

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 1 MARCH 2012

PRESENT: Councillor P N Shepherd - Chairman
" D G Meacock - Vice Chairman

Councillors: S P Berry
M J Cunnane
P J Hudson
P M Jones
S A Patel
M Prince
N Stewert
H A Trevette
M Vivis

APOLOGIES FOR ABSENCE were received from Councillors Mrs J A Burton, G K Harris, D J Lacey and C H Spruytenburg.

ALSO IN ATTENDANCE: Councillor N L Brown

Note: before the meeting began, the Chairman apologised for any inconvenience the earlier start time to the meeting may have caused. He advised that he had requested the change in light of the Conservative Constituency Annual General Meeting which he had believed was taking place the same evening, and would require a large number of Committee members to leave early to the detriment of effective decision-making. The Chairman added that there had been a genuine error regarding the date of the AGM, and he re-iterated his apology.

21 MINUTES

The Minutes of the meeting held on 24 November 2011, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

22 INFORMATION UPDATE

The Head of Health and Housing advised Members that there was some disquiet from the taxi trade at present since a driver had been issued with a parking ticket whilst parked on a taxi rank. It was noted that on-street parking enforcement was now the responsibility of the County Council, and the matter had been referred to them. However, there remained confusion from the trade over responsibility due to Chiltern's previous role. The County Council had also been asked to check the legality of issuing the ticket to a licensed vehicle on a taxi rank, and the driver had also been advised of the appeals procedure.

On a separate matter, it was noted that the Taxi Forum meetings – which involved Councillors, drivers, operators, the police and Bucks Highways – had been very productive. Particular issues around a nightclub in the District had been looked at, and it was hoped that Councillor Trevette, a member of the Forum, would be able to provide a positive update at a future meeting.

23 DECLARATIONS OF INTEREST

There were no declarations of interest.

24 MINUTES OF THE LICENSING SUB COMMITTEE

The Minutes of the Licensing Sub Committee meeting held on 1 March 2011, copies of which had been previously circulated, were agreed by the Committee.

25 STREET TRADING POLICY

The Committee considered a draft statement of policy detailing the Council's framework for the management of street trading. It aimed to prevent the obstruction of streets, ensure the safety of persons using them, and prevent nuisance to neighbouring residents and businesses.

The Licensing Officer advised that he had been asked to report the concerns of a Member regarding the impact of street trading on local shops, particularly in Amersham and Chesham which had markets; and given the economic climate. The Member had also highlighted that local shops were required to pay business rates, and it was suggested that the terms and conditions for street traders could be reviewed to make the fees comparable with what shop owners were required to pay.

Local Members were of the opinion that the Chesham Market actually brought people into the town and was of benefit to local shops.

Concern was raised that 'chuggers' (a portmanteau of "charity" and "mugger") were not included within the policy. However, it was noted that chuggers did not need a licence because they were getting people to give their addresses and signatures with a pledge to provide a direct debit payment, and not collecting cash. As such, regulation was through the Public Fundraising Regulatory Association (PFRA) and the Charity Commission.

It was noted that it could take approximately 6-8 weeks for a consent street to be designated due to the requirement for consultation with responsible authorities and for reports to Committee.

The Chairman noted that street trading was a complex area with many issues arising. All Members were encouraged to respond to the consultation.

Members considered that a review of the current consent streets could be undertaken to ensure that they were appropriate, together with an assessment

of whether any other areas should be designated consent streets. After requesting such a report, it was

RESOLVED –

- 1. That the Statement of Licensing Policy be submitted to a 12-week consultation with local businesses and other relevant bodies.**
- 2. That the policy be amended following the consultation period and that a further report be submitted to the Licensing and Regulation Committee before approval of the final policy by Cabinet.**

26 REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee considered suggested revisions to the Hackney Carriage and Private Hire Policy in respect of the licensing and control of Hackney Carriage and Private Hire vehicles, drivers, proprietors and operators. Any proposed changes would be the subject of consultation with the public, trade and other agencies.

Immediate Implementation

Proposed for immediate implementation, was a requirement for a 'licence suspended' sticker to be placed on the rear external plate when the vehicle had failed a vehicle safety inspection. Since requiring such inspections to be undertaken at four approved garages, the Council had received notification of 5 'fails' – ranging from illegal tyres to worn brakes – and it was considered in the public interest for the stickers to be used. It was noted that the operator employing the driver was also informed by Council Officers.

To prevent the deliberate removal of the stickers, it was moved by Councillor N Stewert, seconded by Councillor D Meacock and agreed that additional wording – delegated to the Head of Health and Housing – be included to the effect that removal of the sticker by anyone other than a representative of the Licensing Authority would constitute a breach of the licence.

After requesting that the consultation also include reference to the use of mobile phones within licensed vehicles, it was

RESOLVED –

- 1. That the conditions of Hackney Carriage Vehicle licences, and conditions of Private Hire Vehicle licences be amended to require a licence holder to display a “Licence Suspended” plate on the rear of the vehicle during the permitted seven day period provided by Section 58 of the Local Government (Miscellaneous Provisions) Act 1976, following the service of a Section 68 notice on their vehicle.**

2. **That an Authorised Officer of the Council be permitted to attach the “Licence Suspended” sign to the vehicle following its suspension; removal of the sign to only be undertaken by an Authorised Officer of the Council.**
3. **That the conditions of Hackney Carriage Vehicle licences, and conditions of Private Hire Vehicle licences be amended to the effect that removal of the “Licence Suspended” sticker by any person other than an Approved Officer of the Council, would constitute a breach of the licence; authority delegated to the Head of Health and Housing to determine the appropriate wording.**
4. **That the appropriate use of mobile phones in licensed vehicles be included in the consultation.**

Vehicles

The Committee considered the option to amend the conditions to require Hackney Carriages to have roof signs 18 inches wide, with only the word ‘Taxi’ on the front and back. After noting that this would provide consistency and enable the public to clearly identify an approaching Hackney Carriage, it was

RESOLVED –

5. **That for consultation purposes, the existing conditions be amended to require roof signs for a Hackney Carriage to be a minimum of 18 inches wide and that only the word ‘TAXI’ on the front and rear of the roof sign may be displayed (this excluded purpose built Hackney Carriages with inbuilt roof signs).**

The Committee considered the option to amend the conditions to require that vehicles should be no older than 4 years at initial application and no older than 10 years on subsequent renewal. It was also proposed that no application to change an existing licensed vehicle would be granted where the proposed vehicle was older than the vehicle being replaced.

A Member suggested that the requirements could be amended to: no older than 3 years at initial application and no older than 8 years on subsequent renewal. However, it was acknowledged that taxi drivers were low earners, and in the current financial climate many would find compliance difficult. There were also concerns regarding whether insurance payouts would cover the cost of an appropriate replacement vehicle if a driver had their vehicle written off through no fault of their own. On balance, the Committee endorsed the recommendation for 4 and 10 years. However, the need for historic vehicles to be exempt from these requirements was noted.

After noting that this would help provide a modern fleet compliant with European Standards on safety and emissions, and suggesting that emission checks also form part of the consultation, it was

RESOLVED –

- 6. That for consultation purposes, the conditions be amended to require that licensed vehicles should be
 - a) no older than 4 years at initial application; and,**
 - b) no older than 10 years on subsequent renewal.****

- 7. That for consultation purposes, the Policy be amended to permit refusal to grant a change of vehicle, where the proposed vehicle is older than the existing vehicle.**

The Committee considered the option to amend the Private Hire policy to provide a framework detailing the requirements for an executive plate to be issued. The report detailed the information that would need to be provided. The Licensing Officer advised that the intention was to tighten the rules governing the issue of executive plates to prevent abuse.

Members were not supportive of the additional administrative burden that the framework would place on all concerned. Instead it was suggested that the existing £63 fee for executive plates could be increased to dissuade abuse. Members were also of the opinion that the issue of executive plates could be restricted to particular prestige vehicles. It was acknowledged that this would likely require specific models of vehicle to be named.

RESOLVED –

- 8. That the consultation include consideration of:
 - a) a fee increase for Executive Plates; and,**
 - b) restricting the issue of Executive Plates to specific types of prestige vehicles.****

The Committee considered the option to amend the policy to introduce a 'Non-Standard' Private Hire Vehicle category for, for example, stretched limousines.

It was noted that any use of a vehicle for a purpose other than its intended use generally moved it outside of the manufacturer's original specification. As such, there were significant public safety issues to be addressed when licensing such vehicles. However, it was acknowledged that the Department of Transport's Best Practice Guidance suggested licensing such vehicles, in order to bring the vehicle, operators and drivers within the licensing provisions and enable controls.

Members noted that there would be issues around the frequency of testing, and the types of vehicle that would qualify as "Non-Standard". After noting that further detail would be provided following the consultation, it was agreed that the principle be explored.

RESOLVED –

- 9. That for consultation purposes, the Policy be amended to introduce a “Non- Standard” Private Hire Vehicle category.**

Drivers

The Committee considered the introduction of a three-year badge for Private Hire and Hackney Carriage drivers at the request of the trade.

At present, the Council’s policy was to licence both vehicles and drivers for a maximum period of one year. Although legislation required vehicles to be licensed every year, driver’s badges could be issued for up to a maximum of three years.

Members were advised that this proposed change would not impact on medicals for drivers. It was suggested that the approach taken at neighbouring authorities, particularly South Bucks District Council, could be explored.

It was noted that Best Practice Guidance suggested that where an authority issued three-year licences, it should also consider continuing to offer annual licences. As such, Members expressed concern that the introduction of three-year badges would create two separate renewal procedures. Members also acknowledged that the Council had just moved away from a fixed annual renewal period to a rolling renewal of licences.

Following a vote, it was determined that the proposal would not be consulted on at this time. However, Members agreed that the idea be considered again at a more appropriate time.

RESOLVED –

- 10. That the introduction of a three-year licence for Private Hire and Hackney Carriage Driver’s Badges be considered again in 12 months time.**

The Committee considered the option to require all applicants registered in the UK for less than 5 years to submit a certificate of good faith from their national embassy.

Members expressed concern that a certificate from a national embassy would provide little value. However it was noted that this was recommended best practice by the Department of Transport.

The Committee agreed to consult on the requirement but agreed it should be for a ‘police report from their country of origin’ rather than a ‘certificate of good faith from their national embassy’.

RESOLVED –

- 11. That for consultation purposes, the licensing policy be amended to require all new applicants registered in the UK for less than 5 years to submit a Police Report from their country of origin as part of their application for a driver or operator licence.**

The Taxi Licensing Policy currently required a medical certificate with any application for a Hackney Carriage or Private Hire driver's badge. The Committee considered a request from the trade to remove this condition to allow drivers holding a current licence to apply for a Private Hire or Hackney Carriage driver's licence without the expense of an additional medical.

It was noted that the impact of this would be that the Council would be relying on an old medical examination when issuing an alternative licence or on the honesty of the individual to self declare - following a medical examination – a change in their medical status.

The Committee considered alternative approaches, including commissioning a medical advisor to issue all medical examinations for a standard fee. However, it was suggested that this could have significant implications if a Council appointed medical advisor approved a driver who subsequently had an accident due to health reasons.

The need for medicals at all was questioned by one Member, since it was unlikely that a medical could discern if a driver would pass away whilst driving. However, it was noted that it was considered best practice for drivers to undergo medicals.

It was noted that the concern of the trade related to the cost of the medicals. The Committee agreed to consult on the requirement for only one medical certificate to be provided when an applicant applied for more than one licence.

RESOLVED –

- 12. That the consultation include consideration of the requirement for drivers to provide only one medical certificate when applying for more than one licence.**

The Committee considered the introduction of a Disability Awareness Test to address an increase in receipt of complaints relating to the treatment of persons with various mental and physical disabilities.

It was agreed that Disability Awareness 'Training' rather than a 'Test' would be more appropriate for new and existing applicants. After agreeing that members of the Licensing and Regulation Committee should also attend the training, it was

RESOLVED –

- 13. That for consultation purposes, the policy be amended to introduce Disability Awareness Training.**

The Committee considered the introduction of a “points system” that could be applied to existing licence holders for breaches of conditions.

The Committee noted that this would enable a gradual application of standards and avoid the risk of appeal if a suspension was determined for minor infringements. It was considered that a points system would provide a greater degree of control than a verbal or written warning could do. The Committee were very supportive of the proposal and encouraged drivers to respond to the consultation. It was noted that further detail on the scheme would follow the consultation as appropriate.

It was also agreed that the policy be reviewed to address how multiple offences might be applied to new applicants. Members also considered that there was a need to review the guidelines for existing drivers to help Members make decisions when dealing with the immediate nature of Section 51 suspensions.

RESOLVED –

- 14. That for consultation purposes, a penalty points system be introduced to the Enforcement Policy.**

- 15. That the consultation include consideration of:**
- a) how multiple offences might be applied to new applicants; and,**
 - b) revised guidelines for existing drivers in relation to the immediate nature of Section 51 suspensions.**

The Committee agreed that in all cases, consultees be encouraged to provide alternate ideas / suggestions.

Note: Councillors D G Meacock, S A Patel, and N L Brown entered the meeting at 6.27pm, 6.31pm and 6.34pm respectively.

**27 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE FARE INCREASE**

The Table of Fares had last been considered by the Committee on 2 June 2011 when it was agreed that they should remain at their existing levels.

The report now before the Committee followed a fresh request from the Chiltern District Drivers’ Association (CDDA) for an increase in the Hackney Carriage Table of Fares, as detailed in the report.

The Hackney Carriage fares had last been increased on 1 November 2008, with a 10% increase bringing the cost of a two mile journey to £5.20. This had followed a request from the CDDA after a significant increase in fuel prices in June 2008. Since this time, motoring expenditure had fallen sharply with significant decreases in oil and fuel. However, it was reported that fuel had again risen, and in February 2012 it had exceeded the 2008 high.

The report provided a table detailing the existing fares alongside increases in line with the Retail Price Index (3.9%), the Baxter index (6%), and the recommendations of the CDDA (approximately 12%). Figures from the Drivers Association showing Chiltern's tariffs in relation all other authorities, was circulated at the meeting.

The Committee also considered the movement of petrol and diesel prices over time; the movement of the Consumer Price Index, Retail Price Index, and Inflation; and the comparative costs in neighbouring authorities for a two-mile journey. The report also detailed the various costs that could be considered for a typical driver in one year, including insurance, road tax, MOT, compliance test, CRB check, medical certificate and licence renewal.

It was noted that in the Private Hire Association League Tables of Fares, Chiltern was ranked 216th out of 363 Councils nationally based on a two-mile journey. The last time a fare increase had been considered, Chiltern was ranked 171st. It was noted that to restore Chiltern to this position would require a £0.20 increase on the existing two mile. Members noted that this could be achieved by applying an RPI increase to the table of fares. Officers considered that an increase of 4% would be appropriate, which was broadly in line with the Retail Price Index.

Members were mindful of the need to take into account the effect on those persons less able to afford the fares and who might not be able to access other forms of transport. However, it was also necessary to acknowledge the increases in fuel, and that the RPI and Baxter indices indicated that an increase was appropriate.

A Member suggested that it would help the Committee when determining the Table of Fares if a formula based approach could be adopted which would provide a scientific basis for amending the Table of Fares. The Head of Health and Housing advised that extensive quantitative data had been provided for the Committee to make a determination. It was for the Committee to determine the weight given to the various information provided. It was considered that using one formula would provide less quality data for Members.

On balance, the Committee agreed that a 4% increase would be appropriate. Regarding concerns about the night-time rate charged in Chiltern compared to other authorities, it was noted that comparisons were difficult for anything other than the two-mile rate, due to variances in approach. The Committee agreed that when the Table of Fares was considered again in 12 months time, all the tariffs and night rates be reviewed.

The Head of Health and Housing advised that the recommendation to increase fares by 4% would require the proposals to be advertised in the local press, in accordance with the legislative requirements.

A copy of the proposed Table of Fares would be sent to all Hackney Carriage licence holders and the trade organisation representing them. If no objections were received the fares would automatically come in to effect on the advertised date.

If there were objections to the changes within the statutory period, they would be referred back to the Committee for further consideration. The Committee would then make a final recommendation to the Head of Health & Housing on whether to confirm or amend the proposed changes to the Table of Fares, including the date it was to come in to force.

It was noted that the 'extra charges' section of the Hackney Carriage Fares Table, which had been agreed at the meeting on 24 November 2011 (Minute 17 refers) also required advertising, and this would be incorporated within the Table of Fares advert. Regarding the Soiling Charge, which had been deferred at the meeting on 24 November, it was agreed that this be set at £100, and advertised with the extra charges.

RESOLVED

- 1. That the Head of Health and Housing be requested to advertise a 4% increase in the Table of Fares.**
- 2. That the 'Extra Charges' section of the Hackney Carriage Table of Fares, as agreed at the meeting on 24 November 2011 and reproduced below – subject to the inclusion of a £100 Soiling Charge – be included in the advert.**
 - i) The 'each passenger in excess of one' charge be amended to reflect the following: "where the combined human and/or canine* passenger total exceeds four each additional passenger will be charged £1, regardless of journey day/time/duration/distance".**
*** Assistance dogs shall not count towards this total.**
 - ii) The existing charge for each dog (excluding seeing and hearing dogs) shall be removed from the fares list.**
 - iii) The existing charge for shopping bags or luggage shall be removed from the fares list.**

Note: Councillor N L Brown left the meeting at 8.02pm.

28 WORK PROGRAMME

The latest Committee Work Programme was tabled at the meeting. It was noted that the April meeting of the Committee was likely to be cancelled.

RESOLVED –

That the Work Programme be noted.

The meeting ended at 8.03 pm