

LICENSING COMMITTEE

2 March 2015

PRESENT: Councillor Mrs Brandis (Chairman); Councillors Mrs Blake, Mrs Bloom, Hawkett, Huxley, Lambert, Mills, Mrs Renshell, Sir Beville Stanier and Vick. Councillor Stuchbury attended also.

1. MINUTES

RESOLVED -

That the Minutes of 5 January 2015 be approved as a correct record.

2. DECLARATIONS OF INTEREST

Councillor Lambert declared a personal interest in item 3 relating to the Taxi Unmet Demand Survey, as he knew a hackney cab driver who was making representations to the committee. Councillor Lambert left the room while the item was being discussed and took no part in the decision.

Councillor Lambert also declared a personal interest in item 4 relating to the Review of the Penalty Points System as he knew one of the hackney cab drivers present at the meeting.

3. TAXI UNMET DEMAND SURVEY

The number of hackney carriages (taxis) serving Aylesbury town had been limited to 50. They were black, purpose built taxis displaying a white plate on the rear. Outside the town in the rural district the Council did not limit the number of taxis and there were 11 white, purpose built taxis displaying a red plate on the rear.

Section 16 of the Transport Act 1985 permitted the Council to limit the number of taxis in respect of which licences were granted, if, but only if, the Council was satisfied that there was no significant demand which was unmet.

According to the Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance dated March 2010, the Department for Transport encouraged a review of quantity restriction policies every three years. The Department regarded no quantity restrictions as best practice but acknowledged that ultimately what mattered is what was in the interests of the taxi travelling public. This involved balancing the benefits or

disadvantages of continuing to limit and the benefits or disadvantages of removing the limit.

The last full review had been carried out in 2008 and concluded that there was no significant unmet demand. In 2011, as circumstances appeared not to have changed in any meaningful way since the 2008 survey the Council appointed a consultant to carry out a 'health check' review of the Council's policy. The review concluded that there was no need for a full review of potential unmet demand at that time as there was no evidence to suggest that circumstances had changed since 2008 which might lead to significant unmet demand. It was recommended and Members of the Licensing Committee agreed that an independent review of the policy be undertaken in late 2014 with the findings being implemented in 2015.

Vector Transport Consultancy had been appointed to undertake the survey which was attached as an appendix to the report. Ian McDonald of Vector Transport Consultancy attended the meeting and answered questions relating to the survey from both Members of the committee and members of the Hackney Carriage Association (white plates), the Red Plate Drivers and the GMB Union who also attended and made representations to the committee.

The report concluded that there was no significant unmet demand. Therefore the Council could continue to limit the number of taxis serving the town of Aylesbury and fix the limit at 50. It further acknowledged that the white plated taxis *'operate a well coordinated and controlled trade organisation. They own a licensed operator company, which accepts telephone bookings as well as rank hires. The organisation monitor the location of drivers and assign drivers to ranks to cover demand.'* The report also stated *'the presence of such an organisation can provide a greater public benefit, than if the trade comprised of solely owner drivers, without a collective approach to the trade'*.

The report also identified two additional issues. Firstly touting and plying for hire by private hire vehicles was seen as significant in Aylesbury town centre. From the feedback consultation it appeared to be largely conducted by *'a minority of repeat offenders, rather than the majority of drivers'*. Additional enforcement work would be organised in 2015. Drivers found to be unlawfully plying for hire would have their licences suspended and repeat offenders' licences would be revoked.

The second issue related to the red plated rural taxis. In 2014 the rural taxis formed a Hackney Carriage Association and commissioned their own report from CTS Traffic and Transportation to review options for taxi licensing provision in the Vale. They had also sought the assistance of the GMB Union. Although their report had been made available to Vector Transport Consultancy it was not circulated with the agenda report. However, some of the CTS report was reflected in the appendix referred to above. One suggestion asked that the Council consider allowing red plate taxis to ply for hire within Aylesbury Town. Members noted that Hackney Carriage licences were only effective in the zones to which they relate, i.e. white plate taxis in the town of Aylesbury and red plates in the rest of the Vale.

A number of representations were made at the meeting relating to illegal touting by private hire vehicles, how the survey was undertaken and the length of time taken to do it, the need for side plates on private hire vehicles, the numbers of vehicles "on the road"

at different times of the day, the fares charged, extending the area that white plate drivers use, and the location of the rank in Buckingham.

Members also asked a number of questions and sought clarification on issues relating to results shown in the survey, the number of vehicles off the road at any one time, the night time economy and the increase in the number of private hire vehicles.

It was confirmed that issues concerning red plates would be considered at a later date when the Taxi and Private Hire Policy was reviewed.

RESOLVED –

- (1) That the Members noted the findings of the report compiled by Vector Transport Consultancy in relation to the Council's taxi limitation policy attached as an appendix to the report.
- (2) That the Cabinet Member for Environment and Health be asked to take a decision to maintain the limit of 50 hackney carriages in Aylesbury Town.

3. REVIEW OF THE PENALTY POINTS SYSTEM

During 2014 the Licensing Committee agreed a penalty points system for taxi enforcement. The procedure that subsequently received Cabinet Member approval was attached as an appendix to the report. The purpose of the system was to provide a more transparent, targeted, consistent and structured approach to taking enforcement action in respect of certain and usually repeated breaches of the Council's taxi standards. The introduction of the points system of enforcement had been in response to the continuation of a significant level of contraventions for breaches and offences for which a regulatory sanction such as a suspension would not be warranted. However it had been agreed that should points be imposed each time a driver fails to meet the Council's standards and those points 'tot up' above an agreed level of 12 it would then trigger a review of the driver's suitability to continue to be licensed.

The first time points were issued had been during a joint enforcement operation with roads policing, which had not been well received by the private hire trade. An email was subsequently received from the 'Aylesbury Private Hire Association' and a written response was then sent to all private hire operators. A copy of both the email and the letter were attached as appendices to the report.

In addition a meeting was convened with a number of private hire operators, the Aylesbury Hackney Carriage Association and also the Chair and Vice Chair of the Licensing Committee. It was agreed that the points system would be continued as originally drafted but would be reviewed and a report brought before the Licensing Committee. Notes arising from that meeting were attached as an appendix to the report.

Also attached as an appendix to the report was a summary of points that had been issued and which breaches they related to. It was reported that four appeals had been received. The most common breach related to drivers not wearing their badges. Other breaches included not maintaining fire extinguishers and first aid kits.

Other concerns raised at the meeting mentioned above included difficulties posed in respect to medicals and Driver Standards Agency taxi test. It was intended to review and publish a new copy of the Council's policy on taxi and private hire later in 2015 and these issues would be covered then.

Members raised concerns over the time taken for CRB checks to be carried out before a new driver was cleared. The checks were carried out by the police so it was out of the Councils remit on how long they took. Some checks required more detailed enquiries. The checks did not show up arrest records regardless of whether the arrest resulted in a prosecution or not.

As well as AVDC's licensing officers, it was confirmed that PCSO's, traffic enforcement officers, and in the future BCC's schools contracts officers were able to issue penalty points

It was also hoped in the future to introduce a more streamlined scheme, via the Council's website, for members of the public to lodge complaints about drivers.

RESOLVED -

- (1) That the Members noted the review of the penalty points system for taxi enforcement and agreed that it would continue in its present form.
- (2) That the Members noted that a revised draft Taxi and Private Hire Policy would be brought back before the Licensing Committee in June 2015 for comment and discussion prior to consultation with the trade and partners.