

Minutes

of a meeting of the

General Licensing Committee



held at 2.30 pm on Monday, 12 March, 2012
at the South Oxfordshire District Council Offices, Benson Lane, Crowmarsh
Gifford, Wallingford, Oxon, OX10 8ED

Open to the public, including the press

Present:

Members: Councillor Dudley Hoddinott, Melinda Tilley (Chairman), John Woodford, Bob Johnston, John Amys, Marilyn Badcock (Vice-Chair), Charlotte Dickson, Anthony Hayward, Ron Mansfield, Gill Morgan and Janet Shelley, Yvonne Constance (Guest: Cabinet Member)

Officers: Robert Draper, Margaret Reed, Jennifer Thompson, Liz Hayden and Susan Harbour

Number of members of the public: 0

GE.4 Notification of substitutes and apologies for absence

Apologies were received from councillors: Pat Lonergan, Peter Jones and Mike Badcock.

GE.5 Declarations of interest

None.

GE.6 Minutes

RESOLVED

To adopt the minutes of the meeting on 18 May 2011 and agree that the Chairman sign them.

GE.7 Chairman's introduction and explanation of the format of the meeting

The chairman explained the process for the meeting and the procedure to be followed during the adjournment to meet jointly with South Oxfordshire District Council's general licensing committee.

GE.8 Statements, petitions and questions from the public relating to matters affecting the general licensing committee.

None.

GE.9 Resolution to adjourn the meeting for a joint briefing and discussion with South Oxfordshire District Council General Licensing Committee on item 7

RESOLVED

To adjourn the meeting to allow the committee to discuss the draft licensing policy for hackney carriage and private hire and accompanying report together with South Oxfordshire District Council's general licensing committee and appoint Mrs Elizabeth Gillespie, Chairman of that committee, to facilitate the discussions, before reconvening to consider the committee's recommendations

The meeting was adjourned from 2.35pm until 4.30pm to allow the two committees to meet together. The notes of the discussion are appended to these minutes.

GE.10 Licensing policy for hackney carriage and private hire: joint statement of licensing policy

After the meeting reconvened, the committee discussed the report of the Head of Legal and Democratic Services setting out the key issues to be considered and the draft statement of licensing policy for hackney carriage and private hire proposed for consultation with the public and the trade.

Mrs M Reed, Head of Legal and Democratic Services, Mrs L Hayden, Shared Legal, Licensing and Community Safety Manager, and Mr R Draper, Shared Licensing Team Leader, introduced the report and answered questions from the committee during the adjournment and after the committee reconvened.

Members of the committee made the following comments and recommendations:

- The two district councils should have a harmonised policy for hackney carriage and private hire licensing.
- Introducing a standard size and style for roof signs was acceptable.
- The consultation should include an option for removing the tariff on hackney carriage fares altogether.
- The policy should contain a clear definition of an accident which needed reporting, a statement of the council's response time and actions, and what drivers should do if the vehicle was off the road for repair and the actions they should take during office closures or if responses were delayed. .
- The trade should be consulted about introducing restrictions on the permitted size of adverts. The power to determine the suitability of adverts should rest with councillors not officers.

- Information should be gathered about the number of drivers who would have been affected had a test of spoken English proficiency been in place when they applied for a licence, and the proportion of prospective applicants who may be affected.
- The sample points scheme for breaches should be issued for consultation with amendments. Councillors and the general licensing committee should be involved in determining suspensions and the scheme should be kept under review.
- There should be a range of informal measures available to deal with minor or first breaches so that drivers were not unfairly penalised for very minor matters.

RESOLVED

- that the proposed joint licensing policy for hackney carriage and private hire should be issued for consultation with the public and the trade as set out in the documents issued to the committee and should include a consultation on the complete **removal** of a tariff for hackney carriage fares;
- that the proposed penalty points scheme should not include a penalty for ‘any other breach or unsatisfactory behaviour’; *and*
- to authorise the Head of Legal and Democratic Services to make any further minor editorial changes to the proposed policy prior to the document being issued for consultation.

The meeting closed at 4.45 pm

Notes of an informal joint meeting between General Licensing Committee members of South Oxfordshire District Council and Vale of White Horse District Council

Monday 12 March 2012 after the formal meetings of the two councils starting at 2.30pm

Held at South Oxfordshire District Council's offices



Introduction

Councillor Elizabeth Gillespie was elected to chair the joint meeting of the two general licensing committees. The committees met to discuss the report of the head of legal and democratic services setting the proposed consultation draft of a joint licensing policy for hackney carriages and private hire vehicles and drivers and the key issues to consider.

Mrs Margaret Reed, Mrs Liz Hayden, and Mr Robert Draper explained that the councils' current licensing policies were due for revision and the committees were asked to take the opportunity to harmonise the policies to provide consistent standards across the two councils and improve the efficiency of the joint licensing team. The key points to be considered were summarised in the report circulated to both committees.

Mrs Yvonne Constance, Vale Cabinet member for legal and democratic services, attended to appraise the Vale's committee of her views as Cabinet member.

Officers briefed councillors on the key issues set out in Appendix 1 of the committee report and councillors commented on these.

Policy Vehicle 8 - Age of Vehicle

Three options were proposed for consultation:

Option 1:

Maximum age of vehicle when first licensed - five years.

Maximum age of specialist wheelchair accessible vehicle when first licensed - seven years.

Option 2:

As above but with maximum vehicle age limit of 10 years (12 years for wheelchair accessible vehicles)

Option 3:

No age restriction - no change to current policy

Officers said that air quality management data showed that licensed vehicles contributed disproportionately to air pollution because of their patterns of travel. Newer vehicles had lower emissions and in addition had higher safety standards. At Vale 30-40 vehicles (out of 200) would be affected by a maximum age limit of ten years.

Mrs Constance said that the policy should clarify that six-monthly testing would be imposed on vehicles over five years of age and that emissions standards were those required to pass an MOT.

Councillors agreed to consult on all three proposed options.

Policy Vehicle 5 & 6 - Disabled Access

Officers said that there was a shortage of wheelchair accessible vehicles in both councils and the more relaxed policy may still not provide enough vehicles to meet the need.

Councillors agreed to consult on harmonising the two policies to allow licensing of suitably adapted wheelchair accessible vehicles with rear access via tail lifts or ramps and to ask officers to work with Oxfordshire County Council to require all wheelchair accessible vehicles used on school contracts to be licensed private hire or hackney carriage vehicles.

Policy Vehicle 10 - MOT Testing

Officers said that only two nominated MOT test centres could be used for vehicles licensed in Vale but in South vehicles could be tested at any MOT centre. Using a small number of approved test centres gave consistent standards and familiarity with any local authority imposed conditions on a vehicle's licence. The proposed policy would re-introduce a limited number of approved test centres in South and expand the number overall for both councils by allowing testing at centres in both districts and those approved by Oxford City Council and Reading Borough Council. Test centres would be chosen after a tendering exercise to assess their standards and charges for competently assessing licensed vehicles. Additional checks for licensed vehicles included appearance, interior condition, taximeter and plate and roof sign. An annual MOT from new and then six-monthly MOTs for older vehicles were required to protect public safety because of the additional wear caused by high mileage.

Councillors said it was essential that MOT centres had high standards.

Councillors agreed with the frequency of tests and to consult on a move to an 'approved' MOT centre approach with two centres in Vale, three centres in South, and using test centres already approved by neighbouring authorities.

Policy Vehicle 12 - Roof Signs

Officers explained that a standard roof sign bearing the licensing authority's logo and standard details improved public safety by clearly identifying correctly licensed hackney carriages. There had been no specific complaints or reports that safety had been compromised. Roof signs were required on Vale's hackney carriages but some merely said 'taxi'. Roof signs were not expensive and the new standard sign would

be required only when the vehicle licence was renewed. South had a standard for roof sign design and information and it was proposed to introduce this for Vale's vehicles.

Councillors agreed to consult on introducing a harmonised style of roof sign in Vale as set out in the draft policy to be phased in over one year at vehicle licence renewal.

Policy Vehicle 14 - Plate Exemption

Officers said that plate exemptions were rarely requested and were only granted in specific cases where more than 75 per cent of the work was for private driving under contract. Vehicles had to display two small licence discs and carry the plate in the boot for inspection by licensing officers and police.

Councillors agreed to consult on the policy that plate exemption is only granted in respect of private hire vehicles. The exemption will be reviewed on an annual basis and applicants for exemption will be required to demonstrate that their customers are requiring plate exemption for security or business reasons and that these customers are contributing to the majority of income for that vehicle.

Policy Tariff 1 - Tariff

Officers said that South was now the only licensing authority in the country without a maximum tariff for hackney carriage fares. The lack of a maximum tariff meant that the drivers could increase charges for specific journeys or times of year and this potentially caused difficulties for customers hiring a hackney carriage on the highway. There has been some support in South Oxfordshire for the council to set a tariff. There are considerable community safety and customer equality reasons why there should be a tariff in both councils. The taximeter was set (and locked) with the charges set by the taxi firm or licensed vehicle owner. These could be set to any level lower than the council's tariff. Private hire fares were agreed on booking by negotiation and were not subject to the same regulation.

Mrs Constance pointed out that part of the Conservative manifesto for the 2011 elections referred to removing the tariff in Vale as it was overly restrictive and most firms charged less than the tariff anyway.

Policy Vehicle 22 - Accident Notification

Officers said this was proposed to ensure that vehicles were not used with unrepaired accident damage, to allow officers to check whether there were other infringements of licence conditions contributing to the accident and to inform officers of accidents in advance of complaints and claims from members of the public involved in the accident. 'Accident' would be defined as anything requiring repair to bring the vehicle back up to an acceptable standard. Once an accident had been reported, officers would take action proportionate to the reported damage. There was no requirement to cease operating because of an accident, either in a replacement vehicle or in the original vehicle if it was roadworthy and in acceptable condition.

Mrs Constance said that she would like to see evidence of the benefits before introducing a prescriptive condition. Repairs should be defined as those requiring repair at a garage. The policy should set out what happens when a driver reports an

accident and a rapid timescale for officers' responses as well as what steps to take if the accident could not be reported in office hours.

Councillors commented that reporting an accident and having the vehicle inspected should not cause drivers any delay in getting repairs made or returning a vehicle to work. There should be some means of noting accidents on a driver's and vehicle's record.

Councillors agreed that in principle there should be a requirement for all accidents resulting in damage to a vehicle that requires repair to be reported to the council. However more details on the process and definitions should be provided to the trade if this policy was adopted.

Policy Vehicle 13 - Advertising

Mrs Constance expressed reservations about restricting advertising on vehicles and the requirement to authorise adverts as overly bureaucratic and restrictive. She questioned the impact of restrictions on the trade and requested more information be provided on the tests of suitability applied by officers.

Officers said South's policy restricted the size of adverts and did not permit wrap-around advertising. The requirement for adverts to be authorised was to prevent inappropriate or offensive adverts being displayed.

Councillors agreed to consult on regulating advertising on vehicles.

Policy Driver 4 Driving Standards – DSA Test

Councillors agreed to consult on the proposal that drivers who have been the subject of substantiated complaints about their driving standards, have got nine points on their DVLA driving licence or have been suspended for other driving offences should have their hackney carriage/private hire driver's licence suspended until they have passed the specific Driving Standards Agency test for such drivers. They did not wish to see passing this test required of all drivers.

Policy Driver 3 - Spoken English Test

Officers recommended that the councils should set a minimum standard of spoken English. If the applicant cannot meet this standard then they should be required to pass an independent and externally accredited test.

The test was proposed due to an increased number of complaints about lack of ability to communicate with drivers and the risk to public safety if a driver did not have sufficient command of English to cope with unexpected changes in route, an accident, or a passenger becoming ill. This would be introduced for new applicants only and would not be made retrospective. Officers would establish straightforward ways of assessing drivers' skills and provide a list of externally accredited language tests which provided proof of attaining the required standard.

Councillors agreed to consult on this proposal and to ask officers to use externally validated language courses.

Policy Driver 2 - Knowledge Test

Councillors agreed to consult on the requirement for a pass mark being set at 80% and a maximum of five tests in total ie one test and four resits.

Policy Driver 23 - Driver Conditions

Councillors agreed to consult on the proposed policy: that there must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty.

Policy Driver 6 - Disability Awareness

Councillors agreed to consult on requiring applicants for a hackney carriage/private hire driver's licence to undergo disability awareness training, or provide alternative qualifications which may be accepted at the discretion of the council.

Policy Driver 25 and Policy Private Hire Operator 12 - Duration of Licence

Councillors agreed to consult on the proposal that all licences should be offered for three years only.

Policy Driver 9 - Medicals

Councillors agreed to consult on the proposals that the current requirement for three year medicals for all drivers, and annual medicals for those over 65, should continue. Councillors agreed that the policy should be amended to require the driver to have the medical with a GP at the surgery the applicant is registered and that the GP must confirm that they have checked the applicant's personal medical records.

Policy Private Hire Operator 9 - Planning Permission

Officers confirmed that the intention of this policy was to ensure that an operators' licence was only issued for premises which had appropriate planning consents in place. Officers would not normally expect to grant an operator's licence unless the applicant could demonstrate that the premises had planning consent for this business use or did not require consent.

Councillors agreed to consult on inclusion of such a policy and to ask officers to redraft this before the consultation started.

Policy Driver 28 - Information Sharing

Councillors agreed to consult on the inclusion in the policy of:
"The councils will share all information with other enforcement bodies including other councils, the police, UK Border Agency, HMRC and the Department for Work and Pensions on enforcement related issues involving licensed drivers, operators and vehicle owners."

Policy Driver 4 and Appendix G - Mobile Phones

Councillors agreed to consult on including in the policy a statement that any driver seen using a mobile phone whilst driving will be subject to a penalty or suspension.

Policy Enforcement 1 and Appendix H - Penalty Points Scheme

Officers said that implementing a penalty point scheme that allows enforcement officers to issue points for breaches of the licensing conditions proportional to severity of offence. Such schemes were used successfully elsewhere. They provided an easy and clear method of penalising breaches of licence conditions without creating undue delays or bureaucracy in dealing with breaches. Once a certain number of points are exceeded the licence will be suspended and drivers or operators may then appeal or be referred to the sub-committee/panel.

Councillors were in favour of a points scheme but the details of the scheme should be agreed by the committees after consultation and there should be some leeway and use of common sense in dealing with minor problems.