
DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

29 OCTOBER 2013

Present –

MEMBERS:

Councillors Lawson (Chairman), Mrs Green (Vice-Chairman), Mrs Chapman, Fantham, Link, Peter, Ryan, G Sutton, R Sutton, Taylor, Whitman.

OFFICERS:

Barbara Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
C Thorley	Member Support Officer

Other Persons Present:

Tabrez Khan	Chairman of Taxi Driver's Association
John McIlvaney	Taxi Driver's Association

The meeting began at 7.30 pm

1. MINUTES

The minutes of the meeting held on 27 August 2013 were confirmed by the Members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Conway and Councillor Bhinder. Councillor R Sutton substituted for Councillor Conway.

3. DECLARATIONS OF INTERESTS

No interests were declared.

4. PUBLIC PARTICIPATION

The Chairman said that he anticipated that Mr Khan and Mr McIlvaney would wish to contribute in relation to Item 5 and that he would handle this at the time.

5. REVIEW OF TAXI TABLE OF FARES

The Chairman introduced the item and reminded the members of the Health & Safety Licensing Enforcement Committee that the purpose of the report was for members of the committee to make a recommendation for a referral to Cabinet in regards to the proposed table of fares.

The Chairman also introduced Mr Khan and Mr McIlvaney to the Committee and said that they would be given the opportunity to respond to the item when appropriate.

R Hill then introduced the item and explained that the matter was returning to the Committee following the consultation period in June. R Hill highlighted that the key results of the public consultation were set out in section 3 of the report.

R Hill explained that 86 responses were received to the consultation, and that the majority of these were opposed to the increase. However, R Hill explained that Licensing had been advised that the number of responses were too small to be considered as an accurate representation of opinions across the borough and that to put it into perspective only around 1/20th of 1% of the Dacorum population had responded.

R Hill stated that whilst he recognised the concerns that had been expressed, particularly within the free comments section at Annex A, he recommended that the Committee endorsed the proposed increase, and that the justification for this recommendation was given at section 4 of the report.

R Hill stressed that the recommendation was for referral to Cabinet. R Hill commented that the setting of taxi fares is an executive function, and as such it was not within the Committee's powers to make a final decision on the matter.

R Hill finished by saying that members had a wide variety of information within their reports to provide them with the background to the matter, and if there were any questions from the Committee he would do his best to answer them.

The Chairman queried with R Hill if the fares set out in the tariff table (Appendix A) were the maximum that taxi drivers in Dacorum could charge. R Hill said that this was the case and that in addition the table of fares was only applicable to Hackney Carriages and was not binding on Private Hire vehicles in the area.

Councillor Whitman asked if it was possible to amend the tariffs so that Tariff 2 was only applicable after 12pm and not 11pm. Councillor Whitman commented that by charging a higher rate after 11 pm local businesses, such as public houses, were being affected as their customers were leaving early in order to avoid the higher taxi fares. Councillor Whitman also added that he felt that it was inappropriate for taxi drivers to charge double time on a Sunday as individuals who worked in other trades on a Sunday did not receive or expect double time anymore.

R Hill responded that some of the comments received during the consultation also suggested that tariff 2 only became applicable after 12pm. R Hill mentioned that the decision for increased pay on a Sunday for taxi drivers was a historic one taken by the committee and so it was within the committee's remit to suggest to Cabinet that this be amended, if the Committee found this to be appropriate.

Councillor G Chapman commented that she did not agree with how the prices for long distance journeys within the borough were calculated. Councillor G Chapman queried as to why there could not be a fixed rate when travelling further afield but whilst still in Dacorum and that she did not understand why this could not be applied instead of having a percentage rise for the amount of distance covered.

Councillor G Sutton commented that to his knowledge this was the first proposed increase in fares in since 2011 and that as other methods of transport such as buses had increased their fares he was not opposed to a rise in fees. Councillor G Sutton also pointed out that in his opinion he felt that taxis were more reliable than the buses in Dacorum so he felt that the proposed fares were reasonable.

R Hill responded to Councillor G Chapman that it was difficult to establish a table of fares and that in order to do so a uniform formula was applied across the board to establish the fares and additional charges. R Hill reiterated that the table was of the maximum fares that could be charged and lower fares could be negotiated.

The Chairman commented in relation to this that he felt it was standard practice to gain several quotes from different taxi firms in order to ascertain the best price for a taxi journey.

Councillor G Chapman acknowledged this but commented that taxis in Dacorum could be unreliable and that in her experience there was little room for negotiation in price and that most of the time the taxi's charged the maximum fare and so for this reason she was opposed to the proposed changes.

The Chairman then invited the drivers from the Taxi Driver's Association to comment on the item. Mr Khan began by responding to Councillor Whitman's comments regarding Sunday fares. Mr Khan pointed out to Councillor Whitman that taxi drivers did not receive double time but instead were paid time and a half. Mr Khan also explained that when covering greater distances during a journey there was a greater fuel cost to the driver and so this was reflected in the fare. Mr Khan also commented that the taxi drivers in Dacorum were not proposing a huge rise and highlighted that Dacorum sat 122nd in the table of taxi fares in the country so were by no means the most expensive.

Mr McIlvaney also wanted to express to the committee that the consultation process was new to the taxi drivers and few taxi drivers had responded because they were not aware they had the option to.

The Chairman commented that at the last Licensing Health and Safety Committee he had urged the taxi drivers to respond during the consultation to avoid this situation arising.

Mr McIlvaney commented that taxi drivers were facing increased costs from licenses and car maintenance. Mr McIlvaney explained that the proposed fare rise was in line with inflation and hoped that members would take this into consideration.

The Chairman highlighted that the committee were looking to balance both the needs of the local community who used taxis and those of the taxi drivers. The Chairman said that in his opinion the proposed changes were fair and it was a modest increase. The Chairman then asked the other members of the Committee if they had anything to add on the matter.

Councillor Green said that she felt that Sunday fares should be the same as the rest of the week.

Councillor G Sutton added that he agreed with Councillor Green but that he did understand that longer journeys should cost more as not only was there an added cost in fuel but that these journeys often took longer because of being caught up in traffic.

Councillor Taylor said that whilst he was an infrequent user of taxis he did recognise that they did provide a vital service for some people especially the elderly and so with that in mind he was for the proposed changes.

The Chairman commented that he felt that the proposed fare table was acceptable but that there were some recommendations for amendments that could be made to Cabinet.

B Lisgarten advised the committee that they should vote in relation to the recommendations as set out in the report and then vote additionally for any amendments that they would like.

The Committee voted as follows:

- Proposal as per the recommendation in the report, to endorse the draft table of fares in the report and to recommend its adoption by Cabinet.

For: 2

The proposal was declared defeated.

- Proposal to amend the draft table of fares by deleting the second bullet point (“between 7am and 11pm on Sundays”) in the times at which tariff 2 is applied.

For: 11 Against: 0

The proposal was carried.

- Proposal to amend the draft table of fares by amending the first bullet point in the times at which tariff 2 is applied, substituting “between 11pm and 7am” with between midnight and 7am”.

For: 6 Against: 5

The proposal was carried

- Proposal as per the recommendation set out at paragraph 6.2.1 of the report to endorse the draft table of fares subject to the previous two amendments (as shown at Appendix A of these minutes), and to recommend its adoption by Cabinet.

For: 10 Against: 1

The proposal was carried.

Mr McIlvaney asked if it was possible to appeal against these recommendations if the taxi drivers did not agree with them.

B Lisgarten informed Mr McIlvaney that the Licensing Committee had made recommendations but that Cabinet may not necessarily agree with the amendments but that the taxi drivers could make representations if they wished to.

R Hill added that there was the opportunity for public participation at Cabinet and that he would sit down with Mr Khan and Mr McIlvaney and explain the process for doing this to them.

Resolved:

The Licensing Health & Safety Committee endorse the amended proposed table of fares (as shown at Appendix A of these minutes), and recommend that Cabinet fix the fares and charges for the hire of hackney carriages in Dacorum at the proposed levels shown, incorporating the following amendments: tariff 2 to be applied between the hours of midnight and 7am and not 11pm and 7am, and that tariff 2 is not applied between 7am and 11pm on Sundays.

6. RESPONSE TO CONSULTATION ON REMOVAL OF REQUIREMENT FOR PERSONAL ALCOHOL LICENCES (LICENSING ACT 2003)

R Hill introduced this report which set out a proposed response to the Government's current consultation on the abolition of personal licences for alcohol sellers.

R Hill explained that every premises licensed to sell alcohol currently had to have at least one licensed individual to authorise alcohol sales – either on a per transaction basis or by authorising the cashier directly. The lead personal licence holder was named on the premises licence as the designated premises supervisor, or DPS for short.

R Hill said that most larger premises would have multiple personal licence holders, and the licensing authority could, and had, imposed conditions on premises licences that required personal licence holders to be present at all times.

The personal licence system provided a nationally recognised standard, that a holder had attained a minimum level of training, and had any relevant criminal convictions scrutinised by a licensing authority. They also provided police and licensing officers with a degree of confidence in the competence and ability of the holder, particularly as licences could be revoked on conviction for offences under the Act.

R Hill stated that the report set out that the Government now proposed to abolish the personal licence system, as they viewed it as being too burdensome on business.

R Hill commented that in his opinion this would severely hamper efforts to promote the licensing objectives, as it would allow untrained and unaccredited persons to supply alcohol from premises within the Dacorum area.

R Hill said that the proposed alternative, of adding conditions to premises licences requiring a criminal record declaration from a proposed DPS, rather than a formal police certificate, and of further conditions requiring selected staff to undergo training would lead to a fragmented approach to the control of alcohol, and potentially an increase in alcohol-related crime and disorder.

R Hill explained that he was asking for the Committee's endorsement of the proposed response for submission to the current consultation.

Councillor Fantham said that he felt that he should initially declare an interest in this matter as he was a licence holder. Councillor Fantham also added that as he had been through the process he thought that the existing system worked well and that he did not see the logic in changing the system. Councillor Fantham said that it was for this reason that he fully endorsed the proposed response to the consultation.

Councillor Peter commented that he felt that if police were monitoring and enforcing licenses at establishments serving alcohol then there shouldn't necessarily be an issue with a change in how the licenses were granted.


The Chairman said that he agreed with Councillor Fantham and that current licensing arrangements appeared to be working and that in his view it was unrealistic to expect the police to ensure every establishment with a licence was operating properly. The Chairman said on this basis the recommendation had his full support.

Resolved:

The Licensing Health & Safety Committee approved the proposed licensing authority's response to the Home Office consultation on the abolition of Personal Alcohol Licenses.

The meeting ended at 8.05 pm

APPENDIX A – REVISED DRAFT TABLE OF FARES (AS RECOMMENDED BY COMMITTEE)

 <p>Licensed Hackney Carriage Table of Maximum Fares</p>		
Tariff One	For the whole distance of 440 yards (~402.3 m) or part thereof:- £2.80 For each subsequent 220 yards (~201.2 m) or part thereof:- £0.25 Waiting time for each period of 45 seconds or part thereof:- £0.25	<i>Valid from XX XXXX 20XX</i>
Tariff Two	For the whole distance of 440 yards (~402.3 m) or part thereof:- £4.20 For each subsequent 220 yards (~201.2 m) or part thereof:- £0.37 Waiting time for each period of 45 seconds or part thereof:- £0.37	Applies to journeys commencing: <ul style="list-style-type: none"> • between midnight and 7am on any day; • on any official Bank Holiday; or • between 6pm and midnight on Christmas Eve and New Year's Eve
Tariff Three	For the whole distance of 440 yards (~402.3 m) or part thereof:- £5.60 For each subsequent 220 yards (~201.2 m) or part thereof:- £0.50 Waiting time for each period of 45 seconds or part thereof:- £0.50	Applies to journeys commencing: <ul style="list-style-type: none"> • at any time on Christmas Day • at any time on Boxing Day • at any time on New Year's Day
Extra Charges	For each passenger carried in excess of two:- £0.30 For each item of luggage conveyed outside of the passenger compartment and/or over 2 feet long:- £0.10 per item, to a maximum of £0.50 Soiling requiring the vehicle to be taken out of service for cleaning:- £55.00 Surcharge for payment of fare by credit or debit card (where card payment option is available):- £0.50 The passenger(s) shall be liable for any additional tolls, charges, tariffs, or city centre congestion charges including the Central London congestion charge.	
Enquiries regarding any property accidentally left in a hackney carriage should be made to Hertfordshire Constabulary.		