

CHILTERN DISTRICT COUNCIL

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

PRESENT: Councillor P N Shepherd - Chairman

Councillors: N L Brown
C H Spruytenburg

APOLOGIES FOR ABSENCE were received from Councillors D G Meacock and H A Trevette

7 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

8 **NOTES OF THE LAST MEETING**

The notes of the last meeting held on 6 March 2013 were agreed as a correct record.

9 **POLICY ON LICENSING**

The eleven proposed changes that had been previously considered by the Taxi Policy Task and Finish Group were discussed, together with how they had been reflected in the Hackney Carriage and Private Hire Policy. This policy would also be considered by the Licensing and Regulation Committee on 13 June 2013.

Proposed Policy 1 proposed that all new and existing drivers would be required to attend a Passenger Assistant Training Scheme (PATS) disability awareness course. It was stated that it would be recommended that all new drivers complete the course prior to their license being granted, and that all existing drivers would be required to complete this training every four years. This would cost a maximum of £45 every four years.

The trade have stated that, while they agree that new applicants should be required to complete this course, they do not think that existing drivers should have to. The Councillors noted that the original suggestion was that the training should be completed every three years, but this was adjusted in line with Buckinghamshire County Council's policy. It was also noted that a number of the drivers were licensed for home to school transport and they would have to complete this training to continue with this function.

The trade argued that the training would cost a considerable amount of money. Councillors stated that £45 every four years was not excessive.

The training that the drivers would have to undertake would be classroom style with an instructor rather than computer based.

Proposed Policy 2 recommended that where a hackney carriage driver applied to obtain a private hire license, or vice versa, no additional medical would be required. This was agreed by Members and the trade.

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. This was agreed by the trade. One Councillor requested that, for the meeting of the Licensing and Regulation Committee, information be provided as to the amount of vehicles that currently would benefit from this policy.

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. Councillors were advised that the wording on the application form had been amended to 'have you ever had a Private Hire or Hackney Carriage driver's license refused, suspended or revoked'. Wording had also been included to allow information to be shared with other bodies that administer public funds.

As previously discussed, violence offences had been placed under different classifications. The policy advised that for applicants convicted of some offences, such as murder, their application would normally be refused. For serious offences, such as arson and kidnapping, the policy stated that an applicant should be free of conviction for at least 7 years, or at least 5 years must have passed since the completion of the sentence, whichever is longer. For other violent crimes, such as common assault, the policy required five years free from conviction, or at least five years must have passed since the completion of the sentence, whichever is longer. The Councillors were asked to consider whether the offences had been placed in the correct classification. The classifications can be found on page 26 of the policy. The Councillors were of the view that the offences were in the correct categories.

The Task and Finish Group was asked whether the Committee would like to increase the length of time required to be free from conviction for serious offences. Members noted that the length of time relating to freedom from convictions in the proposed policy would be a considerable jump from the current policy. However they were of the view that these timescales were reasonable.

The Committee advised that, for each of the classifications, the length of time required to be free from conviction was a minimum requirement and that a sub-committee could request a longer period of time to pass. Members requested that this be made obvious in the document.

It was questioned whether driving without insurance should be treated as a traffic offence or a dishonesty offence. A dishonesty offence would be treated more seriously. It was felt that a separate paragraph relating to insurance offences should be added to the policy to reflect the seriousness of this particular offence. Councillors stated that it was important to be strict about this kind of offence. It was suggested that for an isolated insurance offence an application should not be accepted for 3 years, and that a licence would be unlikely to be granted if there were more than one offence in the last 10 years. One Councillor questioned what action would be taken if it were reported to the Council that someone was driving a taxi or private hire vehicle without

being licensed. Members were advised that this would be an offence of the operator if they had been subbing to unlicensed vehicles. If the driver were licensed but was driving an unlicensed vehicle they would have their license considered by the sub-committee. If an operator were involved, they would also have their license considered by a sub-committee, and it could be suspended or revoked.

It was suggested that for an isolated insurance event an application should not be accepted for 3 years, and that a license would be unlikely to be granted if there were more than one offence in the last 10 years.

A section regarding police cautions was to be added. If a person were to accept a caution they would be accepting guilt of an offence, and as such their application would be treated as though they had been convicted of an offence.

It was noted that the policy on driving under the influence of alcohol and drugs now included driving under the influence of medication as well as illegal drugs. There is a separate section in the policy relating to the possession and/or supply of illegal drugs.

The policy included a section on touting and plying for hire, but did not currently refer to other offences under the taxi licensing legislation. Such offences could include overcharging of fares and refusing to carry disabled passengers. Councillors suggested that one offence should incur a 12 month period where an application would not be considered, and more than one licensing offence conviction in the last 5 years would lead to an application not being considered for 3 years. The title of this section is to be altered accordingly.

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. This trade has not been supportive of the potential introduction of this policy. Since consultation with the trade, several changes were made to the policy, including the changing of points to a red and amber card system, and ensuring that offences that have been dealt with by the police would not be included in this system. The Council would only investigate the contraventions they witnessed or that were reported to them by members of the public. Serious offences would lead to a driver having their license considered by the sub-committee. A contravention would be kept on the system for 12 months. If a driver received 4 amber cards or 1 red card in a 12 month period the license would be considered by the sub-committee.

The card system would act as a trigger to bring someone before the sub-committee. It would also decrease Officer time spent on contraventions. One Councillor questioned whether the failure to wear or display badge should include guidelines that the badge be visible from the backseat. Councillors were advised that the legislation states that it must be worn, but that most policies say that the badges must be worn or clearly displayed. It was also questioned whether drivers should be able to use a handheld radio while driving. It was stated that this took as much concentration as a mobile phone, and would be held in a similar way. It was thought that this would be a

distraction and should be prohibited. Councillors agreed that the contraventions were classified correctly.

Proposed Policy 6 proposed a requirement for a 'certificate of good conduct' for new applicants that have lived in the UK for less than 5 years or had been abroad for a considerable length of time. At a previous meeting it was also agreed that existing drivers should produce a 'certificate of good conduct' if they had been out of the country for 9 months or more. The trade had asked whether a system would be put in place to enable applicants to provide the Council with this document. The Council would not be putting a system in place, but systems were in place at the Embassies. This was general practice amongst Licensing Authorities and would bring Chiltern District Council in line with neighbouring authorities. The document would need to be provided in English, and the applicant would be responsible for the cost of translation if the certificate was produced in any other language.

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. This was objected to by the trade, as they thought this was unreasonable. This was altered during previous meetings of the Taxi Policy Task and Finish Group, and was amended so that vehicles were no older than 7 years when first licensing and no older than 12 years on renewal. It was also made possible to apply for a one year extension annually. This extension would require a visual inspection by one of the approved garages which would incur a £25 fee. It was noted that other local authorities also had policies regarding the age of vehicles, and the policy proposed by Chiltern District Council would be less strict than other authorities.

Proposed Policy 9 proposed that there should be a strengthening of the checks involved to receive an executive plate. It was stated that most of the drivers who applied to have an executive plate did so to allow them to not have door stickers. However, several vehicles with executive plates had placed advertising on the outside. The proposed policy stated that drivers with an executive plate must be smartly dressed at all times when working as a licensed driver and have no advertising on or in the vehicle. It was noted that the trade did not want a description of what smart dress should entail.

Proposed Policy 11 proposed that there be a minimum size for taxi roof signs and a removal of any alternative to the work 'taxi'. It was noted that when checks were carried out all roof signs were compliant of this new policy. This was agreed by the trade and Members.

Proposed Policy 12 proposed a new non-standard private hire vehicle category to cater for limousines and novelty vehicles. This was included on page 109 of the policy. The Council currently did not have a policy regarding this, but had been approached several times by applicants to see if their vehicles could be licensed at Chiltern District Council. It was stated that if they were licensed by this Council then there would be some control over the vehicles.

It was agreed by Members to formally notify the taxi trade that the policy would be discussed at the meeting of the Licensing and Regulation Committee on Thursday 13 June 2013.

It was noted that the policy included a clause that allowed it to be further amended without consultation.

The meeting ended at 4.23 pm

