

CHILTERN DISTRICT COUNCIL

NOTES of the Meeting of the TAXI POLICY TASK AND FINISH GROUP held on 6 MARCH 2013

PRESENT: Councillor P N Shepherd - Chairman

Councillors: N L Brown
D G Meacock
H A Trevette

APOLOGIES FOR ABSENCE were received from Councillors
C H Spruytenburg

4 NOTES

The notes of the last meeting were agreed as a correct record.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

Note: Councillor Meacock entered the meeting at 6.35

6 CHILTERN HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Proposed Policy 1 proposed that all new and existing drivers will be required to attend a Passenger Assistant Training Scheme (PATS) disability awareness course. The online training that was mentioned at the previous meeting as a possible course for drivers to complete was stated to be unsuitable. This was it contained leading and potentially insulting questions. PATS training took place twice a month at Buckinghamshire County Council. The County Council recommended that this was retaken every four years. It was suggested that drivers took this course before renewal of their license in 2014 and that it would be part of the application process for new drivers. The course would take place between 10am and 2pm over two consecutive days. Councillors stated that this was a sensible solution, and it should be built into the system so that drivers were reminded every four years that the PATS course would need to be completed.

It was suggested that if existing drivers were to do the training early, it would remain valid until their fourth annual renewal. One Councillor questioned what impact the requirement for the course would have on drivers who were able to drive, but not help customers into and out of vehicles. This could be a problem in practice but not in the training. Councillors were advised that the individual circumstances of the driver would be taken into consideration.

It was questioned whether, due to the increased demand, it would be possible to offer discounted courses or courses in Amersham. Councillors were advised that initial discussions indicated that this would not be possible. It

was noted that those who were contracted to pick up children from schools would already have completed this training.

Proposed Policy 3 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. One Councillor questioned how long the 25% reduction in vehicle license fee would last. It was stated that the classification of the bands would be altered according to new standards.

Proposed Policy Clarification (Advertising) 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). The wording for this clarification was agreed at the last meeting. It was questioned whether recommended wording could be included in the policy to advise what wording would be suitable and what would not be suitable. It would also be made clear that if something different was desired, it would have to be in addition to the standard sticker.

Proposed Amendment 4 proposed additional guidelines in relation to the relevance of past convictions to assist in decision making and strengthening the relevance of conditions. It was agreed that the question on the application form be amended to 'have you ever had a Private Hire or Hackney Carriage drivers license refused, suspended or revoked' and 'with this and other Local Authorities' from the current; 'The information you give on this form is confidential. It will be held on computer under the Data Protection Act 1998. This Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form, within this authority for the prevention and detection of fraud or the promotion of public safety. We may also share this information with other bodies administering public funds, again with the purpose of preventing and detecting fraud. You are required to answer all questions, those that are not applicable leave blank.'

Councillors considered the Transport for London policy, which was regarded to be well written. At the previous meeting of the Task and Finish Group, Councillors agreed that there should be at least five years free of conviction before a license application would be considered. It was stated that it was an exception under the Rehabilitation of Offenders Act that people with criminal records could not be barred from applying to be a taxi driver. One Councillor stated that for teachers some offenses were considered rehabilitatable and the Council should be consistent with that. One Councillor stated that it seemed unfair to allow applications from people who had criminal records that meant they would likely be refused. Councillors were advised that each application had to be treated on its own merits. The Licensing department stated that they could include the phrase 'would normally be refused' for more serious offenses. Offenses under this group in the Transport for London Policy were: murder, manslaughter, manslaughter or culpable homicide while driving, and terrorism offenses. Councillors asked that arson, kidnapping and threats to kill be included in this category. It was advised that threats to kill would remain in category B.

One Councillor questioned whether the increase from 3 years to 5 years without conviction was legally sound. It was stated that the increase to 5

years would bring the Council in line with the policies followed by the neighbouring authorities.

Councillors stated that a lot of applicants had been considered by a Taxi and Private Hire sub-committee because they had not declared criminal convictions on their application form. It was suggested that the form be amended so that it would be clear who to contact for assistance in completing the form. It was stated that if this contact was carried out via email there would be a record in writing. Councillors noted that it was possible to save the form and complete it later.

It was stated that, for existing drivers, it would be necessary to take into account their record of behaviour while driving. If they were charged with an offense, they were required to notify the Council. The Police would inform the Licensing department if a driver was charged with certain offenses, but they would only know to do so if the driver told them their profession.

If a taxi driver were charged with certain offenses, the Licensing department may suspend the driver with immediate effect. Unlike the law, the Council operated on probability, and must focus on the safety of the public.

Councillors suggested that if an existing driver or an applicant had a drink or drug driving conviction they would need to be clear of conviction for five years before an application would be considered. If they had more than one offense of this nature the Council would take a very harsh view on this and may not grant a license. It was noted that the word 'addict' was removed from the policy. Transport for London refers to alcohol and drug dependencies. It was stated that it is difficult to prove dependencies through convictions.

GPs must provide a medical report as part of the application process. One Councillor stated that he did not want the applicants to choose which doctor would provide the report and suggested that the Council appoint a doctor to produce the report. It was noted, however, that only the individuals registered GP would have access to the applicant's medical records.

Proposed Policy 5 proposed the introduction of a system called 'monitoring of contraventions' that would enable the licensing team to deal with contraventions more effectively and timely. A points system had previously been considered by the Task and Finish Group. This had been viewed in a negative light by the Taxi Drivers. It was suggested that the use of a traffic light system of red and amber offences, or a red and yellow card system may be viewed more favourably. It was stated that this system would pick up the few drivers that were persistent offenders, and would be an enforcement tool. The drivers would have the right of appeal. It was agreed that this should be considered at the next meeting of the Taxi Forum.

The Councillors were advised that this scheme would be more efficient to administer. Councillors were in favour of this scheme being implemented in a trial phase for a year.

One Councillor stated that unapproved advertising should only be worth one amber/yellow card, instead of the two that was being proposed. This was agreed by Councillors.

It was suggested that if drivers were caught speeding they should be reprimanded by this system. The Councillors were advised that if taxi drivers were caught speeding, the Council was sometimes informed via partnership working, but were normally recorded at the renewal of the license.

The proposed list of contraventions mostly contained things that were checked by the Council, such as defective tyres, whereas speeding was detected by the Police. It was stated that if the Police were dealing with something we would not impose a red/amber card; these would only be issued for complaints or offences that the licensing team investigate

Proposed Policy 6 proposed a requirement for a 'police report' for new applicants that have lived in the UK for less than 5 years or had been abroad for a considerable length of time. This was primarily agreed by Councillor at the last meeting. It was suggested that drivers should produce a 'police report' if they had been out of the country for 9 months. It was stated that the Licensing Officers would talk to the taxi drivers about this at the next meeting of the Taxi Forum.

Proposed Policy 7 and 8 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. At the previous meeting, it was suggested that this was impractical and would prevent people from being able to become drivers. Officers suggested that the proposed policy be amended so that vehicles were no older than 7 years when first licensing and no older than 12 years on renewal. It would also be possible to apply for a one year extension annually.

Councillors stated that the phase in period was too short, as it was suggested that it was phased in during 2014. It was suggested by one Councillor that mileage may be a better measure than age of the vehicle. It was stated that the quality of vehicles and safety in vehicles had increased in newer models. There had also previously been issues with drivers clocking the mileage in the vehicles.

Proposed Policy 9 proposed that there should be a strengthening of the checks involved to receive an executive plate. This proposed policy was agreed at the previous meeting, but some amendments were considered by the Task and Finish Group. It was noted that the overall number of executive plates may drop. As a result of this, it may be necessary to look at increasing the fees at the next fee consultation.

At the previous meeting, it was suggested that Private Hire vehicles with executive plates may have lower insurance than those without executive plates. The Licensing Officer had contacted two insurance companies regarding this, and was advised that they would require evidence of dispensation from the licensing authority for chauffeur insurance. Chiltern District Council would not issue dispensation certificates and therefore none of the drivers would be eligible for this insurance rate.

Proposed Policy 11 proposed that there be a minimum size for taxi roof signs and a removal of any alternative to the word 'taxi'. Councillors suggested that the Council should have a stock where the drivers could purchase them from. It was stated that all of the roof signs that had been seen by the licensing department complied with the new proposed regulations and therefore it would not be profitable for the Council to supply these.

Proposed Policy 12 proposed a new non-standard private hire vehicle category to cater for limousines and novelty vehicles. It was noted that one of the garages that carried out compliance checks for private hire and hackney carriages in the district would be able to carry out compliance checks for limousines. Wycombe District Council's policy regarding limousines and novelty vehicles was discussed; the new policy is based around Wycombe's policy as well as reviewing numerous other Authorities policies and local conditions. It was agreed that a policy would be welcomed at Chiltern District Council.

The meeting ended at 8.13 pm

