

LICENSING COMMITTEE

29 JUNE 2011

Present: Councillor J Brown (Chair)
Councillor K Hastrick (Vice-Chair)
Councillors K Brodhurst, G Derbyshire, J Dhindsa, C Leslie,
A Mortimer, D Scudder, L Scudder, D Walford, N Bell and
I Brown

Also present: Councillor Asif Khan and Shafiq Ahmed (Watford Hackney
Carriage Drivers Association)

Officers: Section Head of Legal and Democratic
Head of Environmental Services
Environmental Health and Licensing Section Head
Licensing Manager
Committee and Scrutiny Support Officer

11 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP

Apologies for absence were received from Councillors Jeffree, Qureshi and Taj

There was a change of Committee membership for this meeting: Councillor Bell replaced Councillor Connal and Councillor I Brown replaced Councillor Crout.

12 DISCLOSURES OF INTERESTS (IF ANY)

There were no disclosures of interest.

13 MINUTES

The minutes of the meeting held on 15 June 2011 were submitted and signed.

14 HACKNEY CARRIAGE NUMBERS

The Committee received a report of the Head of Environmental Services asking Members to consider whether the current policy of no quantity restriction on hackney carriage vehicle numbers should be reviewed.

The Licensing Manager introduced the report and informed the Committee that the purpose of the report was to help Members decide whether to review the policy. There was currently no limit on the number of hackney carriage licences. Before delimitation was introduced in 2006 there were 73 hackney carriages which rose to a peak of 345; the current level was 293. This increase had had an

impact in a number of areas including the number of private hire vehicles which had reduced and was now increasing again, a decrease in illegal plying for hire and increased congestion around the ranks, in particular near Watford Junction. The cost of licence plates was also a factor; when a limit was in place they commanded a premium but this was not the case currently.

The Watford Hackney Carriage Drivers' Association (WHCDA) had submitted two appendices to the officers' report which contained points for the Committee to consider. Fewer trains now stopped at Watford Junction Station and this has meant less demand for taxi services. The recession had also had an impact and drivers often earned below the national minimum wage. The cost of petrol, insurance and national insurance had all increased. The WHCDA did not feel that reintroducing a cap was protectionist but would result in a better service for users.

The Licensing Manager informed the Committee that there were two factual inaccuracies in the WHCDA submission. On page 5 of Appendix 1 it stated that "The law requires that an unmet demand survey is carried out" and this was not the case. Secondly also on page 5 the submission stated that "by carrying out an unmet demand survey the Council is protected against claims from individuals who may be refused licences". Having undertaken a survey of unmet demand, the Council would not be protected against such claims but would have a strong basis to their case for refusal.

The last government was more in favour of delimitation; as a result only 85 local authorities now had a limit. The current government had yet to pronounce on the issue. The Licensing Manager stated that should the Committee decide to review the policy then the Council would need to cover the costs of a survey of unmet demand. The surveys were undertaken by specialist consultants who conducted the survey across a whole week in various locations. There would also be other consultations including speaking with passengers. The Licensing Manager advised that consultants would not be free to start a survey until at least September and a report back to the Committee would not be possible until the end of the year. The advice from the Department for Transport was that the cost should not be met by the trade but some of the costs could be recouped through licence fees. The cost of the survey was likely to be between £12,000 and £15,000 and this could be met from the Council's reserves.

The Chair invited questions from Members.

In response to a question from a Member, the Licensing Manager responded that the Department for Transport advised that a reasonable amount of time between surveys of unmet demand was three years but case law and other authorities' practice showed that it could be longer.

Another Member stated that there had been major changes since 2006; Virgin trains no longer stopped at Watford Junction and the peak demand on Friday and Saturday nights only lasted three to four hours. People never had to wait a long time for a taxi. The Member asked how many ranks there were in the borough. The Licensing Manager responded that there were five ranks but there

were proposals to increase this to eight. There were 36 spaces plus a further 12 on Rickmansworth Road that were available from 7pm.

The Member felt that 36 spaces for 293 vehicles was inadequate and questioned where the drivers could park as they often waited an hour for a £5 local job. It had been five years since the decision to delimit and the current economic situation was difficult.

Another Member agreed that it was time to review the policy. Drivers also came in from other boroughs and Watford was a small area.

The Head of Environmental Services clarified to members that no surveys were required under delimitation and so there had been no need to carry out any surveys since 2006.

Another Member said that so far the discussions had focused on licence holders and the emphasis should be on serving the community and looking at the needs of users. The large increase in hackney carriages since delimitation demonstrated that there must have been too few under the limit. It was also important not to pre-empt what the results of the survey might be as the Committee was only being asked whether they wanted a review to take place. Any review should be double-handed, taking into account both users and drivers and incorporating qualitative elements.

The Chair reassured the Committee that there were a number of firms who undertook these surveys who were recommended by the government. They were careful to study demand during a 'normal' time, avoiding school holidays.

Another Member felt that the benefit to passengers was key. An equalities impact assessment was also important to ensure that no groups suffered discrimination. The Licensing Manager confirmed that any change in policy would include an equality impact assessment.

In response to a further question from a Member, the Licensing Manager confirmed that any consultants engaged to do a survey would be briefed on nuances of demand in Watford including the impact of the night-time economy. A survey would also include other transport such as private hire vehicles.

Another Member commented that as the Committee considered the needs of residents, this should include drivers who were also residents of the borough. Many drivers were at an age where it would be difficult to change professions.

The Member also asked if an equality impact assessment had been carried out when delimitation was introduced. The Licensing Manager agreed to look into this and circulate it to the Committee.

In response to a question from another Member the Licensing Manager responded that, should Members request a review, further evidence would be brought back to the Committee. It would be up to the Committee to decide whether they agreed with the consultant's recommendations.

The Member referred to court cases that had taken place. The Licensing Manager explained that a number of private hire vehicle drivers had appealed to the Crown Court in 2005 after they were not issued with hackney carriage licences when the Council had a limit. The problem was that at that time the Council did not have a survey on which it could rely.

The Chair invited Shafiq Ahmed, the Chair of the WHCDA to speak.

Mr Ahmed stated that drivers were frustrated with the current situation. There were up to 50 drivers with between 10 and 18 points on their licences, often due to over-ranking, and they were at risk of losing their licence. A lot had happened in the five years since delimitation and there was not enough ranking space. In Luton there was a limit of 165 hackney carriages and the drivers got business from the airport, the university and the town centre; there was more demand than in Watford. Officers had had many discussions with London Midland to discuss the situation at Watford Junction as there was only space for 12 vehicles and drivers had to pay £471 to be able to rank there and there were no other facilities for them. Mr Ahmed said he felt that the survey would show that there were too many taxis in Watford. The drivers wanted to be able to earn a living during the recession.

The Chair thanked Mr Ahmed for his comments. The Chair outlined some of the ways that the Council had tried to help the trade in the last couple of years. The requirement for black and white livery on the vehicles had been dropped. Instead of requiring electric chairs for disabled passengers, drivers were able to have swivel cushions. There had been a requirement that vehicles had to be two years old or newer to be licensed for the first time; this had been increased to three years old or newer. The Council was aware that costs for drivers were escalating and in her view it was right to hold a review.

Councillor Derbyshire proposed the following motion which was seconded by Councillor Dhindsa:

“That a review of the Council’s policy of not limiting the issue of new hackney carriage licences be undertaken and this to include a qualitative and quantitative survey of the demand for Watford Borough Council licensed hackney carriages. “

On being put to the Committee, the motion was AGREED.

RESOLVED -

that a review of the Council’s policy of not limiting the issue of new hackney carriage licences be undertaken and this to include a qualitative and quantitative survey of the demand for Watford Borough Council licensed hackney carriages.

Chairman

The Meeting started at 7.30 pm Watford Borough Council

and finished at 8.30 pm