



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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30 January 2020

LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Tuesday 11 February 2020** in **The Paralympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Craig Saunders , csaunders@aylesburyvaledc.gov.uk;

Membership: Councillors: S Renshell (Chairman), T Mills (Vice-Chairman), M Collins, P Cooper, M Hawke, S Lambert, L Monger, S Morgan, G Powell, B Russel and Sir Beville Stanier Bt (ex-Officio)

AGENDA

1. APOLOGIES

2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

3. MINUTES (Pages 3 - 4)

To approve as a correct record the Minutes of the meeting held on 4 November, 2019.

4. DECLARATIONS OF INTEREST

Members to declare any interests.

5. UNMET DEMAND SURVEY FOR HACKNEY CARRIAGES (Pages 5 - 8)

For Members to consider the attached report.

Contact officer: Simon Gallacher 01296 585083

6. DATE OF NEXT MEETING

The next and last meeting of the Licensing Committee will be held at 10am on Monday 16 March, 2020.

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LICENSING COMMITTEE

4 NOVEMBER 2019

PRESENT: Councillor S Renshell (Chairman); Councillors T Mills (Vice-Chairman), M Collins, P Cooper, M Hawke, S Lambert, S Morgan, G Powell, B Russel and Sir Beville Stanier Bt (ex-Officio)

APOLOGY: Councillor L Monger

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 9 September, 2019, be approved as a correct record.

2. MANDATORY CSE SAFEGUARDING TRAINING FOR TAXI AND PRIVATE HIRE VEHICLE DRIVERS

The Committee received a report for Members to consider on an amendment to the taxi and private hire licensing arrangements to ensure that licensed drivers had undergone Child Sexual Exploitation (CSE) safeguarding training.

The Committee was informed that it was proposed that the training be a mandatory requirement to be imposed on all new existing and renewing drivers. Since training had begun the council had hosted 72 training sessions with a continuing 3 sessions available each month. On completion of the training each driver was given a card highlighting training details and an attendance certificate.

The Committee also heard that awareness of the training had been raised through the AVDC website with regular email reminders to drivers and operators informing them of the consequences of their drivers not undertaking the training. The feedback from operators was that the training was a good thing to do and there had been positive feedback from those that have taken part. AVDC had one of the highest number of drivers in the country being 7th or 8th. There was a sizeable minority of about 15% that had still not attended the training. There was some conjecture and discussion as to the reasons for non attendance.

Members were informed that there were concerns around passenger safety in regards to those drivers that had not or were not willing to attend the training.

The Committee raised some concern in cases where drivers had stated that they had been trained by another authority. It was explained that training provided in local councils and where it could be shown the training was the same were being accepted. However, where this could not be shown, and due to the fact that such training had been recently updated (to include for e.g. County lines) then the requirement to attend a training session locally remained.

The Committee heard that refresher training would be provided and noted that there would be not be too much lapse in the time between the refresher training. The Buckinghamshire Safeguarding Board had been invited and would be attending the training given with the inference that they could provide input if they considered it appropriate.

The Committee also heard that training was continuous for new drivers and renewal drivers and continued to be provided on a monthly basis.

Members were keen to ensure that the drivers were made aware of the imposed training/timetable and the consequences of not complying . The Committee heard that in addition to all those efforts made to date it was also intended that each driver would be contacted by telephone.

The Committee was informed of the requirement for any change to the licensing arrangements to be reasonable and proportionate.

RESOLVED –

To agree an amendment to the current licensing arrangements to ensure all licensed taxi and private hire vehicle drivers had undergone Child Sexual Exploitation safeguard training. Specifically, any licensed driver who had not attended the council's training by 31 January 2020 would have their licence suspended with immediate effect, until such time as they had satisfactorily attended the council's approved training session.

REPORT ON THE COUNCIL'S LIMITATION POLICY IN RESPECT OF AYLESBURY TOWN

Andrew Small

1 Purpose

- 1.1 For Members to consider the commissioning of an unmet demand survey in respect of the Council's hackney carriage limitation policy for Aylesbury town.

2 Recommendations/for decision

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| <ol style="list-style-type: none">2.1 For Members to agree to the commissioning of an unmet demand survey in respect of the Council's hackney carriage quantity control policy for Aylesbury town for the reasons set out in this report. |
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3 Supporting information

- 3.1 The number of hackney carriages (taxis) serving Aylesbury town is currently limited to 50. They are identifiable as black, purpose built taxis displaying a white plate on the rear. Outside the town in the rural district the Council do not limit the number of taxis.
- 3.2 Section 16 of the Transport Act 1985 permits the Council to limit the number of taxis in respect of which licences are granted, if, but only if, the Council is satisfied that there is no significant demand which is unmet. Case law has established that where an authority cannot be satisfied that there is no unmet demand, it has no discretion to refuse to grant further licences for the purposes of limiting numbers.
- 3.3 According to the Department for Transport Taxi and Private Hire Licensing: Best Practice Guidance dated March 2010, the DfT regards no quantity restrictions as best practice but acknowledges that ultimately what matters is what is in the interests of the taxi travelling public. This involves balancing the benefits and disadvantages of continuing to limit against those for removing it.
- 3.4 The only meaningful way that an authority can be satisfied that there is no significant unmet demand, to assess the benefits and disadvantages of imposing a limit, and to determine an appropriate level at which to set a quantity restriction, is to conduct a survey. Surveys need to be sufficiently robust to withstand legal challenge and should entail monitoring waiting times at ranks, assessing waiting times for hailing customers, waiting times for advanced bookings, latent demand and consultation with the trade, passengers and wider stakeholders.
- 3.5 In line with DfT guidance, licensing authorities are encouraged to review quantity restriction policies at least every three years.
- 3.6 The last full and detailed survey was carried out in 2014. The survey concluded that there was no significant unmet demand. If the current DfT Best Practice is to be strictly applied, demand should have again been surveyed in 2017.
- 3.7 In September 2017 the Licensing Committee agreed to defer carrying out an unmet demand survey to give hackney carriage vehicle proprietors the opportunity to upgrade their vehicles in accordance with pending revised vehicle specifications. Members felt it was important that the availability of a fleet of new vehicles should be taken into account when considering demand for taxis. Since this time the Licensing Service has worked with representatives of the local hackney carriage trade and agreed specification details for hackney carriage vehicles.

- 3.8 Access to ranks continues to be a contentious issue in Aylesbury town centre. Bucks County Council have implemented a number of changes to parking and traffic arrangements in Aylesbury Town Centre, which includes the installation of parking meters and the removal or relocation of some ranks. Representatives from the taxi trade have reported for a number of years now that these changes are causing them financial hardship and adversely affect their ability to serve travelling members of the public.
- 3.9 The Licensing Committee agreed both in May and September of 2018 to defer the decision to carry out an unmet demand survey in respect of AVDC's hackney carriage quantity control policy for Aylesbury Town Centre. It was felt that until the long term provision of parking, ranks and traffic arrangements is established in the town centre it would be difficult to conduct a meaningful unmet demand survey. It was expected that the long term provision of ranks in the town centre would become clearer in 2019 following planned consultations by the county's parking services. Due to a number of factors this consultation work is yet to be done and the long term provision of ranks in the town centre is still not clear. Any significant change to parking arrangements requires comprehensive surveys and extensive consultation and Bucks CC parking services have confirmed that as a consequence there will be no change to the local parking arrangements in the near future
- 3.10 It was reported at the meetings in 2018 that the DfT were expected to publish new best practice guidance to replace the guidance published in 2010. It was suggested that new guidance may offer a revised view on limitation policies. To date this guidance is yet to be published and there is not further indication of a likely timescale.
- 3.11 In summary, at least 5 years have passed since the last unmet demand survey was commissioned. The legal position is clear that licensing authority's can only refuse to grant additional hackney carriage licences if they are satisfied there is no significant demand for taxis which is unmet. The only meaningful way to establish this is by way of a comprehensive survey. The longer the period that has lapsed between surveys, the less certain the Council can be concerning decisions relating to limitation policies and the greater the risk to legal challenge.
- 3.12 Due to the comprehensive and specialist nature of these surveys it is advisable that an external company be commissioned to conduct this work.

4 Options considered

- 4.1 The Council could once again defer conducting a survey and allow the matter to be considered by the new Buckinghamshire Council.
- 4.2 The Council could decide that a limitation policy is no longer necessary in which case a survey would not be necessary.
- 4.3 The Council could commission an unmet demand survey.

5 Reasons for Recommendation

- 5.1 The Council could defer conducting a survey, however a considerable period of time has lapsed since the last survey. Any decision to refuse to grant a taxi licence may be challenged by way of appeal and future decisions to refuse on the basis of a limitation policy needs to be based on reliable information. The longer the period between surveys renders those decisions more liable to successful challenge.

- 5.2 A decision to remove the limitation policy would entail a change to Council's policy and should only be made following consultation with stakeholders. It is recommended that no significant policy changes be considered at this stage of the unitary process but left to the new Buckinghamshire Council after 1 April 2020.
- 5.3 In the meantime it is recommend that the Council instigate the work on a survey. The survey can be commissioned to begin with immediate effect and the results used to help shape future policy under the new Council.

6 Resource implications

- 6.1 The cost of the survey will be covered within existing budgets.

Contact Officer	Simon Gallacher Ext 5083
Background Documents	None

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