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**DACORUM BOROUGH COUNCIL**

**LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE**

**04 FEBRUARY 2014**

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Present –

**MEMBERS:**

Councillors Lawson (Chairman), Bhinder, Mrs G Chapman, Conway, Fantham, Mrs Green, Link, Peter, Ryan, G Sutton, Whitman.

**OFFICERS:**

R Hill	Licensing Team Leader
B Lisgarten	Barrister, Legal Governance Team Leader
C Thorley	Member Support Officer

**Other Persons Present:**

Tabrez Khan	Chairman of Taxi Driver's Association
John McIlvaney	Taxi Driver's Association
Sajid Ahmed	Proprietor, Choice Taxi's

The meeting began at 7.30 pm

**1. MINUTES**

The minutes of the meeting held on 26 November 2013 were confirmed by the Members present and signed by the Chairman.

**2. APOLOGIES FOR ABSENCE**

Apologies were made on behalf of Councillor Taylor.

**3. DECLARATIONS OF INTERESTS**

The Chairman said that declarations of interest would be handled at each item.

**4. PUBLIC PARTICIPATION**

The Chairman said that public participation would be handled at each item.

**5. REVIEW OF TAXI TABLE OF FARES –CHANGES TO TARIFF 2 TIMES**

The Chairman began by acknowledging the large presence of taxi drivers who had attended the meeting in respect to the proposed changes set out in item 5. The Chairman said that those who had previously registered to speak in relation to this item would be given four minutes each to address the Committee.

R Hill then introduced the report stating that the matter has been returned to the Committee under exceptional circumstances only, and that the Licensing team had made it clear that this in no way formed a precedent for further challenges of decisions made by the Committee.

R Hill explained that following the October meeting at which a recommendation to Cabinet in respect of fares was made, officers attended a meeting with members of the taxi trade association, at which concerns were raised in respect to the proposed changes to applicable times for tariff 2. Following advice from the Legal Governance Group Manager at Dacorum Borough Council, it was agreed to undertake a further short consultation period specifically on that aspect of the recommendation, and to return any feedback to the Committee, prior to consideration of the recommendation by Cabinet.

R Hill said that a significant response had been received from individual drivers, together with a petition in excess of 200 signatories. The prevailing opinion expressed was that the reduction in the applicable times would adversely affect the economic viability of taxi services, with many respondents suggesting that an undersupply of vehicles on Sundays would occur.

R Hill asked that, in regards to this additional feedback, the Committee consider whether it would be appropriate to make amendments to their recommendation to Cabinet, or whether to affirm the previous recommendation.

R Hill said that the table of fares setting out the Committee's recommendation was appended at Annex B on page 8. A copy of the petition and the individual comments followed in Annexes C and D.

The Chairman thanked R Hill for his introduction and invited the first speaker to address the committee.

T Khan introduced himself and stated that the taxi trade was opposed to the changes regarding tariff 2. T Khan said that as demonstrated by the large public presence of drivers at the meeting this was a large concern amongst the trade and that the general feeling was that the proposals were unfair and unjust.

T Khan said that the trade were still looking to raise the minimum fare rate and that the suggestion to disallow the application of tariff 2 on Sundays combined with pushing it back to a later time on other days would mitigate the rise overall and would regress earnings of the trade back to the levels they were in 2004 which, with the combined increases seen in fuel prices and insurance costs was inconsistent with the rising levels of running expenses drivers were incurring.

T Khan said that the feeling amongst the trade was that the Committee did not recognise the difference between Hackney Carriages and Private Hire vehicles and that comments made by Councillors at previous meetings concerned negative experiences with Private Hire drivers and not Hackney Carriage drivers.

T Khan said that Dacorum was 124 on the league table of taxi fares for the country which demonstrated that prices charged by Dacorum taxi drivers were not at all unreasonable in comparison.

T Khan commented that often the Licensing team would make reference to the surrounding areas such as Watford in regards to Sunday charges but that they neglected to realise that drivers in those areas typically did more mileage.

T Khan asked that Councillors considered the fact that the taxi trade in Dacorum was now at saturation point, the taxi rank near the Marlowes had now gone and that there was a 20% increase in licensing fees. In addition a number of taxi drivers were illegally working in the borough. This, and a number of other factors, meant that the income of legitimate drivers was already negatively affected and it would become even more difficult if the proposed changes were implemented.

The Chairman then thanked T Khan and invited J McIlvaney to address the committee. J McIlvaney commented that ten years ago he had been part of an elected committee tasked by the Council to look at how to get more taxis out into the borough on a Sunday which had resulted in the time and a half tariff on a Sunday being implemented. J McIlvaney said that with the proposed changes there was likely to be a reduction in the number of taxis on a Sunday. J McIlvaney said that in the past at 11pm there had been instances of people fighting for taxis and that the trade and Council thought it would be safer for the public if tariff 2 was implemented at 11pm. J McIlvaney explained that this implementation of tariff 2 at 11pm was not just a monetary issue as it meant that more taxi's were likely to work later providing more services for the public and therefore alleviating the issues of antisocial behaviour at taxi ranks.

J McIlvaney said that the original implementation of tariff 2 was done via a democratic process and that he did not feel that the recent proposals were democratic also. J McIlvaney said that he thought that it was a shock tactic by the Council and was unfair and had not been done with any proper consultation. J McIlvaney said that the practice of adopting tariff 2 at 11pm was a national one and it did work.

The Chairman then asked S Ahmed to address the committee. S Ahmed said that the residents of Dacorum had a choice of over 200 Private Hire firms. S Ahmed said that he was aware that the Licensing team at Dacorum Borough Council had been implementing a lot of changes recently but that he felt that the trade was not always properly consulted on issues. S Ahmed said that people had fewer options to use Hackney Carriages following the removal of the taxi rank in the town centre. S Ahmed finished by saying that ultimately, if the proposed changes were implemented, the town would suffer as the taxi trade diminished.

The Chairman thanked T Khan, J McIlvaney and S Ahmed for their comments. The Chairman then asked the Members if they wished to say anything in response to the comments.

Councillor Whitman said that he acknowledged and agreed with some of the points made by the taxi drivers but that he still felt that Monday-Saturday tariff 2 should not be applied until midnight as many members of the public were not happy in the rise in taxi fare at 11pm.

Councillor Mrs Green said that after hearing the feedback from the trade she felt that the Committee had previously been unaware of the repercussions in regards to the loss of income if the proposed changes were implemented.

Councillor Bhinder also commented that he thought the statements given by the taxi trade were very articulate and he thanked them for their input.

Councillors Conway, Link and Ryan also registered their agreement with the taxi trade's viewpoint.

The Chairman acknowledged this and consulted with B Lisgarten as to what the options were for the committee. B Lisgarten stated that as per the recommendations outlined in the report the Committee could either affirm the previous recommendation made on the 29 October as shown in the draft table of fares at annex B or make a new recommendation to

Cabinet in respect to the fixing of fares and charges payable in connections to the hire of licensed Hackney Carriages in Dacorum. The Chairman said that a new recommendation would be made to Cabinet so that the proposed changes to tariff 2 would not be implemented.

The Committee voted as follows:

- Make a new recommendation to Cabinet in respect of the fixing of fares and charges payable in connection with the hire of licensed hackney carriages in Dacorum.


For: 10      Against: 0      Abstentions: 1

Resolved:

The Licensing, Health & Safety and Enforcement Committee recommend that Cabinet fix the fares and charges for the hire of hackney carriages in Dacorum at the levels set out in the recommendation of 29 October 2013, with the following additional amendments:

- tariff 2 to apply between the hours of 11pm and 7am on any day
- tariff 2 to apply between the hours of 7am and 11pm on Sundays.

The revised recommendation is illustrated in the draft table of fares set out below.



**Licensed Hackney Carriage Table of Maximum Fares**

<b>Tariff One</b>	For the whole distance of 440 yards (~402.3 m) or part thereof:- For each subsequent 220 yards (~201.2 m) or part thereof:- Waiting time for each period of 45 seconds or part thereof:-	£2.80 £0.25 £0.25	<i>Valid from XX XXXX 20XX</i>
<b>Tariff Two</b>	For the whole distance of 440 yards (~402.3 m) or part thereof:- For each subsequent 220 yards (~201.2 m) or part thereof:- Waiting time for each period of 45 seconds or part thereof:-	£4.20 £0.37 £0.37	
<b>Tariff Three</b>	For the whole distance of 440 yards (~402.3 m) or part thereof:- For each subsequent 220 yards (~201.2 m) or part thereof:- Waiting time for each period of 45 seconds or part thereof:-	£5.60 £0.50 £0.50	
<b>Extra Charges</b>	For each passenger carried in excess of two:- For each item of luggage conveyed outside of the passenger compartment and/or over 2 feet long:- Soiling requiring the vehicle to be taken out of service for cleaning:- Surcharge for payment of fare by credit or debit card (where card payment option is available):-  The passenger(s) shall be liable for any additional tolls, charges, tariffs, or city centre congestion charges including the Central London congestion charge.	£0.30 £0.10 per item, to a maximum of £0.50 £55.00 £0.50	Applies to journeys commencing: • between 11pm and 7am on any day; • between 7am and 11pm on Sundays; • on any official Bank Holiday; or • between 6pm and midnight on Christmas Eve and New Year's Eve  Applies to journeys commencing: • at any time on Christmas Day • at any time on Boxing Day • at any time on New Year's Day

Enquiries regarding any property accidentally left in a hackney carriage should be made to Hertfordshire Constabulary.

Figure 1: Recommended table of fares, as amended

## 6. TAXI AND PRIVATE HIRE VEHICLES LICENSING STANDARDS

R Hill introduced the item and explained that consultation was carried out last year on proposals to both consolidate and update the applicable vehicle standards adopted by the Council over the last few years, for both hackney carriages and private hire vehicles. R Hill

highlighted that an age policy for first licensing of vehicles was proposed, in an attempt to encourage the use of newer vehicles.

R Hill said that a significant response was received from the taxi and private hire trades in respect of the proposed age policies, including a petition organised by the Association, and further individual responses.

R Hill said that after considering the responses received, officers had revised the proposals in respect of age policy. Instead of a maximum age on first licensing policy, it was now proposed to require vehicles over a specified age; 10 years at the time of licensing, to undergo a second MOT and compliance test half-way through the duration of the licence. By checking older vehicles more frequently, R Hill said that it was believed that developing faults attributed to the age of the vehicle would be detected earlier. R Hill said that it also eliminated many of the affordability concerns raised in consultation, as proprietors would retain the ability to licence older vehicles which remained suitable.

R Hill said that as the table on page 38 showed there were currently 117 vehicles which would be affected by this proposal, out of a total of 414 licensed vehicles in the area.

R Hill explained that the revised policy represented a downgraded measure than what was initially consulted upon, and that further consultation has not been undertaken, although the proposals had been discussed and agreed with the Driver's Association's committee.

R Hill commented that other revisions within the proposals attracted less attention, and no further changes had been made. R Hill explained that some verbal comments were made in respect of the need for an engine capacity standard, particularly in light of developing electric vehicle technology, and assurances had been given that the Council would consider departing from certain standards in respect of particular vehicles when deemed appropriate. R Hill explained that this power had previously been delegated to officers.

R Hill pointed out that revised draft standards were appended at Annexes A and B, and that the feedback received in respect of the originally proposed age policy followed at Annexes C and D.

Councillor G Sutton asked why age had been the determining factor in testing the vehicle as opposed to mileage. R Hill said that mileage had been looked at but there were various issues with using this as a measure as it was possible to illegally alter the mileage and that often drivers that did a lot of mileage typically maintained their cars to a higher level.

The Chairman acknowledged there was no notification of public participation but that he would invite J McIlvaney to comment on the report if he wished. J McIlvaney said that he was not involved in the consultation but that he did agree with the point that cars with a higher mileage were often better maintained. He noted that drivers often bought ex-fleet cars with a higher mileage as they were cheaper so he agreed that perhaps mileage would not be the best measure to use. He also commented that he did not think two tests a year for a car over the age of 10 years was unreasonable.

The Committee then voted in regards to the two recommendations outlined in the report:

For: 11          Against: 0

Resolved:

The Licensing, Health & Safety and Enforcement Committee adopt the Vehicle Standards for Hackney Carriages and Vehicle Standards for Private Hire Vehicles as the Councils pre-

licensing criteria for Hackney Carriages and Private Hire vehicles with effect from the 1 June 2014; and that licensing officers shall monitor the average age of licensed vehicles for two years following the implementation of the revised criteria and report any change or trends to Committee following that period.

## **7. TAXI ENFORCEMENT –“THREE STRIKES” APPROACH**

R Hill introduced the report and said that it outlined a further piece of work following the revision of the licensing enforcement policy last year in respect to taxi enforcement. R Hill explained that, although the policy stated that multiple or repeat infractions would result in an escalation of enforcement action, previously there had been no guidance around how and when this would occur, leading to unclear and inconsistent application. R Hill explained that the process had been looked at and a standardised approach to this issue had been developed. R Hill said that the process outlined on p69 would ensure that if a driver, vehicle proprietor or operator in the borough incurred three warnings for applicable infractions they would automatically be referred to the Licensing Sub-Committee for a review of the applicable licence. R Hill pointed out that this approach did not however in any way stipulate the outcome of the review carried out by the Licensing Sub-Committee, who would retain full discretion in each matter they considered.

The Chairman acknowledged that the process needed to be standardised to ensure that high standards were being upheld in regards to the conduct of taxi licence holders in Dacorum. All members of the Licensing Committee agreed with this.

### Resolved:

The Licensing, Health & Safety and Enforcement Committee unanimously agreed with the proposed approach for dealing with individuals with numerous complaints/infractions and noted the report.

## **8. LICENSING FEES AND CHARGES 2014-2015**

R Hill introduced the report and explained that it set out the proposed licensing application fees and charges for the financial year 2014-2015 and followed on from a report brought before the committee on the 26 November 2013. He stated that no responses to the consultation had been received, and as such no further changes had been made to the initial proposals. Addressing the large number of taxi drivers present, R Hill highlighted that there were no changes to base taxi fees but there were some changes in regards to change of vehicle and change of vehicle ownership.

### Resolved:

The Licensing, Health and Safety and Enforcement Committee set as the fees and charges payable by applicants in connection with applications and other processes for licences, registrations and permits the fees and charges as set out in the annexed document, 'Licensing Fees and Charges 2014-15', for the period from 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015.

## **9. DELEGATION OF POWERS TO SUB-COMMITTEES AND OFFICERS**

R Hill explained that the purpose of the report was to clarify the delegation of licensing powers in light of recent legislation changes. This was the first part in an ongoing review process which would be continued in future reports to the Licensing, Health and Safety and

Enforcement Committee. R Hill said that the most noticeable change in delegation of power would be to move the sex establishment licence applications from the Licensing, Health & Safety and Enforcement Sub-Committee to the Licensing of Alcohol & Gambling Sub-Committee, as the format of this meeting was better placed to accommodate public participation.

Resolved:

The Licensing, Health & Safety and Enforcement Committee agreed that responsibility for the exercise of the powers specified in Annexes A and B of the report be delegated to the Licensing of Alcohol and Gambling Sub-Committee and the Assistant Director (Chief Executive's Unit), respectively; and that the terms of reference for the Licensing, Health & Safety and Enforcement Sub-Committee be revised in accordance with the recommendation.

**10. EXCLUSION OF THE PUBLIC**

None.

The meeting ended at 8:20 pm