

## **LICENSING COMMITTEE**

**6 SEPTEMBER 2012**

Present: Councillor J Brown (Chair)  
Councillor P Jeffree (Vice-Chair)  
Councillors I Brandon, I Brown, J Connal, G Derbyshire (for  
minute numbers 8 and 9), J Dhindsa, K Hastrick, M Hofman,  
M Meerabux, M Mills, D Scudder, L Scudder, D Walford and  
J Aron

Officers: Environmental Health and Licensing Section Head  
Licensing Manager  
Committee and Scrutiny Support Officer (JK)

### **5 APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**

There was a change of membership for this meeting: Councillor Aron replaced Councillor Crout.

### **6 DISCLOSURE OF INTERESTS (IF ANY)**

There were no disclosures of interest.

### **7 MINUTES**

The minutes of the meeting held on 16 July 2012 were submitted and signed.

### **8 REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES**

The Committee received a report of the Head of Environmental Services asking the Committee to review the draft response to the Law Commission's initial proposals to reform taxis.

The Licensing Manager introduced the report and explained the background. The Chair added that it was a complex area and responses were difficult to frame as a decision in one area, such as whether there should be a one-tier system or a two-tier system, could affect the response to another proposal. She noted that if a one-tier system was introduced it could put private hire operators out of business.

Councillor Dhindsa highlighted that if there was a one-tier system it would cause the ranks to be overcrowded. He also noted the difference between the knowledge test requirements for Hackney Carriage and private hire drivers.

The Licensing Manager responded that he did not disagree about over-ranking and noted that under the proposals there were different requirements for drivers. The issue of rank space was not addressed in the consultation document.

Councillor Brandon referred to the suggestion in response to provisional proposal 1 that individuals could apply to establish a taxi rank. He added that he would like there to be consultation with residents and ward councillors for any such proposals. The Licensing Manager said that this could be added to the response.

In response to a question about the timescale of the review, the Licensing Manager explained that the consultation would close on 10 September. In mid-2013 the Law Commission would publish the draft bill and it would be for the government to respond and potentially take the bill through Parliament. He anticipated that any changes would not come into effect until 2015-16.

Councillor D Scudder referred to the proposed requirement for all work to be logged by the driver and noted that this would be an extra layer of bureaucracy for sole traders. Other Members concurred with this point. The Licensing Manager noted this point and said the response would be amended to reflect this concern.

In response to a request for clarification about question 4, the Licensing Manager explained that a number of vehicles such as horse-drawn hackney carriages and rickshaws did not require a driving licence. However, there were still public safety issues with these forms of transport.

The Licensing Manager advised that there was an error in the response to provisional proposal 7, the second line should read 'the former will licence...'

In response to a question from Councillor Aron, the Licensing Manager advised that the regulations around limousines were quite complex and the licensing depended on the number of seats. The response to the consultation was that the number of seats should not make a difference and the Licensing Authority should licence all such vehicles.

Councillor Brandon referred to provisional proposal 43; he asked how a competitive market would work when maximum fares were in place. The Licensing Manager said that this was a good question. He noted that fares would just be the maximum amount that could be charged and there could be competition up to that level. This issue could be added to the response.

Councillor Dhindsa referred to provisional proposal 41 and asked how numbers of taxis could be controlled if vehicles from other areas could operate in the Borough. The Licensing Manager explained that one proposal was for the local authorities to lose the power to set conditions on private hire licences and these would be set nationally. The response, however, would be that full enforcement powers over drivers operating in the Borough would be required. He added that the issue of fees would need to be addressed; under the current proposals drivers could be licensed in the local authority area that was cheapest and then

operate elsewhere. The fees were needed to help cover the cost of enforcement. Fees would need to be equitable either nationally or regionally to address this. Members agreed that this would need to be addressed. The Licensing Manager suggested that this could be posed as a question in the response.

Councillor Dhindsa referred to question 53 and reiterated the problem with record-keeping for Hackney Carriages. The Licensing Manager responded that one option was that the meter could keep a record of each journey.

The Committee then discussed provisional proposal 54 and agreed that local authorities should continue to be able to limit the numbers of taxis in their area. Councillor Derbyshire advised that he felt it would be difficult for a national formula to be used which took account of all the local factors which determined the level of need. He felt the judgement should be made locally. The Committee agreed this approach.

Councillor Brandon referred to question 57; he said that quotas should be avoided and there should be a demand-led evidence base to provide taxi services for the disabled. He added that he was happy with the wording.

It was noted that the responses to questions 55 and 56 would need to be changed to reflect the answer to 54.

Councillor Dhindsa said he agreed with the response to question 58.

Councillor Brandon commented that the response to question 59 seemed to contradict the response to questions 57 and 58.

The Chair expressed the Committee's thanks to officers for their hard work in preparing the response to the consultation. It had not been an easy task.

RESOLVED –

that the draft response to the Law Commission be endorsed together with the amendments made by the Committee.

9

## **MINOR LICENSING POLICY AMENDMENTS**

The Committee received a report of the Head of Environmental Services outlining three policy changes that had been identified following a business process redesign exercise.

The Licensing Manager introduced the report and explained the context of the business process review. He explained that the review was to save £38K from the budget and involved redesigning the mechanisms by which applicants engage with the team. There were three areas that needed the Committee's agreement and each one would be dealt with in turn.

**Recommendation 1:** That from 1 October 2012 applicants for hackney carriage or private hire vehicle licences shall be required to produce a valid MOT certificate for the vehicle issued within the previous thirty days, and that Certificates of Compliance are no longer accepted.

The Licensing Manager explained the current practice. He advised that moving to a system of MOTs followed by a vehicle check by officers would be slightly cheaper and more convenient for drivers and there would be a cost saving for the Council.

Following a question from Councillor Dhindsa, the Licensing Manager confirmed that certificates of compliance were required for all drivers, not just new applicants. The new process which split the vehicle check into two parts would be much more efficient and the issue of the paper licence would be reduced to approximately two days rather than 30 days. The liaison with the garages and waiting for documents was time-consuming. A further advantage of the proposal was that meeting the drivers to check their vehicles gave officers a chance to build a good relationship with them.

Councillor Dhindsa felt that it would be preferable if all the vehicle checks were done at a garage. The Licensing Manager advised that drivers would not incur any extra costs and the inspection by officers would be covered in their fees. He added that it would also improve consistency in vehicle standards.

The Licensing Manager highlighted that, as at present, drivers would need to go to one of three garages. This would be reviewed after April 2013 when current arrangements finished. After that, it may be possible for drivers to have an MOT at a garage of their choice.

Following a question from Councillor Brandon, the Licensing Manager confirmed that the drivers pay the garages directly for their certificates of compliance.

Councillor Meerabux advised that he was persuaded by the proposal especially if the drivers were happy with the change. The Licensing Manager advised that a stakeholder consultation meeting had taken place and representatives from private hire operators and the Hackney Carriage Driver Association had attended and were supportive of the changes.

In response to a question from Councillor Mills, the Licensing Manager replied that the checks would be undertaken by the Assistant Licensing Officers and would take place at Wiggshall Depot. If there were any issues, a Licensing Officer would inspect the vehicle.

Councillor D Scudder felt that this was a good proposal and would benefit both the Council and the drivers.

Councillor Derbyshire said that he agreed and it was a good idea to rely on MOTs which were based on national standards. He questioned why the MOTs were limited to only three garages. The Licensing Manager advised that these were the existing three garages and an agreement was in place until April 2013.

This arrangement could be reviewed next year. There was no cost to breaking the contract but there would need to be consideration of whether there was a risk to the Council. Officers had no objection in principle to allowing drivers to obtain an MOT certificate from any garage. Members supported the proposal that drivers could use any garage for their MOT after April 2013.

Councillor Dhindsa said he did not think the proposal would offer cost savings as it would take a lot of officer time. He asked what checks the officers would be undertaking. The Licensing Manager noted that MOTs were validated by the Vehicle Operator and Services Agency (VOSA) and he listed the checks that officers would undertake. The Environmental Health and Licensing Section Head added that officers would undertake all the additional checks included in the Certificate of Compliance that were not part of the MOT. She added that the Council would not do it if it would lower standards.

This recommendation was agreed.

**Recommendation 2:** That officers suspend the hackney carriage licence or private vehicle licence of a vehicle that has been damaged in an accident until such time as the damage is repaired or, if mechanical damage is involved, a valid MOT certificate has been produced to officers.

The Licensing Manager explained that this policy had not yet been approved by the Committee and was current practice.

In response to a question from Councillor Hastrick, the Licensing Manager confirmed that this meant a further MOT on top of the annual test. Officers were not mechanically trained to determine whether an accident which appeared superficial had affected the roadworthiness of the vehicle. He confirmed that if an MOT had been obtained within 72 hours of the accident, there would be no need to suspend the licence. It was important to ensure the safety of the public who were being carried in the vehicles.

Following a question from the Chair, the Licensing Manager confirmed that the practice had been in place for a long time and there had been no problems.

Councillor Dhindsa asked whether a garage could issue a roadworthiness certificate instead. Councillor Brandon added that an MOT was an extra cost to drivers. Councillor Jeffree noted that MOTs were subject to national standards and this would provide consistency.

This recommendation was agreed.

**Recommendation 3:** That applicants for a hackney carriage driver's or private hire vehicle driver's licence be required to submit with their applications certificates to show they have passed an appropriate assessment by the Driving Standards Agency and the Council's Knowledge Test, neither of which may be more than six months' old at the time of submitting the application.

The Licensing Manager explained the current procedure and explained how the recommendation would be more efficient for applicants and for the Council.

This recommendation was agreed.

RESOLVED –

That from 1 October 2012 applicants for hackney carriage or private hire vehicle licences shall be required to produce a valid MOT certificate for the vehicle issued within the previous thirty days, and that Certificates of Compliance are no longer accepted. Until April 2013 the MOT certificate must come from one of the three approved garages. From 1 April 2013 MOT certificates from any garage will be accepted.

That officers suspend the hackney carriage licence or private vehicle licence of a vehicle that has been damaged in an accident until such time as the damage is repaired or, if mechanical damage is involved, a valid MOT certificate has been produced to officers.

That applicants for a hackney carriage driver's or private hire vehicle driver's licence be required to submit with their applications certificates to show they have passed an appropriate assessment by the Driving Standards Agency and the Council's Knowledge Test, neither of which may be more than six months old at the time of submitting the application.

The Meeting started at 7.30 pm  
and finished at 9.05 pm

Chair  
Licensing Committee