

## CHILTERN DISTRICT COUNCIL

### MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 29 NOVEMBER 2012

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

Councillors: S P Berry  
N L Brown  
Mrs J A Burton  
M J Cunnane  
G K Harris  
P M Jones  
S A Patel  
M Prince  
C H Spruytenburg  
N Stewert  
H A Trevette

**APOLOGIES FOR ABSENCE** were received from Councillors D J Lacey and M Vivis

#### 16 MINUTES

The Minutes of the meeting held on 1 October 2012, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

The Minutes of the meeting held on 18 October 2012, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record subject to Minutes 9, 11 and 12 being recommendations, as noted at the 13 November 2012 Council Meeting.

#### 17 DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 18 CHILTERN HACKNEY CARRIAGE AND PRIVATE HIRE POLICY CONSULTATION RESPONSE

Four members of the Chiltern Taxi Drivers' Association were welcomed to the meeting. The Association had played an active part in the responses received by the Council in relation to the consultation on the Chiltern Hackney Carriage and Private Hire Policy Consultation. The members of the Association were invited to address the Committee.

The members of the Chiltern Taxi Drivers' Association stated that they had submitted written responses that covered the concerns that they had regarding the proposed policy. They stated that they were glad that the policy

was being reviewed, but that they had two concerns that they wished to stress to the Committee. The first of these regarded the age of vehicles. The proposed policy stated that a requirement may be brought in that vehicles be no older than 4 years at initial application and no older than 10 years on subsequent renewal. It was stated that this was not possible, and would lead to the drivers living outside of their means. The second concern that the Association wished to stress to the Committee was the points system that was proposed to come into force. This would give the drivers points based on offenses. It was highlighted at a meeting of the Taxi Forum that there was already an effective system and it was not thought that there was a need to change this.

Councillors asked for clarification as to the concerns felt by the Association with regard to the age of vehicle. The Committee were advised that there was a large cost involved in the purchase of the vehicle, and would be a large percentage of their earnings. It would not be practical for a loan to be taken out to cover the purchase as this would be a large financial commitment. The Principal Strategic Environment Officer advised that this would be in line with the requirements of other authorities. Vehicles that were less than 10 years old were safer and also had lower CO2 emissions. Councillors stated that if the Council were to have a policy relating to lower CO2 emissions that CO2 itself should be regulated. One Councillor suggested that the policy should state that vehicles in low emissions bands would be preferred. To have a policy where vehicles must be less than 4 years old would make it difficult for people to enter into the trade. It was also stated that it was possible to buy an older car with low mileage and cars that were less than 4 years old with high mileage.

Councillors stated that they agreed with the principle of using newer cars, as they would become less reliable if they were older. Advances in technology would make newer cars much safer. One Councillor asked whether the Chiltern Taxi Drivers' Association would be able to describe a typical pattern of work for the drivers. The Committee were advised that there had been attempts to work this out before, but it was important to note that each day was different, and it would not be possible to generalise a typical day for the drivers.

It was stated that the Taxi and Private Hire vehicles had to pass an extended MOT, and therefore the safety of the vehicles was checked. The Council had introduced a new regulatory system that had restricted the garages that the drivers could use to 4. Standard MOTs had 46 checks, the MOT for taxi and private hire vehicles had 74 checks. The Principal Strategic Environment Officer stated that the appearance checks that the Council previously carried out were now carried out by the garages.

The Council was keen on drivers being identifiable. One Councillor stated that he would like the policy regarding identification to be changed. Currently, the driver must wear their identification round their necks. He stated that it would be easier for the passenger to see the identification and name of the driver if the badge were facing the passenger. The Chiltern Taxi Drivers'

Association stated that this was a good idea and recommended that the Licensing department should look at this, as it may make the customer feel more secure and more able to make a positive ID.

Councillors asked the Association what concerned them about the points system that may be implemented. They stated that if a driver were to be caught speeding, for example, then he would receive points on his license, his insurance would increase and he would also be punished by receiving points from the Council which would be put against his record. The Association stated that there was already a system to deal with any problems. They stated that they would be interested to see how this system had worked in other authority areas.

The Licensing and Regulation Committee thanked the representatives from the Chiltern Taxi Drivers' Association for attending, and the representatives left the meeting.

The Licensing and Regulation Committee were asked to consider the responses from the public consultation and to comment on the proposals. It was noted that the consultation had run for 12 weeks, and that a good response was received. Informal meetings took place with the trade before and during the consultation. It was noted that none of the proposed policies would be agreed during the meeting. The Committee considered each proposed policy in turn.

Proposed Policy 1: It was proposed that all new and existing drivers will be required to attend a disability awareness training session to be held at the Council offices. Councillors stated that a lot of drivers may have attended an awareness training session elsewhere. It was important that the drivers were properly trained. Councillors stated their support for this proposal.

Proposed Policy 2: This proposed policy recommended that where an existing licensed hackney carriage driver applies to obtain a private hire license, or visa versa, no additional medical will be required. This was supported by the consultation responses and by the Committee.

Proposed Policy 3: This proposed that a reduction of 25% on the vehicle license fee for any vehicle that falls within Band A, B or C for road tax purposes. This was supported by both the Councillors and the respondents to the consultation.

Addition to the Policy on Advertising: This would ensure that the Chiltern District Council logo would not be able to be used on the Taxi or Private Hire Vehicles (except for council issued door stickers). One Councillor stated that any proposed logos should be viewed by the Licensing department before they were used. This addition to the policy would make it explicit that the Chiltern District Council logo could not be used.

Proposed Amendment 4: This proposed additional guidelines in relation to the relevance of past convictions to assist in decision making and strengthening

the relevance of conditions. It was stated that there was currently no official way of knowing whether an applicant had had their license suspended or revoked in a different authority area. This would need to be considered in more detail.

Proposed revision to the Rehabilitation Periods for Convictions: The existing policy suggested that the applicant should be at least 3 years free from offenses. It was proposed that this should be extended to 5 years. One Councillor stated that it should not be 5 years from conviction, but 5 years from the end of the sentence. It was stated that it can be difficult for some sub-committees. It was suggested that this should be looked at by the legal team, as it would need to be in line with other authorities. Guidance would need to be sought as to whether this would apply to all convictions or just the serious crimes.

Proposed Policy 5: This proposed the introduction of a points based system for offences. Councillors felt that this could be helpful, but that it would need to be carefully considered before implementation. It was stated that this system would remove the subjectivity of the current system. Some drivers would have a lot of minor complaints about them that would not currently lead to any disciplinary action. Complaints would usually come from the public or the police. Concerns were raised that for issues such as speeding, the driver would be punished both by the legal system and the points system at the Council. It was suggested that if the driver were punished for the offence by the Police or Road Traffic Agency that they should not also be punished by the Council.

It was proposed that after a driver had reached a set amount of points within a year, the license could then be reviewed by the sub-committee to see whether the driver was a fit and proper person. It was noted that in Bracknell this was 12 points in a year. This system would also allow the Licensing department to become aware of patterns of problems. The way in which enforcement would be carried out would not change and common sense would be used. This would enable the Committee to give weight to problems if they came before a sub-committee.

Proposed Policy 6: This proposed a requirement for a 'police report' for new applicants that have lived in the UK for less than 5 years. The Committee were advised that CRB checks were run on all applicants, but these only picked up cautions and convictions in the UK. This could be an added tool to see whether offences were carried out abroad. One Councillor stated that a Police report from the country of origin was submitted to the authorities as part of the immigration process. If it were possible for this report to be submitted to the Licensing department when applying for a license it may reduce costs.

Proposed Policy 7 and 8: These proposed that a vehicle should be no older than 4 years at initial application and no older than 10 years on renewal. They also proposed that the standards of appearance conditions should be an indicator as to the condition that the vehicle should be kept in throughout the duration of the License. It was suggested that these proposed policies would

required in depth discussion, which should be deferred to the Task and Finish Group.

One Councillor stated that a vehicle with low mileage was perhaps more suitable to be used as a Taxi or Private Hire Vehicle than a vehicle that was no older than 4 years.

Proposed Policy 9: This policy proposed that there should be a strengthening of the checks involved to receive an executive plate. An executive plate was a smaller gold plate than the usual plate. The executive plates were for use with executive customers. Usually the driver would be almost contracted to a company or individual. It had been noticed, however, that vehicles with executive plates were working as normal taxis.

One Councillor questioned whether executive vehicles would be able to have tinted windows. The Committee were advised that windows were not able to be too darkly tinted as it was important that there was visibility into the taxi to ensure the safety of the passenger.

Proposed Policy 10: This policy would remove the existing requirement placed upon the drivers to notify the Council, and would therefore decrease the number of times they would have to contact the department. This was supported by the Committee.

Proposed Policy 11: This proposed that there be a minimum size for taxi roof signs and a removal of any alternative to the word 'taxi'. The Committee suggested that this should be implemented over a 3 year rolling period.

Proposed Policy 12: This proposed a new non-standard private hire vehicle category to cater for limousines and novelty vehicles. The Committee were advised that companies had approached the Council for licenses. One Councillor stated that research would need to be carried out to see which other Councils were licensing these vehicles.

The Councillors stated that one result of the consultation was the questioning of the necessity for byelaws to be carried in the vehicle. It was stated that this was not something that the Council enforced, but that it was a byelaw. The Principle Strategic Environment Officer stated that he would check with the legal department whether this could be amended. It was stated that consultation on this would have to take place and was likely to be a long and difficult process. A further response from the consultation stated that the guidelines on seat belts were excessive, as they were over and above the requirements for taxi drivers. The Legal Services Manager stated that the wording would need to be checked.

**RESOLVED:**

- 1. That the responses relating to the Public Consultation on the Chiltern Hackney Carriage and Private Hire Policy Consultation be noted.**
- 2. That the policy be redrafted with greater clarity on the relevance of convictions and to refine or remove any ambiguous policy requirements. This would be considered at a future Licensing and Regulation Committee prior to agreement**
- 3. That a Task and Finish Group be established by the Licensing and Regulation Committee to consider further the consultation responses and the proposals with a view to recommending further changes at a future Committee meeting.**
- 4. That Councillors Shepherd, Meacock, Brown, Trevette and Spruytenburg be appointed to the Task and Finish Group.**

**The meeting ended at 8.07 pm**