

## **LICENSING COMMITTEE**

13<sup>th</sup> November 2018

**Present** – Councillors Myers (Chairman), Baxandall, Heseltine, Ireton, Jaquin, Madeley, Moorby, Solloway, and Welch.

**Officers** – Legal Services Manager, Licensing Manager, Assistant Licensing Officer and Committee Administrator.

Apologies for absence were received from Councillors Graham, Mulligan and Thompson.

Start: 6.30pm

Finish: 9:24pm

Councillor Heseltine left the meeting at 7:58pm

The minutes of the Committee's meeting held on 25<sup>th</sup> September 2018 were confirmed and signed by the Chairman.

### **Minutes for Report**

LIC.212

### **PUBLIC PARTICIPATION**

1. Mr Christopher Woodrow, Licensing consultant representing the Skipton Private Hire and Hackney Carriage Taxi Association addressed the Committee asking that Members consider an amendment to the proposed call-out charge to reflect the actual cost of travel. The Association also objected to the capping limit of 12 miles as they considered this too low and suggested the limit should be increased to 25 miles as this acknowledged that many journeys were longer than the 12 mile cap.

In relation to the new vehicle testing regime, it was the Association's belief that the Licensing Authority could be acting unlawfully as it would, in practice, result in vehicles being tested four times a year within a twelve month period. Section 50 of the 1976 Act restricted vehicle testing to three times each year. Mr Woodrow stated that the Association was not opposed to there being a requirement for three tests per year but the current policy would unintentionally result in four tests per annum. Mr Woodrow also suggested that there was no reasonable argument why vehicles should be issued with two six monthly plates during the duration of the twelve month licence and this process just increased the workload on staff and provided no additional safety or security. Whilst he had no issue with an interim test during the licence period, he thought it unnecessary and wasteful to issue a second plate when the original one would suffice.

2. Mr Gordon Thompson addressed the Committee on the general policy issue concerning branding. He urged a change to the general policy that would have the impact of allowing him to keep the the branding he currently had on his vehicle. Mr Thompson mainly operated in Grassington and Kettlewell and he had had no complaints from his customers about the graphics on his vehicle. He felt that, after many years of using this particular trademark, which included the word 'cab' (which was expressly forbidden), it would be unfair to retrospectively ask him to remove the branding and he asked for an exemption for the life of his current vehicle.
3. Shaun Parnham and Stuart Hastings, representatives from Transcare Ltd trading as Metro Go addressed the Committee regarding the Council's current policy in relation to the branding of licensed Hackney Carriages and Private Hire vehicles. They gave an insight about their high standards of vehicle maintenance and safety inspections together with how they operated in other local authority areas. They also spoke about the various contracts

they had including the NHS work they undertook using specially adapted vehicles. They explained that although not currently licenced in Craven they would like to expand into the District and would wish to be able to have their own particular branding on their vehicles.

LIC.213

### REVIEW OF TAXI FARES

Further to Minutes LIC.207/18-19 and LIC.211/18-19, the Licensing Manager submitted a report asking Members to consider and adopt a fares table taking into account representations received during the period of public consultation. Appended to the report now submitted was a revised fares tables which included a 'distance to pick up charge' and a 'soiling charge'. In addition, Members were presented with an alternative fares table incorporating the suggestions made by the trade.

The consultation exercise had resulted in a representation from A2Z Licensing on behalf of the Craven Hackney Carriage Association who felt that the call-out charge should be amended to £1.50 per mile on tariff 1, £1.80 per mile on tariff 2, £2.45 on tariff 3 and £2.25 on tariff 4. The Association also suggested that the proposed booking fee structure must allow for a price per mile to be charged for each complete mile up to a distance of approximately 25 miles. In addition, it was proposed that the table of fares provided clarity that the call-out charge was the prescribed maximum and customers were at liberty to negotiate a lower charge when making the booking. The Association also considered it desirable that the booking office was used as the point of charging rather than driver's home address as the customer would have no way of knowing whether the correct call-out charge had been applied.

In conveying the details of her report, the Licensing Manager circulated a revised table of fares to reflect the representations made in relation to a pick up point charge by the Skipton Private Hire and Hackney Carriage Taxi Association.

After a lengthy debate and taking into account all the various comments, Members concluded that the suggested revised pick up charges could not be supported and resolved to reduce the proposed pick up charges by one third, as they wanted to see a fair balance between giving taxi drivers reasonable compensation for the outward journey whilst making sure that fares were affordable for the travelling public. Members also discussed the issue of a soiling charge and the level of the charge that could be made should a passenger soil a vehicle and whether the amount suggested was sufficient.

In addition, Members wanted to ensure that members of the public had an opportunity to view the fares that applied within Craven and the Licensing Manager was asked to publicise the Table of Fares as widely as possible including investigating whether it was feasible to display the Fares Table at taxi ranks.

The Council's Legal Services Manager aided Members deliberations by pointing out that whatever charges were adopted, Members had to be satisfied that there needed to be a rational basis for the fees and that, if approved, such pick up fees would be a prescribed maximum having been agreed with the hirer before the journey took place.

**Resolved** – (1) That, Table of Fares as circulated at this Committee is approved subject to the following amendments:

- a) Tariff 1 – distance to pick up point charge £1.00 for each completed mile  
Tariff 2 – distance to pick up point charge £1.20 for each completed mile  
Tariff 3 – distance to pick up point charge £1.63 for each completed mile  
Tariff 4 – distance to pick up point charge £1.50 for each completed mile
- b) That, no maximum mileage cap is applied to the above pick up point charges and that these charges only apply for any journey within the Craven District.

- c) That, the maximum soiling charge is introduced at £75.00 to cover cleaning the vehicle and loss of earnings when a passenger(s) soils a vehicle by whatever means.

(2) That, the Table of Fares is reviewed in twelve months' time.

(Councillor Ireton asked that his vote against the introduction of the soiling charge at a level of £75 be recorded.)

LIC.214

## **TAXI LICENSING POLICY**

The Licensing Manager submitted a report bringing to Members' attention several issues that had arisen following the introduction on 1 June 2018 of the Taxi Licensing Policy. Representations had been received about the Policy that required a Member decision. In addition, further matters had come to light following a recent Licensing and Appeals Sub-Committee. The Sub-Committee felt that the Licensing Committee as a whole should determine potential changes, if any, to the Policy:

### **Vehicle Testing**

In response to representations, the Licensing Manager recommended that the Policy be amended to reduce the number of vehicle tests from three to two for vehicles that were aged three years up to twelve years and would receive a six month licence and plate.

### **English Language Testing by Trinity College London for New Applicants**

A recent Licensing and Appeals Sub-Committee had dealt with a request to waive the test requirement for an individual who had qualifications that met and exceeded the English B1 Test. Members resolved to waive the requirement on that occasion and asked that the full Licensing Committee reconsider the condition.

### **Safeguarding Training**

The Policy as previously agreed, included a condition for all drivers (new and renewals) to undertake safeguarding training approved and arranged by the Licensing Authority. However, that condition did not provide for applicants and licence holders to provide evidence that they had already undertaken a suitable alternative safeguarding training course which met or exceeded the Council's requisite standard. The Licensing Manager, in her report, asked Members to consider waiving the requirement where applicants and licence holders had undertaken appropriate and relevant safeguarding training to her satisfaction.

### **Executive Hire Vehicles**

An appeal was made to a recent Licensing and Appeals Sub-Committee for a licensed vehicle to be exempt from displaying the signage for his private hire vehicle as the work undertaken was classed as 'executive hire'. The current Taxi Licensing Policy had no specific condition relating to 'executive hire'. Evidence was provided at that Sub-Committee that explained about the type of service offered by the company and how the vehicle would be used for 'executive hire' rather than normal taxi work.

The Licensing Authority had discretionary powers to issue a notice to a vehicle proprietor exempting them from displaying the plate and signage subject to certain conditions and the Sub-Committee did grant the requested exemption.

The Licensing Manager's report recommended an amendment to the Policy to permit 'executive hire' vehicles subject to stringent conditions being applied.

### **Advertising/Branding on Licensed Vehicles**

The Licensing and Appeals Sub-Committee recently heard three appeals against the current provisions which limited the nature of advertisements/branding on licensed vehicles. The Sub-Committee resolved to refer the matter to the Licensing Committee for consideration and determination as such a significant issue required a decision by the parent committee. The distinction between branding and third party advertising was discussed and it was suggested that any relaxation of the current Policy would have ramifications by drastically altering the appearance of taxis in Craven. Members concluded that, in all the circumstances, a period of public consultation should be carried out which would assist them in their deliberations.

In discussing thoroughly each of the particular elements of the Policy, it was

**Resolved** – (1) That, the following amendments are made to the Taxi Licensing Policy:

### **Vehicle Testing**

Vehicles that are aged 3 or over will be tested twice a year and receive a six month licence plate.

Any vehicles which have applied to be licensed since the introduction of the 4 month test and are renewing their tests in the intervening period will automatically have their licence and plate extended to what would have been their renewal date in 2019 and then the twice a year regime as set out above shall operate.

### **English Language Testing by Trinity College London for New Applicants**

Where an applicant has evidence that they have qualifications that are the equivalent to the English Skills Test Level B1 (GCSE Grade C or above) and those qualifications have been issued in the United Kingdom then consideration will be given to accept those qualifications as a substitute for the Trinity College English Test – this will be at the discretion of the Licensing Manager.

If an applicant is aggrieved by the decision of the Licensing Manager not to accept the evidence provided, then they can appeal to the Licensing and Appeals Sub-Committee in the first instance.

### **Safeguarding Training**

Where an applicant has evidence that they have undertaken an appropriate and relevant safeguarding training course around children and vulnerable people then consideration will be given to accept that evidence as meeting our requirements – this will be at the discretion of the Licensing Manager. The training must be relevant to the role of a taxi driver.

If an applicant is aggrieved by the decision of the Licensing Manager not to accept the evidence provided then they can appeal to the Licensing and Appeals Sub-Committee in the first instance.

### **Executive Hire Vehicles**

If a licence holder operates a business which they consider is 'executive hire' then application can be made in writing to the Licensing Manager providing written evidence of such. This should include information on the type of work undertaken, details of contracts that will be undertaken and any other supporting information that demonstrates that the type of work being undertaken is 'executive hire' in the opinion of the applicant.

A decision will then be taken by the Licensing Manager whether a notice under Section 75(3) is appropriate which would include conditions that will be required to be complied with which are:

- All bookings must be recorded in a separate set of booking records;
- The vehicle will not be used for any other type of work (including school contract work and other hire and reward journeys);
- The windscreen disc will be displayed as normal which shows the plate number of the vehicle so that in the event of a complaint members of the public/customers are able to note those details in order that they can be passed to the Licensing Authority and any complaint be investigated fully;
- The licence plate issued alongside the licence will be kept in the boot of the vehicle at all times and made available for inspection upon request from any authorised officer of the Licensing Authority or Police Officer;
- The Notice issued under Section 75(3) will be kept in the vehicle at all times and made available for inspection upon request from any authorised officer of the Licensing Authority or Police Officer.

If an applicant is aggrieved by the decision of the Licensing Manager to refuse to issue a notice then they can appeal to the Licensing and Appeals Sub-Committee in the first instance.

#### **Advertising/Branding on Licensed Vehicles**

(2) That, in relation to the advertising and/or branding on licensed vehicles, the views of the trade and public are sought by way of a consultation exercise for a period of six weeks and that a report including details of any representations received is presented to the next meeting of the Licensing Committee.

LIC.215

#### **LICENSING COMMITTEE**

Members were asked to agree that the next scheduled Licensing Committee should be put back from 8<sup>th</sup> January 2019 to 22<sup>nd</sup> January 2019 to facilitate consideration of reports on CCTV in licensed vehicles and the proposed Penalty Points System.

**Resolved** – That, the next Licensing Committee is held on 22<sup>nd</sup> January 2019.

LIC.216

#### **APPOINTMENT OF SUB-COMMITTEE**

Members were advised that a Licensing and Appeals Sub-Committee may be required to determine a premises licence application. Councillors Ireton, Madeley, Myers and Solloway indicated they would be willing to sit on the panel.

**Resolved** – That, it is noted that Councillors Ireton, Madeley, Myers and Solloway indicated their willingness to be appointed to the Licensing and Appeals Sub-Committee, should it be required, on a date to be determined.

#### **Minutes for Decision**

LIC.217

#### **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES 2018-2021**

The Licensing Manager submitted a report following a review of the Statement of Principles as required by the Gambling Act 2005. The revised Statement of Principles had been made more robust to further protect vulnerable people and had taken into account revised Gambling Commission licence conditions and codes of practice.

The consultation exercise resulted in one response from the Association of British Bookmakers. The Licensing Manager acknowledged that some of the points they had made regarding best practice in relation to checklists and other matters would be considered with a view to improving administrative procedures but she did not deem it necessary to amend the draft Statement of Principles 2018-2021 as submitted.

**RECOMMENDED** – That, the Gambling Statement of Principles is adopted.

Chairman.

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