

Licensing Committee

A meeting of Licensing Committee was held on Monday, 13th October, 2008.

Present: Cllr Bill Woodhead (Chairman), Cllr Dick Cains, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Colin Leckonby, Cllr Alan Lewis, Cllr Mrs Ann McCoy, Cllr Mrs Kath Nelson, Cllr Maurice Perry, Cllr Roy Rix, Cllr Fred Salt

Officers: M. Vaines, C. Barnes (DNS), J. Nertney, M. Jones (LD)

Also in attendance:

Apologies: Cllr Mrs Eileen Craggs, Cllr Ken Dixon, Cllr Steve Walmsley

L Declarations of Interest

49/08

There were no declarations of interests.

L Hackney Carriage and Private Hire Licensing Policy Review

50/08

Consideration was given to the review of Stockton-on-Tees Borough council's (SBC) current policies, procedures and conditions in respect of Hackney carriage and Private Hire Licensing. Members had deferred consideration of the review at their meeting on 11th September 2007 to enable further more detailed consultation exercise on taxi usage and accessibility to be carried out. The consultation had been carried out and a revised policy document incorporating the results of the consultation was presented to members.

Members discussed and agreed the revised policy, particularly noting the following changes and additions to be made to the policy document:

*A section would be added to the policy to explain the role of the Committee

***Equality**

The policy would make clear that issues and training regarding disability included hidden disabilities e.g. mental health issues and learning difficulties would be addressed

***Duties and Obligations Under Disability Discrimination Act 1995 (DDA)**

It was noted that the policy stated Licensees should read the guidance "Avoiding Disability Discrimination in Transport: A Practical Guide for Taxi and Private Hire Services". Members commented that knowledge of the guidance should not be optional and therefore it was recommended to change the wording of the policy so that it 'must' be read.

***Specifications**

A discussion took place on the type of vehicles that could be licensed. Although most vehicles that could be licensed was for the carriage of up to four passengers, it was noted that there may be a need for the policy to allow for the licensing of smaller or larger vehicles cars, e.g. Smart Cars, for appropriate use. Therefore it was recommended that the policy would include that vehicles in general would be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that could accommodate up to eight passengers would be accepted, provided that there was compliance with the

specifications applicable to such vehicles. Vehicles could also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.

* Private Hire Vehicles

Members requested that point 6 of the Exceptionally Well Maintained Interior requirements, 'All ashtrays to be fitted and match original trim', would be removed as this requirement had been superseded by the No Smoking legislation.

*Meters

Members were informed that whilst it was a requirement for all hackney carriages to be fitted with a meter to calculate the journey fare, there was no specification in relation to the meter itself. Some existing meters could therefore be controlled via manual input to change between the tariff rates i.e. from tariff 1 to tariff 2 at midnight. This could, and had led to complaints of overcharging by some drivers who set an inappropriate tariff rate for either time of day or the day itself i.e. tariff 3 can only be charged during Xmas and New Year Bank Holidays.

Following the issue of a European Measuring Instruments Directive, regulations were introduced in 2006, the Measuring Instruments (Taximeters) Regulations 2006, which provided standards, and specifications that manufacturers had to meet for taximeters produced after 30th October 2006. Meters could also be calendar controlled and locked and sealed by the manufacturer/supplier so that tariff rates changed automatically and could not be changed or tampered with manually by the driver.

Members were concerned with there being no specification for taximeters in the current policy and therefore recommended that the new policy would introduce the requirement that all new vehicles must have taximeters that must be of the calendar control type that was locked and sealed by an approved manufacture/suppliers and/or installer. Consideration was given to what would be a sufficient timeframe for the remainder of the fleet to comply with the policy and it was agreed that existing vehicles must introduce the required meters within a three year period of the policy taking effect.

*Accessibility

Members were informed that at present a hackney carriage licence would be granted to either a purpose built vehicle, capable of carrying a passenger in a wheelchair, and of a specification approved by the Council, or a saloon vehicle fitted with a rotating front near side passenger seat of a type approved by the Council. Such fitting included the replacement of the complete seat and frame with one produced by the seat manufacturer and the submission of a fitting certificate and provided a minimum swinging leg room measurement of 39 inches.

The adopted specification was that produced by the Public Carriage Office for the 'London cab'. However Members had agreed to depart from this over time to allow some of the new wheelchair accessible vehicles to be licensed subject to the vehicle having M1 Type Approval. 29 such vehicles had been licensed.

The Government had indicated their intention to introduce legislation that would make it compulsory for all hackney carriages to be wheelchair accessible. This

was supposed to commence in 2010 and SBC had been identified as being one of the first phase authorities. However, indications were that this might be delayed and it had been announced that they intended to carry out further consultations but this had not yet commenced. Councils had been advised to reconsider their own policies in the meantime to see how more wheelchair accessible vehicles could be introduced into the fleet.

In addition the Department for Transport had published "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" and the Disability Rights Commission had produced a statutory code of practice "Provision and Use of Transport Vehicles" under new regulations made under The 1995 Act which placed duties on both licensing authorities and the taxi trade to review any practices and procedures that made it impossible or unreasonably difficult for a disabled person to use their services. Copies of these documents had been made available to Members.

Members were therefore presented with three options in respect of hackney carriages:

- Option 1: Leave the policy as it was
- Option 2: Change the policy to require all hackney carriages to be wheelchair accessible by a given date
- Option 3: Change the policy to only require all new applications for hackney carriages to be wheelchair accessible vehicles either up to an agreed number or date when the policy will be reviewed again

Members did not believe that option 1 was a viable option, if SBC was trying to improve accessibility as the numbers of fully accessible vehicles licensed since this policy was introduced had remained a small percentage of the fleet (approx 10%). Members were shown evidence from SBC's consultation process that Stockton Hackney Carriage Drivers Association was against Option 2, although independent surveys showed that respondents either agreed or strongly agreed with the option. It was discussed whether this would be a viable option considering that the government was proposing to address the issue through the introduction of national legislation.

Members therefore considered that option 3 should be incorporated into the policy, that all new applications for hackney carriages must be wheelchair accessible vehicles until the time of the next policy review, three years from implementation. Members considered that private hire vehicles should be encouraged to apply the same policy, to ensure that the service that they were providing would not discriminate against possible users.

Swivel bases were discussed and it was noted that it was a requirement for saloon hackney carriages that the whole seat and frame had to be replaced with one provided by the swivel seat manufacturer. Members were informed that a lot of modern vehicles were fitted with side impact air-bags and replacing the seat required the removal of what was considered to be a safety feature. Whilst the supplier had been able to do this with some vehicles without compromising the vehicles remaining air-bags newer vehicles were being fitted with more sophisticated sensors which could not be disabled and which therefore could not have the seat replaced and therefore could not be licensed. In addition there was only one company that could produce the replacement seat and the swivel

base. It was therefore suggested that due to this, and following a statement from the trade, that this mandatory requirement be removed if new saloon vehicles continued to be licensed.

Members were informed that it was considered possible to replace the seat base in most, if not all, newer vehicles, which provided the swivel access without removal or compromise of the vehicles safety features. A base produced by a local manufacturer had been under test in a Mercedes vehicle without problem following consultation with the Cabinet Member. Members therefore considered the option of changing the requirement if saloon hackney carriages were to be retained.

Members recommended that the requirement be changed so that fitting a swivel seat base only, of a type approved by the council to provide a minimum swinging leg- room measurement of 39 inches be acceptable in principal

Members discussed the implementation of this requirement for private hire vehicles, and considered that the policy should make it a mandatory requirement for new applications and replacement vehicles for private hire where there was a fleet of more than one car. Applications for Executive Private Hire and Novelty vehicles to be exempt from this requirement would have to be presented to committee.

*Tinted Windows

Imposing a policy on tinted windows, and the nature of such a policy was discussed and it was deemed that this was needed. Due to the nature of design for the majority of tinted windows members considered it was acceptable to state that those vehicles that contravened the new policy on tinted windows had until the next renewal of their licence to rectify the issue.

*CCTV in Vehicles

The current policy did not include any recommendations on CCTV installation. Members were informed that the Department for Transport Draft Best Practice Guidance recommended licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

Members were informed that this issue was discussed in a Local Taxi Quality Partnership meeting when it was agreed that there should be a minimum specification for CCTV if images were to be used for evidential purposes. No specification had been agreed but some vehicles had gone ahead and installed such systems. The hackney carriage and private hire trades were, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Members discussed, and were concerned with, the potential to misuse the footage taken by CCTV. Members also discussed whether the installation of CCTV was best left to the judgement of the owners and drivers themselves. Therefore they recommended that such measures should not be required, as part of the licensing policy, however state that where CCTV was installed in vehicles, it must be encrypted and fitted by a registered installer.

*Age restrictions and European Emission Standards

It was noted that local licensing authorities were advised by The Department for Transport to consider how far their vehicle licensing policies could and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels. A further Government report suggested that, by adopting targeted air quality policies for road transport, significant reductions could be achieved for noxious pollutants in the atmosphere. The report highlighted the impact European wide emission limits were having on improving air quality. Members were informed that in private cars, these standards were introduced for new vehicles as follows:

- Euro I – became mandatory for new cars from 1993 (light goods vehicles 1994)
- Euro II – became mandatory for new cars from 1997 (light goods vehicles 1998)
- Euro III – became mandatory for new cars from 2001 (light goods vehicles 2002)
- Euro IV – became mandatory for new vehicles from 2006
- Additional standards are proposed for 2010 and 2015

SBC had no age restriction policies in place and had always relied on natural wastage of vehicles under the exceptionally well maintained requirement.

Members considered that, in the interests of the environment and improving air quality, tougher emissions standards should be introduced for all licensed vehicles. After considering the age implications for each of the Euro standards, and the general standard of vehicle to be licensed, members recommended that any new and replacement vehicles must meet Euro IV standard. Members considered the standard for renewal of licensing, taking into account that there were no vehicles licensed that registered prior to 1993 and therefore all vehicles met Euro I standards. Members therefore recommended that the policy stated any application for the renewal of an existing hackney carriage or private hire vehicle licence, where the vehicle in question was more than 12 years old, should not be granted; thereby ensuring that Euro II was being met as a minimum standard.

It was considered that the policy should, however, allow for vehicles older than 12 years to be considered by the Licensing Office in exceptional circumstances e.g. for classic vehicles.

*Applicants Who Have Spent Time Abroad

A discussion took place regarding applicants and current drivers who had spent three or more months living abroad and the relevance of their Criminal Record Bureau checks. It was noted that where an applicant had spent 3 months or more living abroad an enhanced CRB disclosure in itself could be insufficient to satisfy SBC that the applicant was a fit and proper person, as the CRB did not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they had been resident/domiciled, translated into English. However members were advised of the difficulty in imposing a policy on such an issue, and therefore believed that if they do not have sufficient information regarding a new applicant they could not be satisfied they were a fit and proper person.

Members recommended that the policy would however ensure that SBC must be informed if drivers intended to leave the country for significant period of time e.g. 3 months and Certificates of Good Conduct would be required for new applicants

*Code of Good Conduct

Members considered the Code of Good Conduct for Licensed Drivers and raised concern with point 4e 'Drivers shall not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle'. It was suggested that the point may cause confusion as to what was acceptable in terms of alcohol and the law relating drink driving. As it was believed that this point was regarding drivers smelling of alcohol and that all drivers must abide by the legal drink driving limits, Members recommended the code be changed to state that drivers would ensure that they did not smell of alcohol.

*Driver Training

At present there was no requirement for new applicants or existing drivers to undergo any form of formal training. However, in recent years formal training packages had been developed:

- The BTEC Intermediate Award – Transporting Passengers by Taxi and Private Hire Trade
- NVQ Level 2 in Road Passenger Vehicle Driving

The courses were designed to be work related and developed a specific set of practical skills and associated knowledge through a short programme of study followed by an external test.

Members considered whether undertaking the courses should be encouraged or made mandatory for all drivers both new and existing as part of the assessment of fitness and a means of enhancing driver skills. It was understood that the best option was for candidates to undertake both courses as the BTEC training underpins the NVQ assessment and it was usual for them to be run side by side. As with all training courses there may be a cost to the candidate but members were informed that at present national funding was available and there was no cost to the candidate. Members were further advised that joint courses were being offered locally through private hire companies in Middlesbrough and in Thornaby and there was the potential for further courses to be arranged at an independent venue.

Members therefore recommended that BTEC Intermediate Award - Transporting Passengers by Taxi and Private Hire Trade and NVQ Level 2 in Road Passenger Vehicle Driving be mandatory training and all drivers had to complete this within a 12 month period of the licence being granted or, for existing drivers, of the renewal of their licence.

Once these points had been incorporated into the policy it would taken to the taxi trade for consultation, and referred to Cabinet for approval.

The Committee thanked the officers for their report.

RESOLVED that:

1. The Committees comment be received.
2. The Head of Community Protection consult with the taxi trade on the suggested revised policy.
3. The revised policy be referred to Cabinet for approval.