

Runnymede Borough Council

Regulatory Committee

Tuesday, 27 September 2022 at 7.30 pm

Members of the Committee present: Councillors J Wilson (Chairman), E Gill (Vice-Chairman), J Broadhead and S Saise-Marshall.

Members of the Committee absent: Councillor T Burton.

240 **Minutes**

The Minutes of the meeting held on 6 June 2022 were confirmed and signed as a correct record.

241 **Apologies for Absence**

Apologies for absence were received from Councillor T Burton.

242 **Declarations of Interest**

There were no declarations of interest to record.

243 **Seat Belt Law for Children in Hackney Carriage and Private Hire Vehicles**

The Committee received for information a report setting out the legal position regarding seat belt requirements for children and young people in hackney carriages and private hire vehicles. This report had been requested at a previous meeting.

Members noted that all children had to be suitably protected when travelling; below the age of 14 years, the driver was responsible for this. The milestone dates in respect of the law on seat belts were 1983 when front seat belts were made compulsory, 1989 when made compulsory for children under 14, and 1991 when they were made compulsory for adults.

Officers advised that for children under the age of 3 an appropriate restraint was required in the front seat. If a taxi or private hire vehicle had no child seat, they could travel unrestrained in the rear of the vehicle (assuming the adult is holding the child). Where there was a child seat it should be used either in the front (if no airbag) or moved to the rear of the vehicle if using a rearward-facing baby seat and there was an air bag fitted. Between the age of 3 and up to their 12th birthday, children, whether in the front or rear of a vehicle, had to wear a suitable child restraint if available. If not available, an adult seat belt must be worn.

Members noted that children under 135cm in height had to use the correct child seat or restraint in the front seat, which could be moved to the rear of the vehicle. Once a child reached the age of 14 they had to use an adult seat belt.

The Committee noted that a driver or passenger failing to wear a seat belt faced a fixed penalty of £100, which could go up to £500 if the case was taken to court.

Members agreed there were practical and financial issues associated with the requirements, noting that many adults transporting children regularly were likely to 'self provide' the appropriate seating arrangements.

Officers confirmed they would send a reminder to drivers and operators of the law

regarding seat belts and children in their next newsletter and highlight this on the Council's website.

Officers were asked to enquire of the trade which did have child seats and update the Committee.

244 **The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022**

The Committee noted the contents of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the resulting implications for the Council's Licensing Policy which Members were asked to approve.

Officers advised that the new legislation was aimed at improving information sharing between licensing authorities by requiring them to record drivers' adverse licensing histories on a central database.

The Committee was pleased to note that the Council already did this and had done so since the National Register database (NR3) was first introduced by the Government in 2018. It was considered to be an essential part of the process to ensure drivers were fit and proper and to adhere to the prompt deadlines for keeping the register up to date and reporting accordingly.

Officers confirmed that the database was also used to record concerns about out of area drivers to the Council that issued the licence. Members agreed this was an important step to protect the public.

Officers agreed to amend any references to NR3 Register elsewhere in the policy to (or alternative) to reflect the fact that, although unlikely, the Government might at some stage choose a different database.

RESOLVED that –

- i) **the information regarding the taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act, be noted; and**
- ii) **the amendments to Runnymede's Hackney Carriage and Private Hire Vehicles Policy, within sections 4.41, 4.42 and 4.43 as set out below be approved:**

4.41 Where a hackney carriage/PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on the NR3 Register (or alternative), in accordance with the statutory requirements of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

4.42 The information recorded on NR3 register will be retained on NR3 register for a period of 11 years

4.43 Should a request be made to Runnymede for additional information from another authority we will comply with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR) and the Human Rights Act. Any information released shall be in accordance with the requirements of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

245 **The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022**

The Committee's approval was sought to amend the Council's Taxi and Private Hire Licensing Policy to reflect changes to the Equality Act 2010 made by The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. Officers also asked the Committee to approve a consultation in respect of introducing mandatory training for drivers and operators in

disability awareness.

Members were informed that The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 conferred amended and additional duties on licensing authorities and all drivers in respect of disabled people. The aim was to ensure disabled people could safely and comfortably access taxi and private hire services without being discriminated against.

The Council already maintained and published a list of vehicles that were accessible to wheelchair users, and had done so since 2017. The Act made this a requirement and defined a designated vehicle as one which was capable of carrying some, but not necessarily all, types of occupied reference wheelchairs. These being 700mm in width, 1200 mm in length and 1350mm in height.

Members noted that previously only drivers of vehicles on the designated list had to comply with the requirements of the Equality Act. The amended Act placed this duty on all drivers and operators regardless of whether the vehicle was wheelchair accessible. All drivers and operators had been advised of the new requirements in June 2022, which were also available on the Council's website.

The Committee noted the updated requirements and some of the practical issues that might occur as a result. For example the requirement to carry a wheelchair if the car was not wheelchair accessible. It was hoped that the number of accessible vehicles would increase, there being only 6 out of 81 such vehicles in Runnymede. However, Members appreciated that these vehicles were often more expensive in an already challenging trade.

Members agreed that wheelchair users would be well advised to contact an Operator first to make sure they could be accommodated if their wheelchair was not classed as a reference wheelchair.

In terms of penalties, the Act created a new offence for private hire operators who failed or refused to accept a booking by or on behalf of a disabled person, if they gave the reason that it was because of their disability rather than a justifiable reason such as the driver being medically exempt from providing mobility assistance. However, they were still bound by the other duties under the Act. The fine for non-compliance was currently up to £1,000 and would also attract a review of their licence in terms of being fit and proper.

Officers proposed that because this was a significant change for drivers and operators, the Council should consider whether drivers should be trained in both disability awareness and practical matters such as manual handling.

The Committee was interested to learn what elements could be contained within disability training. There were a number of providers and an approved procurement process for any future training packages would be followed. There were costs attached to training, which following the consultation, would need to be determined and if appropriate a supplementary budgetary estimate requested of Corporate Management Committee.

Officers would conduct the Consultation from 4 October – 16 November 2022 and report the outcome in a follow up report, to include any financial implications and recommendations to the meeting of the Committee in January 2023. It was agreed to include in the consultation contact with the Runnymede Access Liaison Group.

Subject to the outcome of the consultation with the trade and public, Runnymede's licensing condition would need to be updated.

RESOLVED that –

i) the changes to the Equality Act 2010 with respect to taxi and private hire car

drivers and operators' obligations to disabled persons, and the duty on the Council as licensing authority, to maintain and publish a designated list of wheelchair accessible vehicles, be noted;

- ii) the amendments to the Runnymede Hackney Carriage and Private Hire Licensing Policy as set out in Appendix 'A' be approved; and**
- iii) Separate to ii) above, and in accordance with the provisions set out in the Council's Constitution regarding consultation requirements (Annexes 3 and 4 of the Scheme of Delegation), Members approve a consultation with the public and the taxi trade regarding the introduction of mandatory disability training.**

(The meeting ended at 8.23 pm.)

Chairman