

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the **CDC LICENSING & REGULATION COMMITTEE** held on **14 DECEMBER 2016**

PRESENT: Councillor J J Rush - Chairman
" C J Jackson - Vice Chairman

Councillors: M Flys
M J Harrold
P M Jones
C M Jones
C J Rouse
P N Shepherd
N I Varley
F S Wilson

APOLOGIES FOR ABSENCE were received from Councillors E A Walsh, E A Culverhouse, G K Harris and D J Lacey

11 MINUTES

The Minutes of the meeting held on 28 June 2016 were agreed by the Committee and signed by the Chairman as a correct record.

12 DECLARATIONS OF INTEREST

Councillor J Rush advised that he regularly used Chalfont Taxis, but this did not constitute a personal interest under the Code of Conduct.

Councillor C Jones advised that she regularly used A to Z taxis, but this did not constitute a personal interest under the Code of Conduct.

Councillor M Flys advised that he regularly used Gilberts taxis, but this did not constitute a personal interest under the Code of Conduct.

Councillor N Varley advised that he knew one of the members of the audience in his capacity as Town Councillor but not as a close associate/personal friend and therefore this did not constitute a personal interest under the Code of Conduct.

13 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

At the meeting held on 28 June 2016, the Committee agreed that the draft Hackney Carriage and Private Hire Licensing Policy be submitted for public consultation.

The consultation concluded on 21 September 2016, and the Committee were asked to consider the responses to the consultation, the proposed changes to the draft Policy in light of the responses that had been received and to consider whether further changes should be made to the draft Policy.

Members noted that 12 formal responses had been received and that formal minutes were also taken at two meetings held with hackney carriage drivers and trade representatives as part of the consultation. The consultation responses had been reviewed and a summary of comments was provided to Members as part of the report. Three main concerns to the proposed policy were raised which related to tinted windows, hackney carriage door stickers and the age of vehicles. Members were asked to consider if any further changes should be made to the draft policy.

The Chairman welcomed the members of the Trade and their representatives and explained the procedure regarding public speaking at this Committee.

In presenting his report, the Licensing Manager amended his recommendations in light of the responses received during the consultation in that there be no change to the current Policy regarding tinted windows and age of vehicles. Regarding hackney carriage door stickers, the Licensing Manager proposed magnetic stickers be used.

The Chairman invited representatives of the Chiltern Taxi Drivers Association to address the Committee.

Masud Ahmed, speaking on behalf of the Chiltern Taxi Drivers Association, made the following key points:

Hackney Carriage Door Stickers: the rationale for having hackney carriage door stickers, in addition to the 4 different types of identification drivers already carried, was not clear. The hackney carriage door stickers were not considered necessary and were not affordable regardless of whether they were magnetic or were made from plastic. They provided no additional benefit to the public or hackney carriage trade. Drivers were also subject to a number of safety checks and hackney carriage door stickers provided no additional safety benefit to passengers. There was a particularly strong negative feeling from hackney carriage drivers regarding this proposal because it suggested that drivers were being put under doubt. It was also felt that this proposal could be considered discriminatory.

Vehicle Age: currently any vehicle 6 years or older was subject to regular compliance checks each year anyway and this was a national standard. Vehicle mileage was considered a more important factor in determining the required vehicle maintenance. Taxi drivers often received a low income and were directly affected by economic and financial pressures. The proposed policy would place greater financial pressure upon drivers.

Umar Raja then spoke on behalf of the Chiltern Taxi Drivers Association, and made the following key points:

Tinted Windows: most drivers purchased used vehicles and it cost over £1000 to replace the windows on a vehicle. Reliable vehicles were expensive to buy and the proposed policy would place an additional financial cost on drivers.

Hackney Carriage Door Stickers: drivers had a long standing principle objection to these door stickers. The proposed layout and logo was also a concern for drivers. The majority of Councils had no such policy, including neighbouring Dacorum Borough Council. Door stickers would place an extra financial burden on drivers which would negatively impact on their livelihood.

Vehicle Age: drivers were already required to have more regular vehicle checks which varied according to the vehicle's age. These checks were more regular than checks on vehicles used solely for personal use.

Qaser Mahmood then spoke on behalf of the Chiltern Taxi Drivers Association and made the following key points:

Hackney Carriage Door Stickers: the main reason for hackney carriage door stickers was to facilitate the identification of vehicles for public safety reasons, however, drivers already had multiple other forms of identification, including the vehicle registration, and these were already considered sufficient by other organisations, including the Police.

Vehicle Age: drivers tended to use high standard vehicles due to their improved reliability and the proposed vehicle age policy was considered excessive.

The Chairman then invited Members of the Committee to ask the hackney carriage driver representatives questions, during which the following key clarifications were made:

Hackney Carriage Door Stickers: example hackney carriage door stickers were shown at the meeting. Driver representatives confirmed that they had concerns regarding the proposed sticker appearance, cost implications for drivers, and were unclear what benefit the stickers provided on top of the

other forms of identification already in use. There was concern that door stickers would need to be replaced regularly, particularly magnetic stickers which could easily fall off the car. There was also concern about the application of penalties where door stickers had fallen off without the driver's knowledge. There was also concern regarding potential damage to the vehicle when stickers needed to be replaced or removed.

In response to an alternative suggestion proposing interior side window stickers driver representatives confirmed that similar no smoking stickers were often removed by passengers and needed to be replaced regularly. This may also impact on drivers who also used the vehicle for personal use and may want to remove stickers easily to avoid causing confusion to the public when driving in a personal capacity only.

Regarding passenger feedback it was confirmed that generally customers were most concerned with the safety and comfort of a vehicle, and were much less concerned with other factors.

The Licensing Manager clarified that although there were other forms of identification on vehicles these were hard to see from the side of a vehicle and that the side view was where passengers would usually look at and then enter the vehicle. It would also make it easier for officers to check vehicles from the side. The design of door stickers could also be easily changed if Members supported having hackney carriage door stickers.

Tinted Windows: It was confirmed that many cars met the tinted window requirements, but it was more premium or larger vehicles used by drivers because they were considered practical, reliable and safe, that came with tinted windows which may not meet Policy requirements. Drivers also confirmed that licensed vehicles with tinted windows were common in other areas, such as London, where the proposed policy was not in place. Passengers never commented on a vehicle's tinted windows.

Vehicle Age: the cost of vehicle compliance testing varied according to the garage, but a standard 120 point check was carried out which included checking key items such as fire extinguishers and first aid equipment. Drivers often bought older but more premium cars which were more reliable and safe.

The Chairman thanked the taxi drivers and representatives for attending the meeting and for their comments. The Committee then discussed the proposed draft policy in light of the responses and representations received during the consultation and the submissions made at the meeting. During the discussion the following key points were made:

Tinted Windows:

- A number of Members felt that window tinting that prevented people inside a vehicle from being seen was a safety risk to both passengers and drivers.
- There was concern regarding the cost impact on drivers, but it was also acknowledged that vehicles without tinted windows were available to purchase.
- A number of Members also felt that there was no evidence that tinted windows were a safety problem or had caused passengers to complain to the Council.

Hackney carriage Door Stickers:

- During the discussion it was clarified that the proposed policy on hackney carriage door stickers reflected the current policy, however, hackney carriage door stickers had historically never actually been issued to hackney carriage vehicles, and in light of this no hackney carriage door sticker enforcement was currently taking place. If the policy was adopted stickers would then be issued and enforcement carried out in future.
- A number of Members agreed that hackney carriage door stickers would make it easier to identify a licensed vehicle.
- A number of other Members felt that hackney carriage door stickers were not required because other forms of identification on vehicles were sufficient and the cost burden on drivers and operators was unacceptable.
- It was highlighted that there had been no evidence put forward by the Police requesting hackney carriage door stickers on vehicles.
- Some Members questioned the design of the hackney carriage door stickers, including the reference to the Police.
- Further understanding was requested in relation to how hackney carriage door stickers may impact on the taxi business before this section of the proposed policy could be recommended for adoption by Full Council.
- It was suggested that any increase in cost for drivers as a result of this section of the policy could be factored into a request to increase taxi fares.
- There was a suggestion that an interior window sticker, with a QR code for example, could be explored as an alternative to an external sticker.
- It was also suggested that if hackney carriage door stickers were required that the Council works closely with drivers on the final style and format of the sticker with the aim of reaching an agreement.
- A full assessment of the range of different hackney carriage door sticker options was requested to be considered by the Committee before that section of the policy be recommended for adoption by Full Council.
- The Licensing Manager was asked to arrange a meeting with the trade to discuss possible options and to present these at a future Licensing

and Regulation Committee for consideration, following negotiation with the trade on a possible agreeable solution.

Vehicle Age:

- That the overall condition of a vehicle, and not necessarily its age, was the most important factor.
- It was suggested that the general appearance of a vehicle, for example where wear and tear was becoming visible, was an element that should be assessed as part of the vehicle's regular assessment.
- That there should be no set vehicle age limit, subject to satisfactory testing arrangements, for example via the existing compliance testing arrangements that already successfully took into account a vehicles age.
- One Member highlighted that 39% of drivers would be affected by this proposed policy and there was no compelling evidence to do so as the current position was satisfactory. Drivers often had low incomes, and this proposed policy would potentially place further financial pressures on those drivers with older vehicles.

Other areas of the proposed Policy:

- Regarding compliance checks, that information about any applicant's previous licence applications, including withdrawn applications, be declared on the application form so that this information was available when Members were considering appeals at Licensing Hearings.
- It was suggested that the CCTV policy be reviewed in light of the fact that there are so many different types of camera available.
- In response to comments regarding the sexual contact section of the draft policy it was advised that this had been included following a police request to all Councils.
- It was also clarified that DVLA accredited testers were used.
- One of the aims in the draft policy stated "to ensure that there was not a single risk to passenger safety". This was highlighted as a potentially unachievable aim which required further review.
- During the discussion Members recognised that supporting the hackney carriage and private hire trade as small traders was important, and as such it was suggested that the policy should reflect this by stating it clearly as one of its aims as well as public safety.

RESOLVED:

- 1) That the consultation responses and proposed amendments to the draft policy be noted.**
- 2) That in light of the consultation responses and submissions made the Committee approve the draft policy (apart from hackney carriage door stickers) as amended in relation to:**
 - a) vehicle age and tinted windows to reflect the Council's current policy.**
 - b) an aim be added regarding supporting small businesses through enabling a level playing field.**
 - c) the draft Policy and application forms be amended to include reference to the disclosure of all previous applications including withdrawn applications by applicants.**
- 3) That there be further consultation with the Trade regarding the design of hackney carriage door stickers following which a further report be tabled at a future meeting, detailing all the options and assessment of those options relating to hackney carriage door stickers for consideration by Members with a view to recommending the draft Policy to Full Council for adoption.**

The meeting ended at 8.20 pm