

## **LICENSING COMMITTEE**

19<sup>th</sup> September 2017

**Present** – Councillors Baxandall, Graham, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan and Thompson.

**Officers** – Solicitor, Licensing Manager and Committee Administrator.

Apologies for absence were received from Councillors Myers and Solloway.

Start: 6.30pm

Finish: 8:15pm

Councillor Baxandall arrived at 6.40pm

Councillor Heseltine left the meeting at 7pm

The minutes of the Committee's meeting held on 13<sup>th</sup> June 2017 were confirmed and signed by the Chairman.

### **Minutes for Report**

LIC.195

#### **CHAIRMAN**

**Resolved** – That, in the absence of the Chairman, the Vice-Chairman, Councillor Moorby is appointed Chair for this meeting.

LIC.196

#### **PUBLIC PARTICIPATION**

The Committee was addressed by Mr Nasser Hussain, a driver / operator and resident of Skipton. In summary Mr Hussain, who was supported by approximately 20 colleagues, expressed disappointment at the Licensing Department's draft taxi licensing policy which he felt was similar to the Rotherham policy. Whilst the drivers agreed with some aspects of the draft policy such as safeguarding they felt that Craven taxi drivers were being tarnished with what had happened in Rotherham. He stated that Craven taxi drivers were well integrated into society and not a single driver had been convicted for similar crimes as those in Rotherham

He also expressed the opinion that there was a need to improve communications between the Licensing Office and drivers / operators and that re-instating regular liaison meetings would help and that the taxi drivers would like to have a meeting(s) before a final decision was made by the Committee on the taxi licensing policy.

In reply the Chairman stated that the taxi drivers' concerns were noted and that a working group seemed a good idea in order to examine the draft policy thoroughly. In responding to Mr Hussain's questions the Licensing Manager stated that it was usual for local authorities to look at other authorities' policies and procedures for benchmarking etc. Rotherham's policy was tried and test and had been scrutinized by way of legal challenge. There had been no intention to suggest or imply that Craven District Council had any similar issues to those that had occurred in Rotherham.

LIC.197

#### **REVISION OF TAXI LICENSING POLICY**

The Licensing Manager submitted a report presenting the results of the consultation on the revision of the taxi licensing policy for Members' consideration. All licence holders as well as stakeholders and other interested parties had been consulted and their responses were summarised in the report.

Members were asked to consider and discuss the responses and decide whether the policy and conditions should be amended to ensure a much more robust and fit for purpose licensing regime in order to protect the travelling public.

In commenting on the responses and discussing the draft policy Members were of the view that establishing a small working group consisting of Members, the taxi trade and officers would greatly assist the Committee in reaching a decision on the introduction of the new taxi licensing policy.

**Resolved** – (1) That, the report is noted.

(2) That, a Working Group is established consisting of Councillors Madeley, Moorby and Myers together with three representatives of the taxi trade, relevant officers and expert witnesses as appropriate.

(3) That, the Working Group is asked to establish a timetable for the work and that in due course their recommendations are reported to this Committee for decision.

LIC.198

### **REVIEW OF TAXI FARES**

The Licensing Manager submitted a report informing Members that a request had been received from a taxi proprietor for the fares applicable to Hackney Carriages to be reviewed to include a further charge that could be applied to journeys which took place within Craven in certain circumstances. Whilst private hire operators and drivers were able to set their own fares as long as the fare had been agreed between the driver and/or operator before the journey commenced, hackney carriage fares, on the other hand, were set by the local authority. Hackney carriage drivers were not allowed to turn the meter on until such time as the passenger was collected.

It had also come to the attention of the Licensing Manager that it had, for many years, been custom and practice for companies operating hackney carriages to agree a charge over and above the metered fare where the driver had to travel a substantial distance to collect passengers and then take them on a relatively short journey.

The legislation was quite clear that this practice was illegal and all drivers were informed accordingly and advised that the Licensing Authority would take action against any driver found to have overcharged customers in this way.

The Licensing Manager had been in dialogue with representatives of the trade in order to understand how the practice had developed in direct contravention with legislation. Because of the rural nature of the District it was not considered financially viable for them to carry out journeys where the pickup was some distance from the main area in which the driver operated.

To rectify the situation, three options were considered:

- I. Fare review
- II. Become a private hire driver
- III. Comply with the legislation

It was recommended that a revised fees table should be introduced and this would include a call-out charge which could be applied in specific circumstances together with a soiling charge should the vehicle need to be off the road because, for example a passenger had been sick in the car.

After a lengthy debate, during which Members felt that the situation was more complex than first thought, it was

**Resolved** – (1) That, officers are asked to conduct further research and consultation and consider whether there are any other solutions that could legally be introduced in order to make the provision of a rural taxi service more viable for operators and drivers.

(2) That, a report is brought back to this Committee's next meeting.

LIC.199

**NATIONAL LICENSING MATTERS – LEGAL UPDATE**

The Licensing Solicitor submitted a report providing Members with a general update on national licensing matters as follows:

- a) Taxi and Private Hire Working Group
- b) Gambling Commission
- c) Challenge to Intended Use Policy
- d) Competition and Markets Authority Guidance
- e) Hemmings Case

**Resolved** – That, the report is noted.

Chairman.