge for drivers without knowledge test
 - Appendix 4: Tables of analysis on knowledge tests going back to July 2019
-

9. BACKGROUND PAPERS

None



Disability Awareness Training for Taxi & Private Hire Drivers

Tutorials



Working in conjunction with Equo.

Equo is a trading name of Inclu Consulting Ltd.

Definitions of Disability

The Equality Act 2010, which has now replaced the Disability Discrimination Acts 1995 and 2005 (DDA), provides protection from discrimination on the basis of a range of protected characteristics. Disability is one of the protected characteristics and, like the DDA, the Equality Act 2010 includes a definition of disability.

The DDA defined someone as disabled if that person "has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities".

The definition of disability in the Equality Act 2010 is similar to the one that applied for the purposes of the DDA. However, the Equality Act 2010 does not require a disabled person to demonstrate that, where the impairment adversely affects his or her ability to carry out a normal day-to-day activity, that activity involves one of a specified list of capacities, such as mobility, speech, or the ability to understand.

So, for the purposes of the Act, this is further explained:

- Substantial means neither minor nor trivial
- Long-term means that the effect of the impairment has lasted or is likely to last for at least 12 months
- Normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
- A normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory.

Let's now look more at what would count as normal day-to-day activities:

- Mobility – ability to walk up steps or being a wheelchair user.
- Manual dexterity - ability to hold a pen and write with it
- Physical co-ordination – a person with Alzheimers disease or a stroke patient may have difficulty feeding themselves.
- Continence – not having the ability to control bladder movements.
- Ability to lift, carry or move everyday objects.
- Speech, hearing or eyesight.
- Memory or ability to concentrate, learn or understand.
- Understanding the risk of physical danger.

It is also handy to know when something does not constitute a disability. This could either be because the condition is not deemed as being substantial and has no long term effect on a person or, the condition does not exceed a period of 12 months. This includes:

- Hay fever
- A broken limb
- Sprained ankle
- Eyesight that can be easily corrected by glasses.

This isn't an exhaustive list but gives you an idea that not everything is a disability.

Discrimination

Discrimination occurs when someone is treated less favourably than someone else purely because of their disability.

Much of this really is down to common sense. If something seems wrong then, quite probably, it is wrong.

At times it might seem that discrimination has occurred but there are exceptional circumstances that mean this is not the case. If the changes that a disabled person would need fundamentally alter what a business is and does then discrimination has possibly not taken place. So, for instance, a nightclub does not need to increase the lighting to cater for a visually impaired customer as this would destroy the very ambience of a nightclub. This is discrimination but, it is justifiable indirect discrimination, which is lawful. However, if a person with facial disfigurement were 'turned away' by the doorman of the nightclub simply because they don't 'fit in' with their usual clientele, this is direct discrimination and unlawful.

If there is a valid health and safety concern then this can seemingly discriminate against a disabled person. But it must be expressed that health and safety cannot be used purely as a way of not including a disabled customer. Ensure that a proper risk assessment has been carried out.

The Equality Act 2010 now also covers associative discrimination and discrimination by perception.

Associative discrimination is direct discrimination against someone because they associate with another person who has a disability.

Discrimination by perception is direct discrimination against someone because other people think they have a disability.

Have a look at the following tutorial question and see how you get on.

An art gallery, which displays paintings in low-light conditions to prevent them from fading, will not increase the lighting to meet the needs of visually impaired visitors.

Getting in on The Act

The Equality Act 2010 ('the Act') replaces existing anti-discrimination laws with a single Act and came into effect on 1st October 2010. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways to help tackle discrimination and inequality.

People who access your goods, facilities or services are protected from direct discrimination on the basis of a 'protected characteristic'.

These characteristics are:

- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour and nationality
- religion or belief
- sex, and
- sexual orientation.

The training you are doing now covers the disability strand of The Equality Act.

Prior to The Equality Act the legislation covering disability was the Disability Discrimination Acts (DDA) of 1995 and 2005.

The most significant part of the DDA covered businesses and public sector organisations needing to be accessible to disabled people. This meant that disabled people must be able to access goods and services as easily as a non-disabled person. So, this covers getting into and out of premises, access within the premises and treating a disabled person in a manner that does not discriminate against them.

The DDA was split into three parts:

- Part 1 – outlined who was covered by the Act
- Part 2 – ensured that disabled employees were not discriminated against at work.
- Part 3 – since 1999 it has been illegal to discriminate against disabled people in how services are offered / delivered. Also preventing discrimination to disabled people by removing physical barriers since October 2004.

The DDA was amended in 2005 to cover, from point of diagnosis, people with HIV infection, cancer and multiple sclerosis.

All of this is enshrined in the new legislation with more protection added against three new forms of disability discrimination:

- direct disability discrimination in relation to goods, facilities and services
- discrimination arising from disability
- indirect disability discrimination

Direct disability discrimination

This is where a person is treated less favourably than someone else because they have a disability.



Remember that providers of goods, facilities and services now have a responsibility not to directly discriminate against someone with a disability.

Discrimination arising from disability

Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified.

This is different to direct discrimination where a person is treated less favourably because of the disability itself. Here we are talking about someone being treated less favourably because of something connected to their disability.

Example: Paul has Tourette syndrome which means he often shouts loudly. He is not allowed into his local café because the owner objects to him shouting. Paul is excluded not because he has the syndrome, but because of his shouting, which is a manifestation of (something 'arising from') his disability. Unless the café owner can justify this treatment towards Paul, he will have experienced discrimination arising from his disability.

Indirect disability discrimination

This could be when a business applies a policy or practice in the same way for all individuals, but that policy has an effect that particularly disadvantages disabled people.

The reason this policy was implemented may be to achieve a business aim. That aim must be a legitimate one which could be any lawful decision you make in running your business. But this must be fair and reasonable and shows that you've looked at whether there are other ways of doing things which would avoid discrimination.

Example: Pam has a heart condition and swims at the swimming pool in her local sports centre. The sports centre applies a rule saying that only people who can swim a full length can use the pool. Because of her heart condition, Pam can only swim one width before she needs to stop and have a rest. The policy therefore means Pam and other pool users with a similar disability are at a disadvantage when compared to other users. If the sports centre cannot objectively justify its policy, this is likely to be indirect discrimination.

The new Act also covers harassment. This is unwanted behaviour related to disability that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Example: Emma has a speech impairment which means she stammers when she speaks. Some of the staff at her local supermarket make fun of her by mimicking her stammer. Emma could bring a claim of harassment related to disability.

Once you have successfully completed this training module you will be able to access more information about the Equality Act on our Resources page.

Your Licensing Authority is determined that you treat all of your customers equally and not cause offence or upset to any disabled person. And that's the main reason why you are taking this training module.

However, The Equality Act is a law. If you do discriminate against a disabled person then you or the taxi firm you work for could end up in Court. If the case goes against your company /



organisation they will almost certainly face a fine which is, potentially, unlimited. This training module will help you to prevent this course of action happening.

Models of Disability

There are a number of 'models' of disability, which have been defined over the last few years. The two most recognised being the 'medical' and 'social' models.

Medical Model

The medical model of disability views disability itself as a problem that belongs to the disabled individual. It is not seen as an issue to concern anyone other than the person affected. The medical model promotes the view of a disabled person as being dependent and in need of a 'cure'. It justifies the way in which disabled people have been systematically excluded from society.

For example, if a wheelchair user were unable to get into a building because of some steps, the medical model would suggest that this is because of the wheelchair, rather than the steps.

The medical model solution: Change the disabled person to make them 'fit in'.

Social Model

In contrast to this, the social model of disability would see the steps as being the disabling barrier. This model draws on the idea that it is society that disables people, through designing everything to meet the needs of the majority of people who are not disabled.

There is a recognition within the social model that there is a great deal that society can do to reduce, and ultimately remove, some of these disabling barriers, and that this task is the responsibility of society, rather than the disabled person.

The social model solution: Remove the barriers.

Medical Model	Social Model
Disability is a personal tragedy	Disability is the experience of social oppression
Disability is a personal problem	Disability is a social problem
Professional dominance (i.e. doctors)	Self help groups and systems benefit disabled people enormously
Expertise is held by the qualified professionals	Expertise is the experience of the disabled person

Positive Language

It maybe that you will never need to discuss someone's disability with them. Remember that this is a very personal thing for them. Having said this, many employers will need to have discussions with their staff who are disabled in order to provide reasonable adjustments. Also, service providers should involve disabled people in the design of their services. If you do need to discuss disability we would encourage you to use positive language.

To illustrate the point, here's a list of preferred language terms together with their outdated, negative counterparts:

Preferred Terms	Outdated or Negative Terms
Wheelchair user	Wheelchair bound, confined to a wheelchair
Person with learning difficulties	Educationally subnormal, retarded, stupid
Person with a disfigurement	Burns victim, facially deformed
Visual Impairment	Blind as a bat
Person with a mental health condition	Psycho, nutter, mentally ill
Person with Down's Syndrome	Mongol
Accessible Parking space	Disabled parking, wheelchair parking
Person with epilepsy	Epileptic
HIV positive, person living with HIV	AIDS carrier
Accessible toilets	Disabled toilets
Person with Cerebral Palsy	Spastic



Facts and Figures about Disability

Let's look at some facts and figures surrounding disability.

- Around 13.3 million people in the UK have some form of disability – that's around 1 in 5 of the total population.
- Invariably people think of wheelchair users when discussing disability. However, wheelchair users form a relatively small percentage of the disabled population at around 8%, or 1 in 12.
- Most people acquire a disability through accidents, illnesses, or with the onset of old age. Around 17% of disabled people are born with their disability.
- Some people may think that the disabled population don't work. However, 44% of disabled people of working age in the UK undertake full or part-time work.
- Disabled people are significantly more likely to experience unfair treatment at work than non-disabled people. In 2008, 19% of disabled people experienced unfair treatment at work compared to 13% of non-disabled people.
- Disabled men experience an 11% pay gap compared with non-disabled men; this figure doubles to 22% between disabled and non-disabled women.
- It shouldn't be assumed that disabled people in the UK are all on benefits (see the above point). Disabled people have combined annual spending power of £80 billion!
- Surprisingly 20% of children are dealing with mental health issues in a given year.
- Around 800,000 children in the UK have some form of disability.



Access to your premises

The provision of suitable access to your premises both externally and internally is, of course, important to visitors, employees, and potential employees with a disability.

However, you don't necessarily need to go overboard with the adjustments and changes you make. You should make 'reasonable adjustments' and this recognises the financial constraints on your business. It is not reasonable to expect you to make so many access improvements that it puts your business at risk.

Most people will consider the needs of wheelchair users when considering access issues. However, wheelchair users account for just 5% of the disabled population.

To get a good overview of the types of adjustments that can be made refer to Part M of the Building Regulations and BS8300:2009. More background information will be available at the end of your assessment.

These documents give vast amounts of information including all sorts of measurements. For instance, a simple thing to remember is that the gradient of a ramp should be 1 in 20. That's the ideal, but if space and finances don't permit it is better to provide a slightly steeper ramp (or a temporary one) with assistance, rather than do nothing at all.

Planning what adjustments / changes are required is a must. Prioritise the changes with parts of your premises that have the highest 'traffic' being top of the list. Other changes can be done over time and when finances permit, but you must have a plan and ensure that it is implemented. It's no good making a plan and doing nothing – if a disabled person challenges you in court you would not have a great defence.

The Equality Act 2010 ('the Act') sets out the rights of disabled employees. It also looks at how these rights should be incorporated into normal work activities.

Under the Act an individual will not have to demonstrate that, where an impairment adversely affects his or her ability to carry out a normal day-to-day activity, that activity involves one of a specified list of capacities, such as mobility, speech, or the ability to understand.

This is a significant change from the old Disability Discrimination Act where the above was taken into account only if it affected any of the following eight capacities:

- mobility;
- manual dexterity;
- physical coordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- the perception of the risk of physical danger.

This list is not included in the new Act as it was unduly restrictive. Tribunals will have to make a common-sense decision as to whether or not a particular impairment has a substantial effect on day-to-day activities. This should make it easier for claimants to show that they are disabled.

The Act states that discrimination occurs where a disabled person is treated less favourably than others, the reason relates to that person's disability and the reason for such treatment cannot be justified.

An employer must not discriminate against existing or prospective employees and has a duty to make adjustments to facilitate disabled employees. Here's a list of possible reasonable adjustments, but don't panic, needs will vary so not all of these adjustments would necessarily be needed for every disabled person:

- making adjustments to premises.
- allocating some of the disabled person's duties to another person.
- transferring them to fill an existing vacancy.
- altering their working hours.
- assigning them to a different place of work.
- allowing them to be absent during working hours for rehabilitation, assessment or treatment. This is called disability leave and should be paid.
- giving them training.
- acquiring or modifying equipment.
- modifying instructions or reference manuals.
- modifying procedures for testing or assessment.
- providing a reader or interpreter.
- providing supervision.

The national Access to Work scheme can assist with costs associated with employing a disabled person. We have provided more information about this scheme on the resources page, after the assessment section.

Visual Impairment

The term 'visual impairment' refers to people with irretrievable sight loss and this definition covers a wide range of different impairments. Some people are born with visual impairments while others acquire an impairment through their lifetime due to a number of factors.

This could be simply down to getting older, conditions within the eye or conditions within the brain. These changes in someone's sight may be relatively minor or quite severe. Perhaps the person has problems distinguishing certain colours or they could have complete sight loss.

There are approximately 1.5 million to 2 million people in the UK that have some form of visual impairment. Around 1 in 5 of this total has no sight at all. Here are some basic etiquette guidelines for you to follow...

- Identify yourself clearly and then introduce anyone else who is present and their relative location to the person with the visual impairment.
- When you offer to shake hands you need to say something to let the other person know your intentions. This could be, "Hello, it's good to meet you".
- A guide dog (or assistance dog) is a working animal, a vital 'tool' to the disabled person and shouldn't be distracted from its important work. Talk to the person and not to the dog. Sounds obvious but you'd be surprised at the number of conversations that involve the guide dog but not its owner. Don't pat or stroke the dog or make a fuss of it as this could distract it from its work.

You can't refuse to carry a guide dog or assistance dog. The only time you can do this is if you have a Medical Exemption from your GP.

- It may be appropriate to offer the person your arm. This will enable you to guide them to a particular area of your vehicle without pushing / propelling them.
- It can be helpful to explain where things are – "the taxi is directly ahead of you, about a metre away". Give a commentary and guide their hand to the back of the car seat so they can ascertain its position.
- Don't just walk away and leave the person speaking to no one! Let them know that you are leaving or when others leave or join the group.
- Some people are deaf and blind. To let them know that you are there it is OK to gently touch their sleeve. Wait until they have indicated what help they require or have asked for assistance. But remember – they may not need any help.
- When explaining something remember to do it verbally because your visual gestures may not be seen.

Mobility Impairment

Perhaps the most important point to remember about someone with a mobility impairment is that they will not necessarily be a wheelchair user.

The definition of a person with a mobility impairment is someone who experiences difficulty with or is unable to travel on foot, on buses or trains or by car. The impairment may arise from general frailty due to old age, or personal disability (physical, sensory or mental). When you are dealing with or serving a person that has a mobility impairment, observe a few simple points of etiquette:

- Establish a comfortable eye level for both of you. If a wheelchair user is going to be with you for some time – maybe more than 15 minutes – it may be advisable for you to get yourself a chair, keeping you both at the same eye level. This will save the person from getting a crick in the neck, it doesn't seem like you are talking down to them and promotes conversation that is on an equal basis – and that's just good customer service.
- Don't just stay in your vehicle, hoping this isn't going to take too long. Get out of your vehicle and greet the person. Ask if there's anything you can do to help.
- Don't invade personal space. Avoid leaning on someone's wheelchair – this is their personal space, respect it. Never grab or move someone's wheelchair or walking aid without getting their permission first.
- Don't assume you know what's the best way of helping a person with a mobility impairment. Just ask how you can be of help.
- You may feel that it is appropriate to offer a seat to a customer or visitor with a mobility impairment. Don't be offended if someone refuses the offer of a seat – it may be preferable for the person to stand as pain may be an issue when sitting down / standing up.
- Good access to premises is vital. However, if parts of the building are difficult to access visitors should be informed of the most appropriate accessible entrance or route to follow. Perhaps meeting the visitor at the entrance and assisting them is the best approach.
- Any public areas within premises should have enough room for people to move around easily. Take account of the space needed for wheelchair users to manoeuvre. Keep the area tidy and avoid leaving things lying around – this is basic housekeeping and good health and safety too.

Hearing Impairments

Hearing loss affects around 2 in 10 adults of the UK population. Most of these people are over the age of 60 and have lost their hearing gradually. However, hearing loss can occur at a younger age. In the UK, around one in every 850 children is born severely or profoundly deaf each year.

- People who are deaf or have a hearing impairment often use varying degrees of lip reading. However, lip reading isn't totally reliable with around a maximum of only 50% of words being understood. The level of concentration needed to lip read is tiring, so limit the time that someone is having to do this.
- To make lip reading easier, always look straight at the person and have light on your face (light behind you will silhouette your head and make your lips difficult to see).
- Make sure you don't partially cover your face or mouth, whether with your hand or anything else – this just makes the task of lip reading even more difficult.
- Remember to speak fairly slowly and in the manner that you normally would – there is no need to shout or exaggerate your words.
- It's quite easy to turn your head whilst talking. This may be to look at paperwork or just glancing around. However, your facial expressions, gestures and body movements all help to convey meaning to what you are saying.
- If you need to attract a person's attention it is OK to lightly touch their shoulder or arm.
- You can't assume that everyone who has a hearing impairment can lip read. If you are not sure, then ask. Remember that, on average, only 3 out of 10 words are visible on the lips.
- Again, don't make assumptions about the method in which a person communicates. It's always best to ask. This will save time, possible embarrassment and gives the person the exact service they require and deserve.
- Some people will use British Sign Language (BSL) and this could well be their first language instead of English, so this would be their preferred way to communicate. There may be people within your organisation that can sign or you may consider undergoing some training in BSL.
- As mentioned above, English isn't always the first language of BSL users. Therefore the written word could create barriers. Just something else to think about!
- You may encounter an interpreter, brought along by the person with a hearing impairment to make communicating easier. Remember to talk to the person with the impairment and not directly to the interpreter. If there is paperwork being discussed (bills, bank statements, legal documents) it is possible that copies will have to be given to the interpreter. But before this happens always get the permission of the person with the hearing impairment.
- Speak at a pace that the interpreter can keep up with. This is especially important if you are giving names, addresses or talking about something difficult or complicated. In this case the interpreter may have to finger spell words instead of signing them, therefore taking longer to communicate the information.



Disfigurement

Disfigurement is having one's appearance deeply and persistently harmed from a disease, birth defect, or wound.

Body disfigurement, including facial disfigurements, should be dealt with particularly sensitively.

Any disfigurement tends to have a disproportionate effect on the degree of stress and anxiety that an individual experiences. This is heightened further if the disfigurement is readily visible – hands, arms and particularly, face.

The general population tends to respond to people with a disfigurement with less trust, less respect and often try to avoid making contact or having to look at the disfigurement.

Here are some basic points of etiquette...

- Don't stare!
- You may be surprised or uncomfortable about someone's disfigurement but try not to show it. They deserve the same level of attention and courtesy as anyone else.
- Don't ask how they came to be disfigured. This is private to them and doesn't make any difference to how you should be dealing with them.

Short Stature

Put simply, the term 'short stature' refers to the height of a person deemed to be well below average. That's not particularly helpful but does at least give us a starting point.

The number of growth related disorders is around 200. An adult with a height of less than 4' 1" might be referred to as someone of short stature.

Here are some basic etiquette pointers:

- Do not treat an adult of short stature as cute and childlike. And don't pat them on their head. This sounds obvious but this is such a no-no, yet to some people they see nothing wrong with this!
- Ensure that items they may require are within easy reach. If telephones have been positioned at a lower height or if there are lowered counters etc., try to keep these facilities free for people of short stature, as they tend to be limited in number. Equipment placed at the right height is essential for a person of short stature.
- Communication is normally easier when people are on the same level. Either sit down with the person or stand slightly away from them so that you can maintain eye contact without them getting a crick in the neck.
- Just because someone is of short stature it doesn't mean that they have learning difficulties too. Typically they will have normal levels of intelligence.
- A person of short stature doesn't require a cure. Most people are able to live long and fulfilling lives.
- It is not reasonable to assume that a person of short stature is incapable.

Speech & Language Impairments

A person may have a speech and language impairment for a number of reasons. This could be as a result of a stroke, Cerebral Palsy, facial disfigurement, etc. Some children and young people do not develop speech and language as would normally be expected. They may experience problems with some or all areas of speech and language - from moving the muscles that control speech through to the ability to understand or use language at all. These difficulties can be reasonably mild to the severe and long-term. Sometimes these difficulties are unrelated to any other disability (e.g. Cerebral Palsy) and are said to be specific language difficulties.

But remember that some children may have both a specific language difficulty and other disabilities. A person that has a speech and language impairment may well find it difficult to communicate with you. But, if you give them enough time and attention there is normally no reason whatsoever that you will not understand what they are telling you. Here are some basic etiquette points to remember:

- Do not concern yourself with the reason for the person's speech and language difficulties. Instead concentrate on communicating to the best of your ability.
- Make eye contact, be attentive, listen to what the other person is saying and don't butt in. Avoid talking in an area that has distractions.
- Don't correct speech or speak for the person. They know what they want to say and, given the chance, they will say it! To interrupt is rude and may prove embarrassing for the person.
- To make communicating easier you may consider using questions that only require a Yes / No response or a short answer.
- Don't be afraid of asking someone to repeat themselves if you have had trouble understanding them. This is far better than making an assumption as to what has been said. If you still have problems with what is being said you could consider involving a colleague or ask the person to write down what they are saying.
- Don't try to rush the person.
- Be aware that English may not be the first language of the person either.
- Just because someone has a problem with speech does not mean you should make assumptions concerning their hearing or intellect.

Learning Disabilities

There are numerous different types of learning disability. A person with learning disabilities is likely to have problems understanding, learning and remembering new things.

These difficulties with learning means the person may have problems with a number of social tasks, e.g. communication, self-care, awareness of health and safety.

Take a look at these simple matters of etiquette:

- Believe that you will be understood by the person with learning disabilities. Be ready to explain things more than once.
- You should keep language simple but do not talk down to or be patronising to the person with learning disabilities.
- An alternative to telling someone something is to offer to show them / demonstrate.
- Keep facial expression to a minimum and don't exaggerate gestures or body language as this may prove difficult for the person to understand / interpret.
- Don't rush the person. Politely ask them to confirm that what you have said has been understood. Reinforce information you have given by asking the person to repeat it back to you.
- Plain language is helpful to us all. However, to a person with learning difficulties this may be essential. An easy read format supplemented with pictures or symbols will be helpful too.
- The person with learning disabilities may want to be accompanied by an assistant or advocate. The advocate will then ask questions on behalf of the person. You should always welcome this additional assistance. After all, it may make your job easier.

Mental Health

There are many conditions that fall under the umbrella of mental health, some of which may be a surprise to you. The list of conditions includes neurosis, psychosis, schizophrenia, bipolar disorder, personality disorder, dementia, depression, anxiety, post-natal depression, phobias and stress.

Mental health problems are not always visible – they can be a hidden disability.

It may be some time into your dealings with a person before you realise that they have mental health problems – if indeed this becomes obvious.

Do not assume that people with psychiatric disabilities are more likely to be violent than people without psychiatric disabilities - this is a myth.

The wide range of behaviours associated with mental illness vary from passivity to disruptiveness.

When the illness is active, the individual may or may not be at risk of harming him or herself, or others.

Surprisingly, 1 in 6 of the working population in any one year will have personal experience of mental illness. However, stress or depression is only considered to be disabling if the condition exceeds 12 months. Many people will have short term and one off conditions.

- Be patient and non-judgemental. Don't make assumptions and always respect personal space.
- This sounds obvious and should be the norm anyway – provide a welcoming atmosphere. Noise and distractions should be kept to a minimum.
- If someone appears anxious or distressed give them time and space to unwind and calm down.
- Another example of good customer service is to be reliable and punctual. For people with some forms of mental health issues keeping to times and places is very important. Doing otherwise can be distressing and upsetting.
-
- If the person you are dealing with needs to make a decision then be prepared to give them enough time. And, if necessary, explain things more than once.
- In the unlikely event that conflict occurs, handle this sensitively. As with anyone that's angry, the person may just be venting pent up anger and frustration – it's not necessarily aimed at you, personally. Let them get it off their chest, show them that you are listening and don't jump in with excuses and explanations. In situations like this remember to stay calm, speak firmly and clearly.
- If the person's behaviour is becoming unmanageable or unwelcome, seek assistance from a colleague. But do this tactfully as you don't want to inflame the situation.

Assistance Dogs

We're all used to Guide Dogs and understand how they assist their visually impaired owners to manoeuvre safely and with confidence.

But there are a wide variety of Assistance Dogs of many differing breeds that are trained to help their owners who may have a hearing impairment, limited mobility, are prone to fitting - the list is quite extensive.

Assistance Dogs can be identified very easily as they wear a coloured coat - the colour of the coat and the printing on it will identify the charity that has trained the dog.

Owners of Guide Dogs and Assistance Dogs have important rights under the Equality Act 2010.

Service providers have to make "reasonable adjustments" for guide dog and assistance dog owners.

For example, the Equality Act makes it illegal for assistance dog owners to be refused access to a taxi or minicab with their assistance dog.

A driver who refuses to carry your assistance dog and does not have an exemption certificate is guilty of an offence. They could be fined up to £1,000.

Medical exemptions are available if drivers have a certificate from their Local Authority.

A driver can get an exemption certificate if they have a medical condition that is made worse by contact with dogs, such as severe asthma.

However, a Local Authority would only issue such a certificate on receipt of strong supporting evidence from a relevant medical professional, usually a specialist consultant.

Having an exemption certificate means that they don't have to carry a Guide Dog or Assistance Dog. Exemption certificates are issued by the licencing authority.

A driver who has been given an exemption will display a yellow 'Notice of Exemption' notice on the windscreen of their vehicle. The front of the notice will have the letters 'ED' (Exemption Dogs) and will show the driver's licence number.

Guide dogs and assistance dogs are highly trained. Their owners all receive specialised training in the safe and effective use of their dog. A key part of this training is the dog's behaviour. It is trained to lie quietly under tables or in vehicles and it should not cause any disruption.

The dog is the owner's responsibility. In the rare event that an assistance dog misbehaves, simply inform the owner who will be keen to control their dog.

All assistance dog owners carry a card advising that assistance dogs should not be a risk to health and hygiene. Assistance dogs are groomed daily and their health and condition is checked regularly by a vet.

Safe Transportation of Wheelchairs

Not all taxis and private hire vehicles are wheelchair accessible. But we feel it's a good idea for all drivers to have a working knowledge of what's required to ensure the safe transportation of wheelchairs.

The safe transportation of wheelchairs is of paramount importance.

You have an implicit duty of care when transporting any passenger in your vehicle and this is particularly important when that person is more vulnerable than a person without disabilities.

Prior to accepting a fare you need to consider the following questions when deciding whether you can transport the wheelchair user safely;

- Is my vehicle designed to transport this type of wheelchair?
- Are there abnormal weather conditions that could compromise safe loading? (snow, ice)
- Are there any uneven surfaces that could compromise safe loading? (slopes, cobbles)
- Are there any obstacles and other restrictions that may prevent safety loading?
- Do I need to adjust my driving style? (acceleration, braking style, stopping distances, cornering and braking distances)

The safe transportation of wheelchairs is not difficult or time-consuming. Get it right every time and you'll be doing your bit to ensure that any wheelchair users you transport reach their destination in the most safe and comfortable manner.

This can be achieved by following some simple yet effective guidelines:

- Whenever possible wheelchair users should transfer to vehicle seats.
- Wheelchair users should not travel with the wheelchair at an angle or facing sideways.
- There should be sufficient free space around the wheelchair and user to avoid the user making contact with other vehicle occupants, unpadded parts of the vehicle, wheelchair accessories or wheelchair tie-down and occupant restraint system (WTORS) anchor points.
- Wheelchairs should have their brakes applied and their power units (if fitted) switched off during vehicle movement. Powered wheelchairs should not be left in freewheel mode.
- Wheelchairs should not block gangways and exits for other passengers in the vehicle.
- A headrest should be provided for a wheelchair user when travelling in a vehicle where other seated passengers have headrests.

Wheelchair Tie-down and Occupant Restraint System (WTORS)

Wheelchair users should not travel in cars, taxis or minibuses, unless the wheelchair is tied down and the user is appropriately restrained.



Sufficient WTORS and accessories should be carried to allow safe transportation of the intended wheelchair-seated passengers. Please remember that just one type of WTORS is unlikely to accommodate all types of wheelchairs and users.

Careful thought should be given to the most suitable type and positioning of restraint for the user - both in normal travel and during an impact.

Lap and chest belts attached to wheelchairs or seating units are usually provided to assist posture and are not vehicle occupant restraints. Do not make use of these instead of a proper WTORS.

Using a lap belt as the only occupant restraint during travel is not recommended. As in cars, a three point restraint is now the preferred method and is a far safer option.

The user restraint should have a clear path from the user to the anchor point and should not be interfered with by any part of the vehicle, wheelchair, seating or accessory. Again, this is no different to how normal seatbelts are designed to be used.

Accessories for use during transportation should be adequately secured to the wheelchair and may require padding to avoid user contact in normal vehicle movement or in an impact. If this is not possible, they should be removed to avoid potential contact with the user or other passengers in an impact.

You should offer all reasonable assistance to the wheelchair user to ensure that they are carried safely and in reasonable comfort.

And remember, no additional charge should be made for carrying the wheelchair or user.

If you believe you cannot convey a wheelchair safely you should explain the reasons why to the wheelchair user and try and direct them to a more suitable make of vehicle.

As mentioned at the start of this tutorial, these really are basic, simple safety measures. They're not designed to make your life difficult or be a reason not to transport wheelchair users.



Child Sexual Exploitation / Safeguarding Training

Tutorials



Working in conjunction with Equo.

Equo is a trading name of Inclu Consulting Ltd

Introduction to Child Sexual Exploitation training

Welcome to your Child Sexual Exploitation training module.

In its most simple form, this training is aimed at keeping children and young adults safe and how you can play a vital part in making that happen.

We'll be looking at:

- Types of abuse;
- What is Child Sexual Exploitation?
- Risk indicators;
- Signs to look out for;
- How to report your concerns.

Keeping children safe is a role for everyone- not just the 'services'.

We can keep children safe more effectively when we know the signs to look for and then share the information.

Therefore, it is important that if you come in to contact with Children and Families – you need to know what to do if you have a concern.

What is abuse?

Abuse can take many forms and, as you'll see, is not just physical abuse.

- **Physical abuse** - which may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing a physical injury to a child.
- **Emotional abuse** - the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's development. It may convey to a child that they are worthless or unloved.
- **Neglect** - the persistent failure to meet a child's basic physical or psychological needs, likely to result in the serious impairment of a child's health or development.
- **Sexual abuse** - involves forcing or enticing a child or young person to take part in sexual activities. These activities may involve physical contact or non-contact activities such as the production of images.

If you have concerns about a child...

What is a child?

A child is anyone under the age of 18 years including an unborn.

If you have concerns about a child you should:

- Share your concerns, don't assume someone else will.

- Call the Kent County Council Social Services on 03000 41 11 11 during office hours.
- Outside of office hours you can call Kent Social Services on 03000 41 91 91.
- **Call the Police on 101 or if the child is at immediate risk of significant harm you should call 999.**

What is Child Sexual Exploitation?

Child Sexual Exploitation is a form of sexual abuse.

It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and /or (b) the financial advantage or increase status of the perpetrator or facilitator.

The victim may have been sexually exploited even if the sexual activity appears consensual. Child exploitation does not always involve physical contact; it can also occur through the use of technology.

Offenders have power over victims due to their age, gender, intellect, physical strength and/or economic or other resources.

Violence, coercion and intimidation are common.

Indicators of risk and who is at risk

Here's a list of the indicators that a child or young adult is at risk:

- Going missing from home
- Relationships with older males or females
- Concern that the young person is sexually active.
- Breaking away from family, friends and professionals
- Not attending school
- Experimenting with drugs / alcohol
- Secretive
- Involved in offending behaviour
- Unexplained mobile phones / credit
- Accepting lifts in different cars
- Sending and receiving inappropriate images
- Spending increased time on social networking sites.

Who is at risk?

Anyone could be at risk of sexual exploitation. Girls, boys or young adults.

Who are the offenders?

There is no typical offender that's easy for all to recognise. It's not that simple...

- Anyone could exploit young people.
- Individuals who control adult sex workers.
- Drug dealers with links to violent crime.
- Groups of males who exploit for their own sexual gratification.
- Males who pass young people onto others for sex.
- Female offenders.
- Other young people

Where does Child Sexual Exploitation take place?

- Anywhere
- Parks
- Sports Centres
- Takeaways
- Residential Properties
- Bars
- Internet

How are young people targeted?

It's a good idea to know some of the ways that children are targeted as this may help you to recognise the signs.

- **Inappropriate relationships** - these relationships usually involve one perpetrator who has inappropriate power or control over a young person due to being physically stronger, older or wealthier. The perpetrator could be a family member.
- **Peer on peer exploitation** - often referred to as sexual bullying. Can happen quite quickly without the build up of a relationship. Incidents are sometimes filmed on mobile phones and then circulated.
- **Older adult exploitation** - often referred to as the 'boyfriend' model. The adult offender befriends and grooms the young person by focusing on their vulnerabilities. The victim feels they are in a positive and rewarding relationship with the perpetrator. Later on power and control issues may lead the young person into being isolated and becoming more and more dependent on the 'boyfriend'. The young person is often coerced or forced into sex with the perpetrator's associates.
- **Gang and group exploitation** - gangs and groups sometimes use sexual exploitation as an initiation right or as a form of punishment.

Signs that you can look out for...

Here are some signs that child sexual exploitation may be taking place.

Maybe you notice more than one of these things happening and that's what raises your concerns.

- Taking / collecting young people (girls and boys) from hotels, B&B's or house parties;
- Picking up young people from other cars;
- Young people who look distressed or intimidated;
- Observing suspicious activity in hot spot areas;
- Young people under the influence of drugs and/or alcohol;
- Attempts by children/young people to avoid paying fares in return for sexual favours;
- Regular males requesting taxi rides to and from locations - taking young people with them;
- Taking young people to A & E, who are not in the presence of parents;
- Young people with injuries such as bruising;
- Adults paying for young people's fares.

Trafficking and The Modern Slavery Act

There are three different types of trafficking:

- Trafficking from abroad into the UK;
- Internal trafficking, where children are moved from one place to another in the UK;
- Trafficked out of the UK to other countries and brought back again.

The Modern Slavery Act 2015

The Modern Slavery Act 2015 is designed to combat modern slavery in the UK and consolidates previous offences relating to trafficking and slavery.

For the purposes of this training, this is how the Modern Slavery Act may affect you whilst carrying out your work as a taxi or private hire driver.

The Act covers a person that intentionally arranges or facilitates the travel of a person within the UK for the purposes of sexual exploitation or if during or after the journey believes that another person is likely to sexually exploit the person.

If a taxi or private hire driver transports a child knowing or believing that child will be sexually exploited during or after that journey the driver will commit the offence of Human Trafficking.

Maximum sentence is life imprisonment.

What can you do to help?

Here are a few simple tips to help you do your bit to reduce Child Sexual Exploitation:

- Be aware of the indicators of risk.
- Be aware of young people you think may be at risk.
- Pass on any information/ concerns you have.

Information to share

- Names
- Locations and addresses
- Descriptions of people
- Car registration plates, makes and models of vehicles
- Description of concerning activity
- Even if you don't have a complete picture pass on what you know.

It really is better to be safe than sorry...

Good safeguarding practice

Here are some tips for good safeguarding practice...

- Record incidents and refusals
- Be professional – not too personal.
- Don't exchange personal contact information such as passenger's telephone numbers or Facebook address.

- Avoid swearing or aggressive behaviour.
- Do not touch passengers.
- Make sure you are wearing ID, either a badge or company uniform.
- Sit lone passengers in the back unless otherwise agreed.
- Never follow a passenger into the house unless previously agreed.
- **ASK** before going off the main roads and give the passenger a choice of route.
- **NEVER** set off with a passenger without a specific destination address.
- **NEVER** double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger.
- If you are concerned about another driver's conduct report your concerns to your manager or the relevant agency.
- **ALWAYS KEEP A RECORD of ANY** incidents or situations you were not happy with – the record should include a description of what happened and what you did to keep you and your passenger safe.

Further information

Here are some sources of further information that you may find useful.

- **NSPCC** - www.nspcc.org.uk
- **PACE** (Parents against child sexual exploitation) - www.paceuk.info
- **Child Exploitation and Online Protection Command** - www.ceop.police.uk
- **Kent County Council Social Services** - www.kent.gov.uk/social-care-and-health/report-abuse
- **Family Matters - Rape and Sexual Abuse Support Services** - www.familymattersuk.org

How to report your concerns

If you have concerns you must report them.

- **Phone the Police on 999 if risk is imminent / assault happened or likely to;**
- Record and report concerns to the police on 101;
- Report concerns to the Kent Social Services on 03000 41 11 11 (during office hours) or 03000 41 91 91 (out of office hours);
- Signpost if safe to do so - offer the passenger information (for example make window stickers visible).



County Lines Training

Tutorials



Working in conjunction with Equo.

Equo is a trading name of Inclu Consulting Ltd

What is County Lines?

County Lines is where illegal drugs are transported from one area to another, often across police and local authority boundaries (although not exclusively), usually by children or vulnerable people who are groomed by older or influential people.

The 'County Line' will manage the drugs sales by phone, the mobile phone line used to take the orders of drugs. Importing areas (areas where the drugs are taken to) are reporting increased levels of violence and weapons-related crimes as a result of this trend.



Exploitation of young and vulnerable people

A common feature in county lines drug supply is the exploitation of young and vulnerable people. Dealers will frequently target children and adults - often with mental health or addiction problems - to act as drug runners or move cash so they can stay under the radar of law enforcement.

The dealers will take over a local property, normally belonging to a vulnerable person, and use it to operate their criminal activity from. This practice is known as cuckooing. They use the property as a base, as there are sometimes signs this is taking place; high traffic of people visiting the property, increased noise/litter outside – which may at the beginning be identified as Anti-Social Behaviour.

People exploited in this way will quite often be exposed to physical, mental and sexual abuse, and in some instances will be trafficked to areas a long way from home as part of the network's drug dealing business.

As we have seen in child sexual exploitation, children often don't see themselves as victims or realise they have been groomed to get involved in criminality.

There are four stages in grooming:

1. Target
2. Friendship
3. Loving
4. Abuse

It's important that we all play our part to understand County Lines and speak out if we have concerns.

What does that mean?

You may hear different words and phrases used and the following will help you...

- **Adverse Childhood Experiences (ACEs)** are stressful events occurring in childhood and can include some or all of the following:
 - domestic violence;
 - parental abandonment through separation or divorce;
 - a parent with a mental health condition;
 - being the victim of abuse (physical, sexual and/or emotional);
 - being the victim of neglect (physical and emotional);
 - a member of the household being in prison;
 - growing up in a household in which there are adults experiencing alcohol and drug use problems.
- **County Line** - a crime network using young people to move drugs between counties using a phone line;
- **Plugging** – when a person hides drugs or packages in their anus or vagina;
- **Cuckooing** - taking over the home of a vulnerable person in order to use it as a base for drug dealing;
- **Gang** – a gang can consist of 3 or more people.

Is this happening in Kent?

Yes.

As a taxi or private hire driver here in Kent you may have fares that are young people. This isn't necessarily a sign of County Lines activity but if it's also linked with any of the following then this could be an indication of County Lines/Gang activity.

Here are some signs to look out for:

- Young people seen in different taxis;
- Young people seeming unfamiliar with your community or where they are;
- Unexplained, sometimes unaffordable new things (e.g clothes, jewellery, cars etc);
- Unexplained injuries;
- An increase in visitors and cars to a house or flat;
- New faces appearing at the house or flat;
- New and regularly changing residents (e.g different accents compared to local accent);
- Change in resident's mood and/or demeanour (e.g. secretive/ withdrawn/ aggressive/ emotional);
- Substance misuse and/or drug paraphernalia;
- Changes in the way young people you might know dress;
- Residents or young people you know going missing, maybe for long periods of time;
- Truancy, exclusion, disengagement from school;
- An increase in anti-social behaviour in the community.

If you have concerns, here's what you should do...

This is also covered in the Child Sexual Exploitation / Safeguarding training - the best advice is to trust your instincts.

Even if someone isn't involved in county lines drug dealing, they may be being exploited in some other way, so you should always report your concerns.

- You can speak to your local police by dialling 101, or **in an emergency 999**;

- If you would rather remain anonymous, you can contact the independent charity **Crimestoppers** on **0800 555 111**;
- If you notice something linked to the railways, you can report concerns to the **British Transport Police by texting 61016** from your mobile. **In an emergency dial 999.**

If you know a young person who is worried about their involvement, or a friend's involvement in county lines then here's some advice:

- Suggest that they speak to an adult they trust and talk to them about their concerns.
- They can call **Childline** on **0800 1111**. Specially trained counsellors offer a private and confidential service so the young person can speak to them about anything that is worrying them.
- **Catch 22** works with children and young people of any age to help get them out of situations they're worried about. The Catch 22 team have helped many children and young people involved in County Lines.
- **St Giles Trust** offers specialist services to help young people make a safe and sustained exit from county line involvement. Caseworkers offer both practical and emotional support to the young person and their family to help address any issue which might be driving county line involvement. They were involved in the first ever Home Office funded specialist county lines intervention pilot project in Kent which started in 2017. It helped over 80% of the young people it supported either fully exit or make progress towards exiting county lines involvement.

How are the Police dealing with County Lines?

This is a priority for Police forces and law enforcement agencies across the UK.

Gangs and County Lines features on the Kent Police Control Strategy, which also forms part of the Kent Police MVVP (Mission, Vision, Value, Priorities).

They have been increasing their level of response, identifying and then taking the necessary action where the greatest problems exist.

Please play your part too. Your vigilance could be vital in ensuring the safety of a vulnerable child or adult.



Courier Fraud

In recent months a number of incidents have occurred within Kent in which elderly and vulnerable members of our community have been the victim of Fraud.

The method used by the criminals is as follows:

- Elderly and vulnerable victims receive a telephone call on their landline or mobile from a 'Voice' purporting to be a Police Officer;
- This 'Voice' is a criminal who proceeds to inform the victim of fraudulent activity on their bank account and that their bank staff are involved;
- The Voice then directs the victim to attend their local bank to withdraw a large amount of cash and to return home where it will be collected by a Police Courier for examination;
- The Victims often use a local Taxi for this journey to and from the bank;
- A Courier who is, of course, one of the criminals who then attends the victims address and collects the cash.

Additionally, we have seen variations of this, where Taxi drivers have also been hired by criminals to collect packages from elderly vulnerable victims for delivery to the criminals (often in London), which may be money, gold or credit cards.

Criminals may also attend local Train stations local to where the victim lives and hire the first available taxi in the outside rank. The Courier then directs the taxi to the victim's address and they are instructed to wait as they attended the front door. The Courier then returned to the taxi after only a few minutes (usually carrying a package) and return to the train station where they board the next London bound train.

Your assistance is needed to help combat this crime that targets the vulnerable and elderly members of our community.

- Drivers are asked to be vigilant of such journeys to and from local train stations by potential Couriers or being asked to collect packages from elderly vulnerable people for delivery to a location elsewhere;
- If suspicious, **contact Police quoting, "I am Nine, Nine."**;
- If a suspected Courier is collected as a passenger then Taxi drivers are requested to **call the Police on 999** and quote **"I am Nine, Nine"** passing their taxi registration, location and destination. The relevant Force control room will immediately recognise this as a Courier Fraud and deploy the appropriate resource and response;



- Taxi drivers are also asked to raise awareness amongst their everyday elderly passengers and to also consider unusual repeat fares to local banks. Should such fares be identified then taxi drivers are again requested to contact Police quoting "**I am Nine, Nine.**";
- This code is only to be used for suspected frauds and not for any other crimes, like fares making off etc.

From: Taxi Operators <Maidstone_TMBC_Operators@outlook.com>
Sent: 24 February 2022 16:34
To: Sharon Bamborough <Sharon.Bamborough@sevenoaks.gov.uk>
Cc: valspringett@maidstone.gov.uk; Lorraine Neale <LorraineNeale@maidstone.gov.uk>;
davidnaghi@maidstone.gov.uk
Subject: Re: Licensing committee dates

EXTERNAL EMAIL: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sharon

Thank you for your reply. **We can confirm that we would like the routes to be excluded from the test for a further period as this have increased the pass rate significantly. We request if possible that the routes are permanently excluded going forward could you confirm this will be added to the agenda for the meeting on 17th March?**

Yes, I can confirm this will be considered at the licensing committee on 17 March 2022.

The EQUO test is causing some problems for drivers. They feel the terminology is confusing and this is mainly a cause of concern for drivers which English is their second language. This is about 90% of candidates.

We have contacted Ian Carter the MD of INCLU Consulting LTD and he informs me that alterations have took place to address some of the terminology issues. We are very to hear this.

Yes, I have confirmed with our senior officer who acts as our liaison that amendments have been agreed and made

We as operators have met and we all feel that the drivers should have access to all the questions and information about the answers prior to the test. This would enable candidates to sit mock tests and learn the relevant answers and see where they go wrong. We compare this situation to practising for a driving theory test. There are multiple apps to practise theory tests and the theory test is a much less complicated set of rules. We point out that the apps for revision for theory tests have all the questions and answers. it prompts the candidate with the correct answer when the wrong answer is entered.

Ian Carter of INCLU is happy to supply us with the questions and answers etc to allow the trade to make some mock tests to help prepare candidates. This would mean targeted teaching and an increased level of awareness and safety. Of course, Ian Carter would need your permission to share information. Drivers of course would not be allowed to take any information to exam rooms, as is the case for theory tests candidates have to retain that information to pass the random computer-generated test.

If you can agree to INCLU Consulting LTD sharing this information we would not need to represent the trade at the upcoming meeting as we could then be busy training drivers going forward. We hope this can be agreed and we can all go forward with our day-to-day business. We look forward to your response. **Please note that we will request this EQUO suggestion to be included in the agenda for March 17th's meeting if it cannot be agreed.**

We do not, as a partnership, agree that the questions & answers should be given out for the safeguarding training (INCLU, formerly known as Equo) – as you are asking for this to be considered I will include it in a report.

Kind Regards

On behalf of the Maidstone & TMBC Private hire operators

Express Cabs & Couriers Ltd

Sapphire Cars

Apollo Taxis

Streamline Taxis

Cavalier Taxis

United Cars

EXTRACT FROM LICENSING COMMITTEE REPORT FROM 15 APRIL 2021 - ITEM 15**KNOWLEDGE TEST HISTORY /ANALYSIS**

- 2.1 Maidstone's current Hackney Carriage/Private Hire Topography test format which is a multiple choice test was initially discussed at Licensing Committee in September 2016 and rolled out in July 2017. The Hackney Carriage and Private Hire Policy (Taxi Policy) outlines the contents of the test and will require amending if any aspect of the test is changed.
- 2.2 The agreed test is comprised of 63 questions over 10 categories, 54 questions are randomly selected from the question bank and 9 are fixed questions which are made up of 7 compulsory and 2 safeguarding.
- 2.3 The Council website provides all the information and materials new applicants need to read and research in order to pass the test. The complete bank of questions is also provided online so that candidates know in advance what questions could be asked. The document is attached as Appendix 1.
- 2.4 The test was subject to amendment in February 2018 after reviewing feedback from applicants and the trade that the test was too difficult. The amendments included reducing the answers from 4 options to 3 increasing the odds of selecting the correct answer. Also the route answers were amended to assist making the correct answer more obvious.
- 2.5 Since those amendments made in 2018 there does not appear to be any significant improvement to the numbers of applicants passing the test and further thought has been given to adjusting the test further. Currently applicants have three attempts to pass the test, if they are unsuccessful, they must wait 6 months before they have the opportunity to take the test again. Most applicants that have passed the test have done so based on the overall result of all three tests they have taken.
- 2.6 The table below shows the number of tests that have been taken over the last three years and the average pass mark for each category.

TOPOGRAPHY TEST	No of Q's	2020			2019			2018		
		HCD	Dual	PH	HCD	Dual	PH	HCD	Dual	PH
Test Type		HCD	Dual	PH	HCD	Dual	PH	HCD	Dual	PH
No of Tests		4	5	28	16	7	35	9	3	28
Category and pass mark										
Compulsory (100%)	7	54.2	83.3	77.4	79.7	97.6	81.4	66.7	88.9	83.9
Safeguarding (100%)	5	70	80	80.7	90.4	82.9	88	75.6	100	86.1
Generic Policy & Law (80%)	4	60	84	78.6	74.8	82.9	81.7	71.1	80	80.9
Highway Code (80%)	5	45	80	75	74.8	85.7	75.4	57.8	73.3	82.2
MBC Policy & Law (80%)	5	65	60	75.5	74.8	77.1	82.9	71.1	80	82
Places (80%)	7	89.3	74.3	62.1	85.7	93.9	72	82.5	100	77.2
Routes (80%)	15	46.7	56	48.1	64.4	67.6	56	57	64.4	56.3
Streets (80%)	7	75	68.6	66.3	82.6	89.8	73.9	76.2	76.2	73
Numeracy (80%)	3	100	100	98.8	97.1	100	95.2	92.6	100	98.8
Road Signs (80%)	5	65	84	77.9	91.3	91.4	81.7	82.2	73.3	81.5
	63				58					

- 2.7 In comparison the numbers of applicants passed in those same years are 2 in 2018, 5 in 2019 and 1 in 2020.
- 2.8 Licensing have also received correspondence which express the trades concerns on the impact COVID has had on their businesses and the potential future impact in recruiting new drivers, correspondence has been received from J. Iandolo, owner of Express Taxis, Helen Grant on behalf of an anonymous Maidstone Operator and Mark Jones, owner of Sapphire Cars through Ilsa Butler, One Maidstone (Appendix 2). Operators will have lost drivers because of the lack of work and will need to replace some of them when business picks up. Some licensed drivers will return to the trade but others that have found permanent secure work will not.
- 2.9 The concern the trade have is the amount of time it takes for an applicant to become licensed, currently an applicant must pass the knowledge test before they can submit an application to the Licensing Department. Under normal circumstances the tests are held every 3 weeks with the maximum number of candidates tested being 6, which has now increased to 8. Additional tests are arranged if there is an increase in demand. Tests were held in 2020 when the restrictions were lifted on 8,15,22 & 29 September and then reduced to fortnightly on 6 & 20 October and 3 November, the tests were reduced as the demand was not there for weekly tests. The testing was suspended again in November 20 when the new restrictions were brought in.
- 2.10 After reviewing the comments in the correspondence received, it is not proposed to change the test but to adjust it to assist the trade in getting new private hire drivers licensed in a shorter time. The majority of first time applicants are private hire drivers and the argument has always been that private hire drivers are prebooked and can use SatNav or Apps on their phones to get to their destinations. One of the options we can consider is to remove the Routes and Street sections from the private hire test as it is those area that candidates consistently fail on. The sections will remain for the Hackney and Dual test as they are expected to know the area and not rely on technology. This could be implemented for an agreed fixed term and reviewed after 6 or 12 months. Any Private hire drivers that wishes to become a Dual or Hackney driver will be required to take the Routes and Streets test before they can change their badge.
- 2.11 The alternative option is to keep the test as it is and lower the pass mark for the Routes and Streets sections to an agreed percentage for private hire drivers only. We could consider lowering the pass mark for all candidates for all tests. However, a higher standard is generally expected from Hackney and Dual drivers, also a lot of private hire drivers tend to become Dual drivers at a later date, they do quite well with the routes and streets section of the test because they have gained experience and knowledge of the area while working as a private hire driver.

#NAME?	Location:	Invited:	Confirmed:	Attended:	Cancelled:	No show:	Applicants passed since 15/9/20 - Improvement in pass rate after implementation of the changes to the test agreed in April 2021				
Policy change - Test attempts							Candidate Number	Applicants	Test No	Date of Test	Results
							MBC190521PH01	1	2nd Attempt	19/05/2021	Pass
24/07/2019	Maidstone House	6	6	6	0	0	MBC020621PH02	2	1st attempt	02/06/2021	Pass
21/08/2019	Maidstone House	5	5	5	0	0	MBC240621PH01	3	Had their 3 attempts in 2020 followed by a mandatory 6 month break. Passed at the first attempt in their 2nd round after the 6 month break.	24/06/2021	Pass
18/09/2019	Maidstone House	6	6	5	0	1	MBC070721PH05	4	2nd Attempt	07/07/2021	Pass
17/10/2019	Maidstone House	6	6	5	0	1	MBC070721PH04	5	1st Attempt	07/07/2021	Pass
14/11/2019	Maidstone House	5	5	4	0	1	MBC280721PH02	6	1st attempt	28/07/2021	Pass
10/12/2019	Maidstone House	4	4	2	0	2	MBC040821PH03	7	2nd attempt, but actually passed at 1st attempt	04/08/2021	Pass
19/12/2019	Maidstone House	3	3	2	0	1	MBC250821PH03	8	3rd attempt	25/08/2021	Pass
09/01/2020	Maidstone House	6	6	4	1	1	MBC010921PH01	9	1st attempt	01/09/2021	Pass
06/02/2020	Maidstone House	5	5	5	0	0	MBC080921PH01	10	1st attempt	08/09/2021	Pass
26/02/2020 *	Maidstone House	5	5	5	0	0	MBC080921PH05	11	2nd attempt	08/09/2021	Pass
04/03/2020	Maidstone House	5	5	4	0	1	MBC220921PH01	12	1st attempt	22/09/2021	Pass
							MBC290921PH04	13	3rd attempt	29/09/2021	Pass
First Lockdown							MBC061021PH05	14	1st attempt (100% all categories)	06/10/2021	Pass
							MBC201021PH04	15	2nd attempt	20/10/2021	Pass
15/09/2020 **	Town Hall	8	8	3	2	3	MBC271021PH05	16	3rd attempt	27/10/2021	Pass
22/09/2020 **	Town Hall	6	6	4	1	1	MBC271021PH06	17	2nd attempt	27/10/2021	Pass
29/09/2020	Town Hall	5	5	3	2	0	MBC031121PH01	18	1st attempt	03/11/2021	Pass
06/10/2020	Town Hall	3	3	3	0	0	MBC031121PH02	19	2nd attempt	03/11/2021	Pass
20/10/2020 **	Town Hall	6	6	5	1	0	MBC031121PH03	20	1st attempt	03/11/2021	Pass
03/11/2020 **	Town Hall	6	6	4	1	1	MBC031121PH05	21	2nd attempt	03/11/2021	Pass
							MBC031121PH06	22	3rd attempt	03/11/2021	Pass
Second Lockdown							MBC031121PH07	23	3rd attempt	03/11/2021	Pass
							MBC101121PH02	24	1st Attempt	10/11/2021	Pass
19/05/2021	Town Hall	3	3	2	0	1	MBC171121PH01	25	3rd attempt	17/11/2021	Pass
02/06/2021	Maidstone House	3	3	2	0	1	MBC171121PH04	26	1st Attempt	17/11/2021	Pass
16/06/2021 **	Maidstone House	4	4	3	0	1	MBC241121PH01	27	1st Attempt	24/11/2021	Pass
24/06/2021	Maidstone House	4	4	3	1	0	MBC241121PH05	28	2nd Attempt	24/11/2021	Pass
30/06/2021 **	Maidstone House	4	4	4	0	0	MBC241121PH07	29	1st Attempt	24/11/2021	Pass
07/07/2021	Maidstone House	5	5	5	0	0	MBC011221PH01	30	1st Attempt	01/12/2021	Pass
14/07/2021	Maidstone House	5	5	3	1	1	MBC011221PH03	31	3rd attempt	01/12/2021	Pass
21/07/2021	Maidstone House	5	5	1	1	3	MBC011221PH04	32	2nd Attempt	01/12/2021	Pass
28/07/2021	Maidstone House	3	3	2	0	1	MBC011221PH06	33	2nd Attempt	01/12/2021	Pass
04/08/2021	Maidstone House	5	5	4	0	1	MBC011221PH07	34	3rd attempt	01/12/2021	Pass
11/08/2021	Maidstone House	5	5	4	0	1	MBC011221PH08	35	3rd attempt	01/12/2021	Pass
18/08/2021	Maidstone House	4	4	3	0	1	MBC081221PH01	36	1st Attempt	08/12/2021	Pass
25/08/2021	Maidstone House	4	4	3	0	1	MBC081221PH02	37	3rd attempt	08/12/2021	Pass

#NAME?	Location:	Invited:	Confirmed:	Attended:	Cancelled:	No show:	Applicants passed since 15/9/20 - Improvement in pass rate after implementation of the changes to the test agreed in April 2021				
01/09/2021	Maidstone House	5	5	3	1	1	MBC081221PH03	38	3rd attempt	08/12/2021	Pass
08/09/2021	Maidstone House	5	5	5	0	0	MBC081221PH05	39	2nd Attempt	08/12/2021	Pass
15/09/2021	Maidstone House	5	5	4	0	1	MBC081221PH07	40	1st Attempt	08/12/2021	Pass
22/09/2021	Maidstone House	5	5	4	0	1	MBC081221PH08	41	1st Attempt	08/12/2021	Pass
29/09/2021	Maidstone House	5	5	5	0	0	MBC151221PH03	42	1st Attempt	15/12/2021	Pass
06/10/2021	Maidstone House	5	5	5	0	0	MBC151221PH04	43	2nd Attempt	15/12/2021	Pass
13/10/2021	Maidstone House	5	5	5	0	0	MBC221221PH01	44	3rd attempt	22/12/2021	Pass
20/10/2021	Maidstone House	5	5	3	0	2	MBC050122PH03	45	2nd Attempt	05/01/2022	Pass
27/10/2021	Maidstone House	7	7	5	0	2	MBC120122PH03	46	2nd Attempt	12/01/2022	Pass
03/11/2021	Maidstone House	8	8	7	1	0	MBC120122PH06	46	3rd attempt	12/01/2022	Pass
10/11/2021	Maidstone House	8	8	6	1	1	MBC120122PH07	48	1st Attempt	12/01/2022	Pass
							MBC190122PH04	49	2nd round, 3rd Attempt	19/01/2022	Pass
Tests since last report							MBC190122DD05	50	2nd Attempt	19/01/2022	Pass
							MBC260122PH01	51	1st Attempt	26/01/2022	Pass
17/11/2021	Maidstone House	8	8	7	0	1	MBC090222PH02	52	2nd Attempt	09/02/2022	Pass
24/11/2021	Maidstone House	7	7	4	0	3	MBC160222PH01	53	1st Attempt	16/02/2021	Pass
01/12/2021	Maidstone House	8	8	8	0	0					
08/12/2021	Maidstone House	8	8	8	0	0					
15/12/2021	Maidstone House	6	6	6	0	0	Yearly Comparison				
22/12/2021	Maidstone House	5	5	5	0	0	Year	No of tests	no of passes	% pass	
05/01/2022***	Maidstone House	3	3	1	0	2	2018	40	2	5%	
12/01/2022	Maidstone House	7	7	7	0	0	2019	58	5	8.62%	
19/01/2022	Maidstone House	5	5	4	0	1	2020	37	1	2.70%	
26/01/2022	Maidstone House	2	2	2	0	0	19 May 21 to 2 March 22	159	53	33.34%	
02/02/2022	Maidstone House	2	2	2	0	0	There has been a significant increase in the number of tests candidates passing since the Routes/Streets were removed.				
09/02/2022	Maidstone House	2	2	2	0	0					
16/02/2022	Maidstone House	1	1	1	0	0					
02/03/2022	Maidstone House	2	2	1	0	1					
Totals		273	273	218	14	41					
*One of the attendees was taking the Tunbridge Wells test at Maidstone House as we had availability.											
** Figures have been adjusted to include Hackney & Dual candidates.											
*** 2 additional laptops acquired, increased test capacity from 8 candidates to 10, not utilised as demand has dropped.											

Agenda Item 13

LICENSING COMMITTEE

17 March 2022

Hackney Carriage & Private Hire – Policy on Vehicle Age

Final Decision-Maker	LICENSING COMMITTEE
Lead Head of Service	John Littlemore, Head of Housing and Community Services
Lead Officer and Report Author	Sharon Bamborough, Head of the Licensing Partnership
Classification	Public
Wards affected	All

Executive Summary

Members may recall that in November 2020, as part of the review of the Hackney Carriage and Private Hire Licensing Policy, they agreed to a temporary amendment of the vehicle age part of the policy so as to allow older vehicles to continue being used due to the lack of trade during lockdown and the subsequent lack of 'wear and tear' and mileage that would have occurred as a result of the vehicles not being used as much.

A decision needs to be made whether to revert to the original policy on vehicle ages or to continue to allow the increased age limits for a further temporary period.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

That:

1. The age limit on Hackney Carriage and Private Hire vehicles be extended for a further six-month period until 30 September 2022; and
2. The following the six-month extension, the original age limit on Hackney Carriage and Private Hire vehicles be reinstated.

Timetable

Meeting	Date
Licensing Committee	17-03-2022

Hackney Carriage and Private Hire – vehicle age

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Cross Cutting Objectives	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Risk Management	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Financial	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	John Littlemore, Head of Housing and Community Services
Staffing	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Legal	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Robin Harris, Mid Kent Legal Services
Privacy and Data Protection	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Equalities	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

Public Health	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Crime and Disorder	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Procurement	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership
Biodiversity and Climate Change	<ul style="list-style-type: none"> <i>No implications have been identified</i> 	Sharon Bamborough – Head of the Licensing Partnership

2. INTRODUCTION AND BACKGROUND

- 2.1 At the Licensing Committee on 19th November 2020, as part of the review of the Hackney Carriage and Private Hire Licensing Policy, there was also a discussion around the policy on the usable life span of all licensed vehicles but with specific discussion around private hire vehicles.
- 2.2 Under Paragraph 4.3 and Appendix 5 (c) of the Policy, private hire vehicles should normally be replaced when they reach their 6 year anniversary.
- 2.3 Because of the various restrictions in place during the COVID19 pandemic, the Council recognised that vehicles would have been driven far less than in normal times and that the Trade had been particularly affected by the reduction in movement over the entire pandemic period. Licensing Committee recognised that vehicles would have accumulated much less mileage and so a temporary extension of the vehicle age limit would not adversely affect passenger safety.
- 2.4 A temporary amendment was requested, which was permitted within the Hackney Carriage and Private Hire Licensing Policy at page 26 as follows:

10. Departure from the Policy

There may be instances whereby the Council may need to consider applications outside the policy. Where it necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

Licensing Committee agreed the temporary amendment and the wording approved by the Chair and Vice-Chair is as follows:-

“Maidstone Borough Council have agreed for a period of time to extend the years for which vehicles can be licensed, Hackney Carriage vehicles may be licensed until 16 years old and Private Hire Vehicles until 7 years old. This temporary policy change will be kept under review and revert no later than March 2022.”

- 2.5 This policy change is due to expire at the end of March 2022 and the trade have requested that it be extended further. The Council recognise that the licensed trade are still experiencing financial difficulties with the increased costs for fuel and with the general costs of living, and would request that Licensing Committee agree to extending this temporary policy change a further 6 months until 30th September 2022.

3. AVAILABLE OPTIONS

- 3.1 *In respect of the proposal* to make a decision to:

Either:

Refuse to extend the amendment to policy

Or

Agree to the proposed extension to 30 September 2022.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Members are requested to extend the amendment to policy up for a further period up to 30 September 2022, for the following reasons:
- (i) this would support the trade and allow them to recover following the last 2 years of very reduced custom
 - (ii) due to the lack of ‘use’ many vehicles will still be in a similar condition as they would have been at the younger age
 - (iii) due to current rates of inflation and escalating fuel prices it is also timely to allow this extension so as to not require owners to have to purchase new/replacement cars at this time.

5. RISK

- 5.1 Failure to introduce the proposed extension to assist the trade could result in a shortfall of Maidstone licensed drivers / vehicles. This could see an increase in out of town drivers being in Maidstone illegally cashing in on the employment gap and ultimately causing enforcement issues for the Licensing Department.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 N/A

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Should Members approve the proposed extension by the trade it will be communicated to them.

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Hackney Carriage and Private Hire Licensing Policy:
[Maidstone Borough Council Taxi Licensing Policy 2021](#)

Licensing Committee

17 March 2022

Licensing Act 2003 Sub-Committee Hearings - Webcasting

Final Decision-Maker	Licensing Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Ryan O’Connell, Democratic and Electoral Services Manager Oliviya Parfitt, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

To provide the information required for the Committee’s consideration of whether to webcast Licensing Act 2003 Sub-Committee Meetings.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That all Licensing Act 2003 Sub-Committee Hearings, where open to the public, be webcast.

Timetable

Meeting	Date
Licensing Committee	17 March 2022

Licensing Act 2003 Sub-Committee Hearings - Webcasting

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of public engagement.</p>	Head of Policy, Communications and Governance
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>We do not expect the recommendation will materially affect achievement of cross-cutting objectives. However, they will support the Council's overall achievement of public engagement.</p>	Head of Policy, Communications and Governance
Risk Management	See Section 5 of the report.	Head of Policy, Communications and Governance
Financial	No impact identified.	Senior Finance Manager, Finance Team

Staffing	We will deliver the recommendations with our current staffing.	Head of Policy, Communications and Governance
Legal	Acting on the recommendations is within the Council's powers as set out in the Licensing Act 2003 (Hearings) Regulations 2005. There are no direct consequences arising from the recommendation that would adversely affect an individual's rights and freedoms as set out in the Human Rights Act 1998.	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	No impact identified.	Policy and Information Team
Equalities	No impact identified.	Equalities & Communities Officer
Public Health	No impact identified.	Public Health Officer
Crime and Disorder	No impact identified.	Head of Policy, Communications and Governance
Procurement	No impact identified.	Head of Policy, Communications and Governance
Biodiversity and Climate Change	Continuing online meetings would reduce transport and indirect carbon produced from transport used to attend meeting.	Biodiversity and Climate Change Manger

2. INTRODUCTION AND BACKGROUND

- 2.1 During the Covid-19 pandemic, where virtual meetings were permitted, all Council, Committee and Sub-Committee meetings (that were open to the public) were webcast live and recorded for playback. This included meetings of the Licensing Act 2003 Sub-Committee (the Sub-Committee).
- 2.2 Webcasting the Sub-Committee's meetings during that time increased the level of public engagement with the process. Whilst only parties relevant to the matter being considered by the Sub-Committee can formally engage with the meeting, these are still open to the public should they wish to attend in person to watch the proceedings.

- 2.3 Following the return to in-person meetings after May 2022, an operational decision was made, in consultation with the Chairman of the Licensing Committee, to continue with the pre-pandemic arrangement of in-person attendance only at Sub-Committee meetings. It is important to note that whilst beneficial, webcasting meetings of the Council is not a legal requirement. There are also times where, inevitably, technical problems arise that prevent a meeting from being webcast fully.
- 2.4 The decision outlined above was considered against the nature of Sub-Committee hearings, whereby the issue considered is specific in nature, with only those members of the public required for the Hearing permitted to take part. There had not previously been the demand for these meetings to be webcast.
- 2.5 However, several queries have been received since May 2022 as to why the Sub-Committee's meetings have not been webcast, particularly when the issue being considered is of local public interest.
- 2.6 Webcasting the Sub-Committee meetings would provide the flexibility for individuals to view the proceedings live or retrospectively. This also provides an alternative option for those unable to attend meetings during the working day and for those who feel unable to attend in person, which is particularly significant following the Covid-19 pandemic.

3. AVAILABLE OPTIONS

- 3.1 Option 1 – Agree that Licensing Act 2003 Sub-Committee Meetings be webcast live, where open to the public. This is the preferred option as it will increase transparency and allow more individuals to watch the proceedings and decisions made. It could limit the number of individuals in attendance should there be a resurgence of Covid-19 or increase in flu, for example.
- 3.2 Option 2 – Do Nothing. Members of the public would still be able to attend and watch the proceedings in-person.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 See point 3.1 above.
-

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. The main risk would concern the total or partial failure of the webcasting equipment however this is a consideration for all meetings webcast.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 There has not been any consultation prior to the Committee's consideration of the report. However, there have been several public enquiries into the webcasting of Licensing Act 2003 Sub-Committee Meetings.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If agreed, future Licensing Act 2003 Sub-Committee Meetings will be webcast live and recorded for playback, where open to the public (Part I).
-

8. REPORT APPENDICES

- Appendix 1: Additional facilities provided across other Kent Authorities.
-

9. BACKGROUND PAPERS

None.

Appendix 1: Additional facilities provided across other Kent Authorities.

Authority	None or no recent meetings	Audio	Video & Audio	Recorded
Ashford Borough Council – No Meetings held since 2020.	✓			
Canterbury City Council		✓		
Dartford Borough Council No Meetings held since 2020.	✓			
Dover District Council			✓	
Folkestone and Hythe District Council			✓	✓
Gravesham Borough Council	✓			
Sevenoaks District Council	✓			
Swale District Council			✓	✓
Thanet District Council			✓	✓
Tonbridge and Malling Borough Council			✓	✓
Tunbridge Wells Borough Council			✓	