



**THE LICENSING AND HEALTH AND SAFETY
ENFORCEMENT COMMITTEE**

TUESDAY 4 FEBRUARY 2014 AT 7.30PM

COUNCIL CHAMBER, CIVIC CENTRE, HEMEL HEMPSTEAD

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Cllr Bhinder	Cllr Link
Cllr Mrs G Chapman	Cllr Peter
Cllr Conway	Cllr Ryan
Cllr Fantham	Cllr G Sutton
Cllr Mrs Green (Vice-Chairman)	Cllr Taylor
Cllr Lawson (Chairman)	Cllr Whitman

Substitute Members:

Cllr Bassadone, Cllr R Sutton,
Cllr R Hollinghurst

For further information, please contact Clare Thorley on Tel: 01442 228226, or Email: clare.thorley@dacorum.gov.uk. Information about the Council can be found on our website: www.dacorum.gov.uk.

PART I

Item		Page no.
1.	Minutes	2
2.	Apologies for Absence	2
3.	Declarations of Interests	2
4.	Public Participation	2
5.	Review of taxi table of fares – changes to tariff 2 times	3
6.	Taxi and private hire vehicle licensing standards	35
7.	Taxi enforcement – “three strikes” approach	65
8.	Licensing fees and charges 2014-15	71
9.	Delegation of Powers to Sub-Committees and Officers	89
10.	Exclusion of the Public	102
Appendix A	Licensing Health & Safety Committee Meeting Minutes from the 26 November 2013	103

PART II

Appendix B	Licensing Health & Safety Committee Meeting Part II Minutes from the 26 November 2013	110
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1. MINUTES

To confirm the minutes of the Licensing and Health & Safety Enforcement Committee meeting held on 26 November 2013.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members.

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting].

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements and ask questions in accordance with the rules on Public Participation.

AGENDA ITEM: 5

SUMMARY



Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	4 February 2014
PART:	1
If Part II, reason:	

Title of report:	Review of taxi table of fares – changes to tariff 2 times
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To present the results of additional consultation on a proposal to change the applicable times for tariff 2 in the table of maximum fares chargeable by hackney carriages.
Recommendations	Having regard to the additional responses received, to: a) Affirm the previous recommendation made on the 29 th October 2013 as shown in the draft table of fares at Annex B, with no further changes; or b) 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.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> Setting of fares is a statutory power available to the Council under the Local Government (Miscellaneous Provisions) Act 1976
Implications:	<u>Financial</u> If the table of fares is changed, there will be a cost to the Council in terms of giving public notice and printing new tariff cards, which would be met from existing Licensing budgets. Vehicle proprietors would also need to have their meters re-tariffed, which would carry a cost payable directly by them to a calibration company. <u>Value for Money / Risk / Equalities / Health and Safety Implications</u> None

Consultees:	This report contains additional responses received in respect of a proposed amendment to the table of fares which was not part of the original consultation.
Background papers:	Licensing, Health & Safety and Enforcement Committee agenda and minutes 29/10/2013
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council is responsible for licensing hackney carriages within its area, and under the conditions imposed on such licences requires taximeters to be fitted in every licensed vehicle.
- 1.2. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to “fix the rates or fares within the district ... and all other charges in connection with the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table” (referred to as a ‘table of fares’). Such tables specify the maximum amount payable for journeys within a district, and a hackney carriage driver who demands a sum in excess of that permitted commits an offence. However, drivers are free to charge any amount lower than the maximum should they wish to do so. In respect of additional charges for discretionary items such as luggage, excess passengers, or fouling of the vehicle, such charges may only be levied if they appear on the table of fares set by the licensing authority.
- 1.3. Dacorum last set its table of fares in August 2011, and a copy of the current table is appended at Annex A.
- 1.4. The power to fix maximum fares only applies to journeys in hackney carriages, and not to private hire vehicles. There is no lawful power under which a licensing authority may regulate fares for the latter, the expectation being that, as journeys are pre-booked, customers will be able to compare prices and market forces will prevent excessive fares.
- 1.5. The table of fares applies to journeys starting and ending within the district, and a different fare may be negotiated prior to the start of the journey if part of the journey is undertaken outside the district. However, in practice, almost all journeys undertaken by hackney carriages will be run ‘on the meter’.

2. CHANGES TO TARIFF

- 2.1. On the 29th October 2013, the Committee resolved to recommend to Cabinet that the maximum permitted fares chargeable by hackney carriages in Dacorum be increased in line with a request made by the Dacorum Hackney Carriage Drivers Association earlier in the year. The report considered on that date set out the results of public consultation on the proposed increases. In response to a number of comments made by respondents, the Committee also recommended changes to the times at which the higher rate tariff 2 applies – specifically, to remove Sundays (7am to 11pm) and the hour before

midnight (7 days a week) from the applicable times. In both cases, if adopted, journeys commencing within these times would revert to tariff 1 (daytime rate). A draft table of fares setting out the Committee's recommendation to Cabinet is appended at Annex B.

- 2.2. Following that meeting, at a regular meeting between officers and representatives of the Association, concerns were expressed by the trade that the changes to tariff 2 times had not been part of the initial proposal nor were opinions expressly sought on this during the consultation exercise. After considering legal advice, officers agreed to provide a further limited opportunity for comments to be made, specifically on the proposed changes to the times, and for the Committee to be given the opportunity to consider any responses and to either affirm or modify their recommendation, as considered appropriate, prior to determination of this matter by Cabinet.
- 2.3. A summary of the Committee's recommendation was published both on the Council's website and the taxi email newsletter, and further comments were invited between the 28th November 2013 and the 17th January 2014.

3. ADDITIONAL COMMENTS

- 3.1. The initial consultation took place between the 2nd August and the 4th October 2013, by way of an online survey, attracting 86 responses (6 of whom identified themselves as being in the taxi or private hire trade). The results of that survey were set out in full in the report presented to Committee on the 29th October 2013, and as such are not repeated here.
- 3.2. During the additional consultation, the Hackney Carriage Driver's Association has submitted a petition against the proposed changes to times containing 263 signatures (plus a further 3 unsigned entries). However it has been observed that a number of individuals have signed the petition 2 or 3 times. Officers are currently examining the petition in greater detail to establish the number of unique signatories. The petition is appended at Annex C.
- 3.3. A further 41 responses were received from individual taxi drivers during the additional consultation period (some of whom are also signatories to the petition). These comments are reproduced at Annex D.
- 3.4. Across both the petition and the individual responses, the prevailing opinion amongst respondents is one of opposition to the reduction in applicable times for tariff 2 – universally in respect of the proposal to change the evening start time, and a significant majority in respect of Sundays (although a small number of responses expressed support for this part of the proposal). Where respondents have provided reasons to support their opposition to the changes, the most frequently cited ground is economic – the increase in running costs and a stated drop-off in driver's earnings in recent years. Other concerns cited include the unsociable and sometimes dangerous nature of the work undertaken, particularly at night, when many passengers are under the influence of alcohol, as well as an increase in the number of licensed vehicles plying for hire within the town resulting in a reduced number of fares per driver. A number of respondents have also referred to the reason for the original adoption of an increased rate on Sundays, and express concerns that, without the incentive of increased fares, many drivers will choose not to work on Sundays, leading to an under-provision of licensed taxis.

3.5. The Association's petition refers to the evening tariffs adopted by other local authorities. Officers have surveyed other Hertfordshire and neighbouring authority's fares in respect, and the results are set out at Annex E. While there is no discernable pattern to the use of higher rates on Sunday or the starting time for evening rates, it should be noted that each authority uses its own methodology for approaching the issue of fare setting, taking into account local demand and economic issues, and direct comparisons between authority's fares are not especially reliable or useful.

4. OPTIONS AVAILABLE TO THE COMMITTEE


4.1. Having regard to the additional responses received, the Committee are asked to take one of the following actions:

a) To affirm the previous recommendation made on the 29th October 2013 as shown in the draft table of fares at Annex B, with no further changes;


or

b) To 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, pursuant to section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976.

4.2. Cabinet are due to consider any recommendation made by the Committee at their meeting on 11th February 2014. The power to make or vary a table of fares must be exercised by an authority's executive, under section 9D(2) of the Local Government Act 2000.

 <p>BOROUGH COUNCIL</p>	<p>LICENSED HACKNEY CARRIAGE: TABLE OF MAXIMUM FARES</p>	<p>Effective from 22nd August 2011</p>
<p>Tariff One</p> <p>For the whole distance of 440 yards or part thereof :- £2.80</p> <p>For each subsequent 220 yards or part thereof :- 22p</p> <p>Waiting time for each period of 45 seconds or part thereof :- 20p</p>	<p>Tariff Two</p> <p>Applies only to hirings: Between 11pm and 7am. On Sundays On any official Bank Holiday. Between 6pm and midnight on Christmas Eve and New Years Eve</p> <p>For the whole distance of 440 yards or part thereof :- £4.20</p> <p>For each subsequent 220 yards or part thereof :- 33p</p> <p>Waiting time for each period of 45 seconds or part thereof :- 30p</p>	
<p>Tariff three</p> <p>For hirings begun on Christmas Day, Boxing Day and New Years Day</p> <p>For the whole distance of 440 yards :- £5.60</p> <p>For each subsequent 220 yards :- 44p</p> <p>Waiting time for each period of 45 seconds or part thereof :- 40p</p>		
<p>Extra charges</p> <p>For each passenger carried in excess of two :- 30p</p> <p>For each article of luggage conveyed outside of the passenger compartment and/or over 2 feet long :-10p to a maximum of 50p</p> <p>The fouling of the vehicle :- £40</p> <p>The passenger(s) shall be liable for any additional motorway & crossing tolls, tariff, city centre congestion charges including the Central London congestion charge.</p>		
<p>Any complaint about this hackney carriage or the driver should be sent to LICENSING DIVISION, CIVIC CENTRE, HEMEL HEMPSTEAD, quoting the number of the carriage and/or the driver's badge number. ENQUIRIES regarding any PROPERTY accidentally left in a hackney carriage should be made to HEMEL HEMPSTEAD Police Station.</p> <p align="right">August 2011</p>		

DRAFT TABLE OF FARES (COMMITTEE'S RECOMMENDATION 29/10/2013)

		Licensed Hackney Carriage Table of Maximum Fares	
Tariff One	For the whole distance of 440 yards (~402.3 m) or part thereof:-	£2.80	Valid from XX XXXX 20XX 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
	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	
Tariff Two	For the whole distance of 440 yards (~402.3 m) or part thereof:-	£4.20	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
	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	
Tariff Three	For the whole distance of 440 yards (~402.3 m) or part thereof:-	£5.60	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
	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	
Extra Charges	For each passenger carried in excess of two:-	£0.30	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
	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.			

ANNEX C
PETITION FROM HACKNEY CARRIAGE DRIVER'S ASSOCIATION

Taxi Drivers Association

**Petition against proposed tariff 2 time change from 23.00 to
midnight and Sunday tariff 2 back to tariff 1**

Dacorum Borough Council Licensing Committee

14th January 2014

Head of Licensing Department Dear Sir/Madam,

We the taxi drivers of Dacorum have gathered a signed petition by 268 drivers, sanguinely hoping that persons at the helm will take cognizance of the below points raised and address them at the earliest opportunity. This is a serious matter which affects the livelihood of over 500 drivers and their families, so it requires urgent attention.

We are strongly opposed to the submission put forward by the licensing committee to reverse the current Sunday rate from rate 2 charged at time and half, we also disagree with the 2nd proposal to change the night rate start time from the current 2300 to midnight. There a number of factors that need to be taken into consideration:

The majority of the Councils in the country are charging night rate start time from 2300pm, some as early as 2200pm. Example of Councils in surrounding areas:

Watford 2300pm, Chesham 2300pm, Stevenage 2300pm, **Milton Keynes 2200**, Aylesbury 2300pm, London 2200pm, **Oxford 2200pm**.

The rate was implemented due to the low number of drivers willing to work unsociable hours. The main reason behind this was the queues of people on the rank and the nature of many clients from bars/pubs causing violence and unrest. The drivers had to endure a lot of abuse from customers and this rate was implemented over 8 years ago to compensate drivers and also to increase driver numbers willing to work these unsociable hours.

Inflation has increased considerably over the last 8 years, the fuel prices have increased by 3 fold. Vehicle insurance has more than doubled, cost of the licensing fees have increased and vehicle MOT's have gone up by 30%, taking rates back to previous standards is a regressive step and is not in the interest of the taxi trade.

The proposed Sunday rates change from tariff 2 (charged at time and half) to single rate 1. The public currently has a vast choice of private hire companies licensed in Dacorum who **ALL** charge single rate Tariff 1 on Sunday. Hackney carriage turn out on Sundays was meagre at best before the Tariff 2 introduction, this being the main reason for implementing the change. The majority of councils throughout the country charge rate 2 on Sunday, because it is a non working day. Nearly all trades and professions charge in addition to normal rates for anti social working hours. Coupled with this we like to draw the councils attention to the fact that taxi drivers do not receive any, holiday pay, sick pay, pension or redundancy. The drivers currently have to work very long hours to obtain a reasonable wage.

There is also a difference between licensed hackney drivers and private hire drivers, the hackney carriage taxi is more expensive to maintain and run. For instance vehicle insurance for hackney is around 30% more in comparison to private hire

The council needs to take note of our concerns, and the implications these sudden changes are having on the taxi trade. The drivers are disappointed with the current onslaught of changes introduced or proposed and want the council to listen to feedback from the trade more closely before acting.

Restrictions to 10 year vehicle age limit, moving of the main Marlowes taxi rank, restriction for 18 months on any fare increases, are all examples of policies that were being pushed through without proper consultation.

Recommendations:

As an association we would like to recommend keeping the current night rate at the start time of 23:00pm and on Sunday we recommend that the rate be kept at rate 2 as other surrounding councils and to compensate the drivers for working on a Sunday. Even the retail sector has started to compensate their workforce for working on a Sunday.

We as an association are not happy with the procedure used by the committee in regards to proposing these new fare rate changes. We were asked by the licensing department to apply for a minimal fare rise and after initially agreeing to allow the representatives from the association to comment on the small rise, the committee passed the rise without mentioning anything in their agenda or in any prior communications. The licensing committee just proposed the above two fare rate changes without allowing the association to further comment. If there was prior knowledge that this situation would occur, then we would not have agreed to a minimal rise and an 18 month restriction imposed on any further rise. After the committee agreeing to a very small rise which took us nearly one year to achieve, the license committee introduces these two new proposals which takes the rise into a negative reduction in pay therefore we lose more than we gained. We feel we have been treated extremely unjustly.

Also, we would like to bring to your attention that you seek to have consultation replies from individual drivers. The voice of the association should be deemed worthy enough to represent that of the whole trade as that is core objective of the association.

Could we also make a request for 2 people named from below to speak at the February licensing committee meeting.

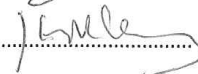
Please find attached 18 pages of signed petition of 268 drivers opposing the above proposal.

Regards

Tabrez Khan (Chairman)



John Mcilvaney (Association member)



Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Rank

Name	Address	Email Must fill in this column	Badge No	Signature
1. Pervez			HD290	[Signature]
2. Shahid			HD 310	[Signature]
3. JOHN CATES			3186	[Signature]
4. ABBAS KHAN			HD144	[Signature]
5. Shakeel Ahmed			HD308	[Signature]
6. MICE BAYANE			HD113	[Signature]
7. M. I. ALI			HD365	[Signature]
8. Saleem Khan			HD284	[Signature]
9. ISHAKO ABDI			HD314	[Signature]
10. MOHAMMED ISLAM			HD367	[Signature]
11. ANAZ KHAN			HD272	[Signature]
12. AMJAD			101	[Signature]
13. SHEPAR RAHMAN			HD269	[Signature]
14. A. AHMED			HD140	[Signature]
15. A. ALI			HD320	[Signature]
16. B. BAYAN			HD118	[Signature]
17. M. SWAN			HD358	[Signature]
18. M. HUSSAIN			368	[Signature]
19. R. PERAZ			227	[Signature]
20. K. K. CHAN			055	[Signature]
21. Saifuddin			HD119	[Signature]

page 2/8

(21)

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Rank

TOTAL petition signatures = 268

Name	Address	Email Must fill in this column	Badge No	Signature
1. MUKHTIAR AHMAD			275	[Signature]
2. I. KHAN			171	[Signature]
3. I. KHAN			239	[Signature]
4. Z. AHMED			263	[Signature]
5. D. CHAN			216	[Signature]
6. G. ALI			336	[Signature]
7. N. ALI			261	[Signature]
8. K. AKRAM			303	[Signature]
9. RASHID KHAN			303	[Signature]
10. G. KHAN			081	[Signature]
11. Z. ALI			331	[Signature]
12. NIGHAMMAH ADDEES			350	[Signature]
13. SYMIAH HAZIMAH			186	[Signature]
14. HASEEB UAZ			HD322	[Signature]
15. F. RAJIB			039	[Signature]
16. YOUSUF ALI			353	[Signature]
17. WAZIR MANSUR			317	[Signature]
18. MUHAMMAD KHAN			HD 042	[Signature]
19. M. LAZAR			HD322	[Signature]
20. CHANDHUROY			302	[Signature]

page 1/8

Signatures on page 2 (21)

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email Must fill in this column	Badge No	Signature
1.	R. KALIFA			HD 316	
2.					
3.	M. RAMDAN			HD 116	
4.	M. FAYAZ			HD 232	
5.	M. AHMED			HD 228	
6.	M. AJAIL			HD 266	
7.	A. MAHMOUD			HD 142	
8.	MASOOD			HD 121	
9.	RAFIC			HD 167	
10.	J. HAYES			HD 129	
11.	MAHMOUD			HD 125	
12.	AHMED			HD 281	
13.	S. KHALIL			HD 351	
14.	M. HANMAM			HD 388	
15.	G. FARUK			290	
16.	M. G. ALI			HD 295	
17.	M. H. HENAF			HD 186	
18.	M. J. JAMES			HD 070	
19.	M. ADREES			HD 127	
20.	A. V. SLOAN			HD 054	

page 3/18
877 = 19

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email Must fill in this column	Badge No	Signature
1.	M. I. R. Z.			HD 087	
2.	S. KHAN			128	
3.	S. KHAN			HD 994	
4.	Imam			HD 108	
5.	M. SALEEM			HD 019	
6.	A. KHAN			HD 124	
7.	M. B. B.			HD 124	
8.	M. Y. KHAN			HD 110	
9.	S. AHMED			HD 113	
10.	S. MALIK			HD 325	
11.	Y. RUBANI			HD 270	
12.	M. H. ANJUM			HD 100	
13.	F. FAZ			HD 041	
14.	B. ALI			HD 058	
15.	J. ALI			HD 980	
16.	M. NAZIM			HD 107	
17.	M. MITCHELL			HD 116	
18.	K. ANJUM			HD 318	
19.					
20.					

page 4/8
877 = 18

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Review

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email Must fill in this column	Badge No	Signature
1.	M. WAZIR			306	M. Waazir
2.	M. AKRAM			107	M. Akram
3.	A. K. KUND			P0177A	A. K. Kund
4.	M. JAMIL			PD226	M. Jamil
5.	R. KHAN			HDMSREE	R. Khan
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page 6/18

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Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Review

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email Must fill in this column	Badge No	Signature
1.	K. SHAHZAD			HD 139	K. Shahzad
2.	A. MICS			148	A. Mics
3.	P. NEVEZ			113	P. Nevez
4.	Y. PARACHE			671	Y. Parache
5.	S. H. R. KHAN			128	S. H. R. Khan
6.	J. R. M. KHAN			HD218	J. R. M. Khan
7.	NAFEES A			HD-346	Nafees A
8.	ASAD KHAN			HD096	Asad Khan
9.	F. H. R. M. Z			109	F. H. R. M. Z
10.	S. J. A. FAR			HD246	S. J. A. Far
11.	G. A. M. E. D			112	G. A. M. E. D
12.	M. B. R. M. Z			202	M. B. R. M. Z
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page 5/18

QTY = 10

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

CHD Banco

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email Must fill in this column	Badge No	Signature
1.	TABBEZ KHAN			HD 159	T. Khan
2.	LUKE MCTURNEY			HD 164	L. McTurney
3.	AMDAT KHAN			HD 210	A. Khan
4.	SHAHID			HD 333	S. Khan
5.	Chudhan MUSTAFA			HD 201	M. Mustafa
6.					
7.					
8.	M. Ali			HD 020	M. Ali
9.	IRFAN			HD 252	I. Irfan
10.	Bobby Ali			HD 222	B. Ali
11.					
12.	SHAKIL			HD 062	Shakil
13.	SHAFIQ				
14.	SHAHID ASHRAF			HD 266	Shahid
15.	AFFAR AHMED			HD 228	A. Ahmed
16.	ABDULGHANIM VALEED			HD 286	A. Ahmed
17.	IRAN RANSOME			HD 311	I. Ransome
18.	Specus Khan			HD 366	Specus Khan
19.	L. HANDEE			HD 445	L. Handee
20.	NOMAN AZHAR			HD 158	N. Azhar

page 8

QTY = 17

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

RANK

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email Must fill in this column	Badge No	Signature
1.	KHIZAR			HD 097	K. Khan
2.	MANSUR KHAN			HD 286	M. Khan
3.					
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page 78

QTY = 2

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

MILLIKIAN

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. A. Khan			206	A Khan
2. NZT BAKERS			048	NZT BAKERS
3. ASMA KHAN			161	ASMA KHAN
4. JAFARI			21	JAFARI
5. MURAD KHAN			373	MURAD KHAN
6. AYOUB AHMED			H0064	AYOUB AHMED
7. AL AMBARE NUSSEIN			HD378	AL AMBARE NUSSEIN
8. NUKHAN			1974	NUKHAN
9. G. Khan			007	G. Khan
10. K. Khan			10	K. Khan
11. S. Khan			HD 328	S. Khan
12. M. HUSSAIN			209	M. HUSSAIN
13. S.A. RAZA			4V 200	S.A. RAZA
14. KHANID AHMED			198	KHANID AHMED
15. M. S. KHAN			103	M. S. KHAN
16. F. M. KHAN			248	F. M. KHAN
17. M. D. KHAN			292	M. D. KHAN
18.				
19.				
20.				

page 10/18

QTY = 17

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

CAD BUNKO

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
21. ANTHONY KEARNS			HD 185	ANTHONY KEARNS
22. SHAHBAZ AKRAM			PD 253	SHAHBAZ AKRAM
23. SHAUKAT ALI			PD 206	SHAUKAT ALI
24. SHARJEEL HAN			HD355	SHARJEEL HAN
25. TARIQ MEHMOOD			32A	TARIQ MEHMOOD
26. SUFRAT ICHAN			PD 279	SUFRAT ICHAN
27. RAJAGAT KHAN			10 278	RAJAGAT KHAN
28. SAHER AZAM			HD 131	SAHER AZAM
29. AMANDA CAMP			186	AMANDA CAMP
30. JAMIE KHAN			PD 187	JAMIE KHAN
31. M. WAHEED SHAFI			HK 341	M. WAHEED SHAFI
32.				
33. WAHID RAJA			PD 160	WAHID RAJA
34. NURDEEN KHALIL			003	NURDEEN KHALIL
35. NAJIB KHAN			48500	NAJIB KHAN
36. ALI KHAN			PD 153	ALI KHAN
37. MOHAMMAD HASSEB			HP 147	MOHAMMAD HASSEB
38. SIBTAIN KHAN			HD 058	SIBTAIN KHAN
39. BABAR KHAN				BABAR KHAN
40. ADIL AHMED				ADIL AHMED

page 9/18

QTY = 18

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

John's

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email <i>Must fill in this column</i>	Badge No	Signature
1.	ABDUL MANSOUR			HD 210	<i>Abdul Mansour</i>
2.	LAZAR AHMED			PH 086	<i>Lazar Ahmed</i>
3.	HABIB SALEM			PH 067	<i>Habib Salem</i>
4.	M. HUSSAIN			PD 325	<i>M. Hussain</i>
5.	ASIF HUSAIN			PD 246	<i>Asif Husain</i>
6.	S. AMBA			129	<i>S. Amba</i>
7.	A. HASSAN			PD 239	<i>A. Hassan</i>
8.	ASTHAR ALI			HD 181	<i>Asthar Ali</i>
9.	MUHAMMAD SHAFIQ				<i>Muhammad Shafiq</i>
10.	A. WAHED			HD 114	<i>A. Wahed</i>
11.				PD 081	<i>[Signature]</i>
12.					<i>[Signature]</i>
13.					<i>[Signature]</i>
14.					<i>[Signature]</i>
15.					<i>[Signature]</i>
16.					<i>[Signature]</i>
17.					<i>[Signature]</i>
18.					<i>[Signature]</i>
19.					<i>[Signature]</i>
20.					<i>[Signature]</i>

page 12/18

QTY = 10

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

M. L...

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

	Name	Address	Email <i>Must fill in this column</i>	Badge No	Signature
1.	JAMIL NAMED			HD 081	<i>Jamil</i>
2.	TUFAIKHAN			HD 020	<i>Tufai Khan</i>
3.	M. AZAD			PH 046	<i>M. Azad</i>
4.	A. KHALID			PH 046	<i>A. Khalid</i>
5.	M. LAKAR			HD 512	<i>M. Lakar</i>
6.	M. I. ALI			HD 365	<i>M. I. Ali</i>
7.	C. KHAN			HD 44	<i>C. Khan</i>
8.	NAJEEB ALI			HD 340	<i>Najeeb Ali</i>
9.	A. HASSAN			PD 164	<i>A. Hassan</i>
10.	MAHMOOD			PH 046	<i>Mahmood</i>
11.	FAIZAN AHAM			PD 137	<i>Faizan</i>
12.	SAGHIR			HD 029	<i>Saghir</i>
13.	NADEEM			PD 162	<i>Nadeem</i>
14.	M. JAMIL			PD 226	<i>M. Jamil</i>
15.	M. ADREES			HD 127	<i>M. Adrees</i>
16.	NAJEM AHMED			PD 253	<i>Najem Ahmed</i>
17.	R. KHAN			PD 310	<i>R. Khan</i>
18.	ASIM SIDDIQI			PH 046	<i>Asim Siddiqi</i>
19.					
20.					

page 11/18

QTY = 18

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Rainbow

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. SHARIF DURENOI			362	<i>[Signature]</i>
2. YUSUF ALI			HD 365	<i>[Signature]</i>
3. YOUSUF ALI			HD 353	<i>[Signature]</i>
4. YUSUF ALI			HD 347	<i>[Signature]</i>
5. YUSUF ALI			PD 267	<i>[Signature]</i>
6. YUSUF ALI			HD 326	<i>[Signature]</i>
7. YUSUF ALI			HD 269	<i>[Signature]</i>
8. YUSUF ALI			HD 358	<i>[Signature]</i>
9. YUSUF ALI			HD 142	<i>[Signature]</i>
10. YUSUF ALI			HD 087	<i>[Signature]</i>
11. YUSUF ALI			PD 297	<i>[Signature]</i>
12. YUSUF ALI			HD 114	<i>[Signature]</i>
13. YUSUF ALI			PD 252	<i>[Signature]</i>
14. YUSUF ALI			PD 257	<i>[Signature]</i>
15. YUSUF ALI			HD 174	<i>[Signature]</i>
16. YUSUF ALI			HD 251	<i>[Signature]</i>
17. YUSUF ALI			HD 441	<i>[Signature]</i>
18. YUSUF ALI			HD 260	<i>[Signature]</i>
19. YUSUF ALI			PD 253	<i>[Signature]</i>
20. YUSUF ALI			PD 296	<i>[Signature]</i>
21. YUSUF ALI			PD 185	<i>[Signature]</i>

SHAHMAD MIMTIN. 37 WATSON AVE. ST ALBANS
 PRITIAZ AHMED 172 Clarendon Way Lond WC4E
 Page 1/8 077:20

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

ACE

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. SAHEED KHAN			HD 202	<i>[Signature]</i>
2. M.S. AHMED			HD 320	<i>[Signature]</i>
3. V. SHARAF			PD 315	<i>[Signature]</i>
4. K. HAYAT			HD 125	<i>[Signature]</i>
5. M.A. RASHID			HD 123	<i>[Signature]</i>
6. K.H. SHAL			HD 352	<i>[Signature]</i>
7. R.S. AHMED			HD 246	<i>[Signature]</i>
8. M. SMITH			HD 350	<i>[Signature]</i>
9. M. ALI			HD 299	<i>[Signature]</i>
10. SHAN			PD 084	<i>[Signature]</i>
11. ASIF			PD 155	<i>[Signature]</i>
12. MUHAMMAD			PD 004	<i>[Signature]</i>
13. ANJAL				
14. MEHMOOD				
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Page 13/18
 077:13

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

CHOLIC
H.H

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. JAMEZ ALI			PD287	[Signature]
2. MAHMOUD			PD 070	[Signature]
3. JAHIR AHMED			PD314	[Signature]
4. SAJID ICHON			HD185	[Signature]
5. WAQAR MIRZA			HD317	[Signature]
6. SYED SAJID			HD102	[Signature]
7. Hamid Farooq			HD138	[Signature]
8. ASAD ILYAS			PD177	[Signature]
9. AKEB KHA			PD164	[Signature]
10. ALI HASIB			HD131	[Signature]
11. Syed Gilan			HD179	[Signature]
12. IMRAN KHAN			HD283	[Signature]
13. W. MAHMOUD			PD107	[Signature]
14. Z. Shah			PD 290	[Signature]
15. G FOWLES			PD 288	[Signature]
16. HAROON GOURBETH			HD 346	[Signature]
17. NAFES AKHTAR			069	[Signature]
18. ADMAN			HD105	[Signature]
19. Gulam Khan			277	[Signature]
20. SAMIR				[Signature]

Page 16 / 18
QTY = 20

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

CHOLIC
H.H

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. SAJID				[Signature]
2. KAMEZ AN PASTAH			PD091	[Signature]
3. Mohamud Ali			PD249	[Signature]
4. Zafar Hussain			HD332	[Signature]
5. AMJAD PERVAZ			HD101	[Signature]
6. Adil Khan			PD 237	[Signature]
7. EMMANUEL			PD 326	[Signature]
8. NADIM KHAN			373	[Signature]
9. WADOOD			PD149	[Signature]
10. NASIR DIN			PD014	[Signature]
11. AMILS			HD148	[Signature]
12. K. BAWMI			PD063	[Signature]
13. Z. FAROOS			PD143	[Signature]
14. N. AHMED			PD096	[Signature]
15. S. AU			033	[Signature]
16. S. KHAN			PH088	[Signature]
17. S. SAGREKAT			HD555	[Signature]
18. S. PHILLIP			HD097	[Signature]
19. RANJIT			032	[Signature]
20. S. Khan			HD358	[Signature]

Page 15 / 18
QTY = 20

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Wahid

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. S-T-HUSSAIN			HD 254	<i>Suresh</i>
2. M.L. AZIZ HUSSAIN			H0356	<i>M.L. Aziz</i>
3. MUHAMMAD AMIR			H0350	<i>Amir</i>
4. GULUM ABEZ			H0350	<i>G. Rasul</i>
5. ALAMUDE HUSSAIN			H0376	<i>A. Hussain</i>
6. SUWMAN KHAN			HD214	<i>Suwan</i>
7. SHAFIQ KHAN			H0303	<i>Shafiq</i>
8. GHAJUM GHANVI			H0093	<i>Ghajum</i>
9. AZAD MUMIL			H0743	<i>Azad</i>
10. ASHIO KHAN			H0305	<i>Ashio</i>
11. FARHAN FAZ			H0041	<i>Farhan</i>
12.				
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Page 18

City = 11

Petition against fare proposal to change Sunday back to rate 1 & 23:00pm back to midnight

Chavira
HH

Taxi Drivers Association

Note: This is for all Hackney and Private hire drivers

Name	Address	Email Must fill in this column	Badge No	Signature
1. T. MANHURAD			HD006	<i>T. Manhurad</i>
2. J. HERIBAS			HD 104	<i>J. Heribas</i>
3. Ali gerroul				<i>Ali Gerroul</i>
4. RANA ZIA			HD 735	<i>Rana Zia</i>
5. GARY HOEBS			PD 093	<i>Gary Hoebs</i>
6. T. PESTER			236	<i>T. Pester</i>
7. D. GUNLIT			PD 77	<i>D. Gunlit</i>
8.				
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Page 17

City = 7

ANNEX D
INDIVIDUAL CONSULTATION RESPONSES

I am pleased that you have asked for consultation about Sunday and from 2300 hrs to 00 00 hrs to be charged as normal rate which is really not good news for taxi drivers. As you know that we were expecting about getting more Benefit from review meeting as due to inflation fuel , insurance , wear and tear , maintainance are expensive with passage of time and if you are cutting down on tariffs that it will be difficult for our survival and will not encourage to make sure availability of taxi on these times. Specially between 2300 to 00 00 hrs we pick all the drunk passengers usually on week ends to clear up town and reduce troubles , fights and many times we bear bad attitude of passengers so normal tarif will discourage to work for that hour. So I request you to please donot consider to change tarif rates on Sunday and 2300 to 0000 hrs. I will be waiting to hear good news from you.

I would like to comments on the changes regarding tariff 2, I am not in favour of the proposed changes in tariff 2 spatially on Sunday As Sunday in not working day and as rank driver it normally take more than an hour and some Time one and half hour to get any fare from the rank ,so it's very unfair to asked hackney driver to work on Holliday at tariff 1. I would kindly suggest not to change the tariff 2

this change will reduce the amount of cars out to work at unsociable times thats why these tariff 2 where introduced on sundays in the first place to encourage more drivers to work the unsociable hours I would like the chance to put a suggestion to the committee I an of the opinion that . it may be a far better to ensure that the safety and standards of Dacorum licensed taxi/ private hire cars is maintained without introducing an age limit on replacement of a vehicle or new licences this would be by implementing the existing compliance test by way of vetting out unsuitable vehicles but this would mean an enforcement officer inspecting the vehicles before it was excepted for licensing.

I was of the opinion that this's is how things where done before the compliance testing was out sourced to a garage.

I feel this is where the standers have slipped. IE visual presentation and hygiene wear and tear of the trim .

In our neighbouring towns they have age limits on there fleet of taxi and a worrying pattern has develop.

drivers are keeping there cars as long as they can continue to pass the test this is resulted in cars upwards of 15 yeas old this is no different to our fleet now so I feel it would make sense to implement the existing compliances test as it was intended thus maintaining safety standards with out the added expense of age limits in London there are no such age Limits as they use the compliance test to filter out unsuitable vehicle at any stage of its taxi life

And amendment to the compliance would be far simpler way of increasing public safety and standards

Im writing regarding the tariff 2 changes which our council would like to make amendments to.

I fully disagree that rate 2 should be taken away on Sunday also timing to be reinforced to midnight instead of 11pm.

My reason as follows, the current work climate situation within the taxi organisation In hemel hempstead has dropped to the lowest point since the last 6 years and will only get worse.

These are reasons due to bunsfield disaster, unemployment and lack of social events locations within hemel.

Drivers have to currently queue for hours to receive a job from the current ranks which the average job ranges from £3.50 to £5.00 so this the current drivers hourly wages which is lower the national wage income set by the government.

On top of this all drivers wear and tear on there vehicles expensive have increased as prices to repairs cars at local dealer are not cheap charges range from £100 per hour plus vat.

Our insurance has increased by 25% average taxi drivers insurance is approx £3,000 per year, our council licences fees have increased by 20% to £240 per year, petrol has increased from 89p per litre now to £1.40, customers don't see the drivers costing side of things.

Also if timing is changed I will have to work longer hours to cover my lost of earnings.

This can be danger to customers if drivers are being forced to stay out longer hours to cover their overhead and support their families.

We are classed same as a employee that would be working for the private sector as we provide public service, so we should have rights to earn extra for working on Sunday example anyone works in your office working on sunday would expect lu time or time and half rate for sunday?

I fully understand some clients do express and make comments that certain companies do charge single, my answer to this would be if you called them on way down why dont you call them again.

No one forces public to use the Hackney ranks we here if u need us, but we should be equally paid for our good service we provide.

Overall we have a very risky job at a low wage and I would address that no changes are made as this will damage our trade and rank customers will be affected as drivers will then refuse to work.

my point of view about this mater is u can change Sunday rate 2 to normal rate 1 ,I thing it is good for other trades as well and 2nd rate 2 from midnight is not good caus we can only get a good work on this hour between 23:00to00:00 for this small town there is many cabs , petrol prices r high, insurance r high as well, that's y I'm against about this fare change system but excluding Sunday

I think not very good for drivers because every thing is going up day by day even fuel is gone up all most double and our pay is still same and now you are thinking even taking of tariff two on Sunday can you tell me will you be work on sunday on your normal pay and midnight is also not good idia I think every thing should same as it is and you should give us pay rise .

The new taxi rise is not enough to cover all the increases that we have incurred in the last 12 months. I now have to work 7 days a week . My hours have changed from 60 hrs per week to 70 hrs per week .My income has gone down by 5000 pounds in the last 12 months we need the time and half to remain at 23.00 hrs until 7.00 Monday to Saturday. Then 7.00 hrs to 24.00 Sunday

would like to protest with regards to the proposed change of rates at time and half. Changing this to start from midnight instead of 23.00 will have an adverse effect on my income which to be honest with you i am barely surviving at the moment and if this is implemented I feel I would be no longer be able to continue as a taxi driver as I would not be able to meet all the costs which goes along with being a driver. You may think that we are earning a good wage but due to the number of taxis that Dacorum are licensing it is increasingly hard to make a living. Can I suggest that rather than punishing the drivers that pay you a fee you should be searching out those that are working illegally in the borough and damaging our earnings.

I agree with Sunday tariff being the same as in the week
I do not agree with the proposed change to the start time of tariff 2 to midnight. With the economic climate and running costs involved this implementation would have a significant impact on earnings and could result in the trade being non viable. Drivers would have to work excessive hours to earn a living and this could impact on public safety if drivers are tired.
Furthermore Dacorum drivers would have an unfair disadvantage from the drivers operating from Three Rivers and Chesham whose standards are poor and council regulations are apparently not actively enforced. This is a real threat and concern to Dacorum residents safety.

I'm totally disagree with this proposal. If all the customer are happy to pay us then it shouldn't be any problem . please leave Sunday as time half and tariff 2 from 23:00. We really appreciate if you don't change these tariffs.

i am writing in regarding the new proposal taxi email i have recieved few days ago.we were hoping to have increased in the fares due to fuel price hike and heavy insurances but unfortunately i was quite surprised that the authority instead of increasing they decreased the fares in their propasal which is quite unfair to the taxi drivers.this taxi businees is sffuering as well in this hard period .if you look at the present situation of the business in the town half of them are shut down due to wrong policies and suggested proposals like that.i never understand the team should help in improving the business not ruining it.there should be a proposal for generating some business for the drivers so they could manage to pay their insurances,fuel.council fees and other expenses etc .

if they cannot improve it atleast dont make things even worse and leave it as it is going.

if you cannot increase the prices atleast dont decrease it.

i am new in this field and before i was thinking that i might earn some money in it but at the end i am getting nothing due to heavy insurance, fuel and repairs and other expenses as well.drivers has to wait almost 45 to 55 minutes to get one job so in this situation its very hard to cover your expenses.

i ll give one example.

the council staff working 9 to 5 mon to fri .if there would be a propasal that every one should come at 8 to 6 n even on sunday as well with the same money .how do u feel n react ?

if the public is paying the money during that time there should be no issue ,there is an alternative as well they can use buses or they can call their family to pick them up or they can go by walk .no one is forcing them to use taxi service .if they need fast and good service at that time then there is a price to pay.

FOR GOD SAKE learn from the mistakes of past and please help in generating this business .i am worried as the other business in our town is finishing that might not be the result of taxi industry.

i am sorry to say but i have to say that i didnt like and against this proposal n wish that the licensing team should make good changes for the betterment of taxi business.

I would like to apologise for being too senti and harsh in writing about the proposal .actually i was quite upset n read the proposal which made me more angry and exhausted in my email.now i realise that its too much i ve said n should apologise for that.

You have asked for the comments and i ve given mine and i hope u will accept my appology.

I write to you in relation to proposed changes to Taxis in Dacorum, namely changing Tariff 2 til 12am and removing Tariff 2 on Sundays.

I wish to object to such changes for the following reasons;

Firstly why is there a sudden need for these changes. I would like you to explain why you propose these changes now.

Every other sector is rewarded for working unsociable hours / weekend working, this includes companys such as Sainsburys/Argos who pay staff extra for working on a Sunday. Why do you expect Taxi drivers to lose this benefit. Taxi Companys in Dacorum already only use tariff 1 on booked jobs on a sunday so it is a rank driver who you will be affecting.

Hemel Hempstead is a small town with no night club or borderline 1 club which does not have the best of reputations and a handful of pubs which open later than 12am. If you return time and a half til 12am how much benefit will we really obtain for working all the way through the evening , not much at all. The train station operates 2 trains after 12am on a Saturday and if youre there by 11pm your lucky to get a job. Other towns and city's have more pubs, clubs etc so we shouldn't be compared but if you wish this to happen , then what do you say about the towns and citys that have tariff 1 til 6pm then tariff 2 til 12am and then a tariff 3 from 12am.

If you ask anybody they will always say things are expensive to name a few buses, trains, petrol, council tax, car parking etc etc but do you see a reduction in these. NO In conclusion such changes are barbaric and totally unfair to taxi driver. Its about time the Licensing Dept took care of a trade that pays its wages. Its not been 2 months since you raised our fees citing inflation but you are more than happy to remove our benefits.

I wish too firmly object to such changes.

i dont agree with the licensing authority's new proposal in taxi fares, changing time and half to midnight and tariff1on sundays its not fair ,prices for everything have gone up a lot plus working unsocial able hours its not fair with the drivers

I wish to object to such changes for the following reasons;

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If you ask anybody they will always say things are expensive to name a few buses, trains, petrol, council tax, car parking etc etc but do you see a reduction in these. NO In conclusion such changes are barbaric and totally unfair to taxi driver. Its about time the Licensing Department took care of a trade that pays its wages. Its not been 2 months since you raised our fees citing inflation but you are more than happy to remove our benefits.

I wish too firmly object to such changes. I hope you take these points into strong consideration

I ... want to protest against your proposed time change.

Changing the time from 23.00 to midnight and normal time on Sunday instead of time and a half.

If this proposed time change is implemented it will be very difficult to survive as a taxi driver.

As you are aware of all the cost of being a taxi driver have gone up e.g. M.O.T, INSURANCE, ROAD TAX, TAXI BADGE, TAXI PLATE, and all the wear and tear. And you want us to cut back on prices.

I feel we should have a rise on our prices (meter price rise) As the price of every thing else around us has gone up.

I object to the council trying to alter the tariff two rates.

I feel that you should not change the time tariff two starts and keep it at 11 pm.

This one hour will make a lot of difference to my earnings.

Also I want you to keep tariff two for Sundays and not change it to tariff one.

Fuel has increased and other expense such as the renewal of the licence plate, the badge have also increased.

If the changes go ahead this will mean more cars on the road with no where to park on the rank trying to earn the extra money we have lost.

I am not agreed to change the tariff for the following fact-

- 1) There is no busy night life in Hemel Hempstead.
- 2) Have you realise the the rank is so quite, there is no busy.
- 3) Paying higher insurance
- 4) Paying higher petrol money
- 5) Paying higher Maintenance money
- 6) Paying higher road tax
- 7) Paying higher licensing fees
- 8) Paying higher abuse by the customer for one way system in the old high street.
- 9) Getting lower tariff rate about 124 number in the list of uk tariff
- 10) Getting push by the police man in the rank for double queue.

So, Keep the same tariff with the same timing and you can increase the price. But not the decreasing the rate/time and Sunday. In Sunday by 2/3 hours we can get a one job. Some of the nights we wait for 2/3 hours but not getting any job in the rank.

I am strongly objecting your offer but you may increase by keeping with old tariff.

I ... want to protest against your proposal time changed if this takes place it will be vary hard to carry on driving as a taxi driver.
Everything in life is going eg mot, tax . Insurance, badge, plate, And you want as to reduce on our prices how can this be fare

I write regarding the current proposal in relation to fees charged by Taxi drivers. The rates currently being charged were set in 2001 and have been maintained at the same rate since that time.

In stark contrast to our fees remaining the same, the plate fees charged by the council have gone up by 20% in addition to badge fees having increased by 50%. Living costs have also increased and where other industries are receiving an increase in their salary to cover the cost of the same our fees are being reduced. The council have proposed that time and a half rates should only be charged from 12am as opposed to the previous agreement of 11pm. The second proposal is that on Sunday's only standard rates should be charged where at the moment we are charging time and a half.

I write to inform you that I strongly condemn the above mentioned changes.

I express concerns over the fact that in any other employment, if required to work Sunday's, rates of pay are increased. I fail to understand why it should be different in our case. I also submit that the majority of people take Sunday as a holiday and working on Sunday is in itself unsociable, to then be told that reduced prices will also be applied is unacceptable.

As mentioned other professions are given an incentive to work on Sunday's as pay will be increased. It appears that our profession is being discriminated without a justified basis for doing so. If the proposed changes do go ahead there is no incentive for taxi drivers to give up their Sunday's and work.

I also fail to understand how the council justify reducing our rates when they are consistently increasing their own fees year upon year.

The above mentioned changes are unfair and unrealistic taking into consideration the current economic situation.

I write to you in relation to the proposed changes to Taxis fares in Dacorum, namely changing Tariff 2 from 2300 back to midnight and removing Tariff 2 on Sundays.

I strongly object to such changes for the following reasons;

Firstly we were given these fare rates nearly some 10 years ago and at that time there was not many drivers willing to work on Sundays and at night times, as it wasn't worth working. Especially at night time when you had to take a lot of abuse from people who had consumed excessive amount of alcohol, unsociable hours etc.

The cost of living can not be ignored, which has increased considerably. One example being, the fuel price has tripled over that period from 0.58 pence per litre diesel to £1.40 per litre now.

why do you expect hackney carriage taxi drivers to lose this benefit? Taxi Companies in Dacorum only use tariff 1 on pre-booked jobs on a Sunday, therefore the public already has a choice. You cannot put hackney and private hire drivers into the same category as it is more costly to maintain and run a hackney carriage license taxi.

Hemel Hempstead is a small town with no night club or borderline 1 club which does not have the best of reputations and a handful of pubs which open later than 12 am.

If you return time and a half to midnight how much benefit will we really obtain for working all the way through the evening , not much at all. The train station operates 2 trains after 12 am on a Saturday and if you're there by 11 pm your lucky to get a job.

Other towns and city's have more pubs, clubs etc so we shouldn't be compared but if you wish this to happen , then what do you say about the towns and city's that have tariff 1 til 6pm then tariff 2 til 12am and then a tariff 3 from 12am.

Our fare rate according to the taxi magazine is 122 on the fare league table. If you ask anybody they will always say things are expensive to name a few buses, trains, petrol, council tax, car parking etc etc but do you see a reduction in these. NO in-effect the train company's have put their fares up again this week and the energy companies have also increased their rates in the previous month.

In conclusion such changes are barbaric and totally unfair to taxi drivers. Its about time the Licensing Dept took care of a trade that pays its wages. Its not been 4 months since you raised our fees citing inflation, taxi MOT went up from £200 to £240 (rise of 20%) and taxi licence badge fee went up from £150 to £185. in light of this you are more than happy to propose reversing our rates to those of 10 years ago. What the licencing department doesn't seem to consider is we the taxi drivers have little if any benefits associated with the trade. There is no sick pay, holiday pay, maintenance pay or day in lieu. In some cases, even firms in the retail sector have started to compensate their employees for working on Sundays.

I like to bring to the cabinet's attention that the trade is already being affected by drivers from other surrounding councils working illegally in Dacorum Borough Council and the number of drivers has doubled over the last few years' changes in moving the taxi rank. You can not ignore the rise in fuel and insurance since 2002 to their current rates. Subject to all these changes, it is extremely inconsiderate to reverse our fair rates to the 2002 level. Furthermore, the restriction imposed to have no further rights to apply for fare increase for the next 18 months.

I strongly object to the change to the Sunday tariff being reversed to tariff 1 and changing rate 2 from 2300 back to midnight as such changes will cause a significant unrest in the trade and could potentially lead to strikes in the future. I urge the cabinet to carefully consider all the points mentioned before coming to a conclusion on the proposed rate changes.

I would like to protest against your proposal for the time change.

From 23:00 to 00:00 Sunday to normal time

Mr Hill it is very difficult to survive as a taxi driver in this day and age with every thing been so expensive as you know.

For example : fuel prices, insurance, road tax, wear and tear and not to mention MOT.

I cant stress enough about how hard it is for us taxi drivers. It seem that their are so many taxi drivers in the Borough already which makes the income hard and other borough drivers taking our work from high street on week ends.

If we were to look at big organisation such as Tesco their time and half starts at 22:30 on week days time and a half on Saturday and double time on Sunday. People get paid more for working unsocial able hours so why should it be different for us?

If tomorrow you announce to every one at taxi licensing team at the council that they all have to change their hours from 09:00-16:30 to 19:00-02:30 to suit the taxi drivers and they have not got a choice and they will not get PAID more plus they will also have to work bank holiday without any bonus. What sort of respond do you think you will get?

It is very easy to say what others should do without realising what sort of struggle you are going to put them in.

Mr Hill it is my request to you please don't force these new changes because it will make it extremely hard for us to survive both at work and outside work.

I strongly disagree with the fair proposal been put faward to change rate 2 on Sunday back to rate 1 and also the night rate which is now at 23.00 u want to change that back to midnight. I disagree with all this as all the living costs in the past 10 years has gone up insurance, fuel other expenses. i hope you don't do this thanks a lot

I object to the changes the timing of tariff should stay as it is at the moment they is no work after midnight so what is the point of it every thing shuts at midnight The public is used to as it is your suggestions is nothing more than to confuse the general public and penalise driver who are sitting on the ranks on less than minimum wage tax

I am writing to you regarding the changes to tariff 2 times, I believe that the tariffs should be kept as they are.

I would like to put my point forward In regards to changing Sunday as "normal rate " Sunday is a public holiday so it should stay time an half as it has been for a very long time .

I am disputing the proposed changes to Sunday Rate 1 and the proposed rate change between 23.00 hours and 7am.

I do not agree with the changes. I think it's unfair for people who have to work in the night and have to work on Sundays.

I don't agree with fare changing on Sundays from tariff 2 to tariff 1 or during the week from 11pm to 12pm I think they should stay same.

I strongly don't agree with changing of tariff from 2 to 1 on Sunday plus week days from 11pm to 12pm I think it should stay tariff 2 as it is.

I strongly disagree with the proposed changes of tariff from 2 to 1 on Sunday plus week days from 11pm to 12pm

I think it should stay as tariff 2 as it currently is.

I am writing regarding the time and half change on Sunday.
I am very concerned with the change imposed by the council, as drivers currently working in Hemel Hempstead are struggling as it is, imposing these changes will only make the financial stability of drivers more volatile.
Customers as we see it, are more than happy to pay the extra fare, as they understand that they are receiving a taxi service on a Sunday; a day for resting.
Also with the nightclub rush having moved to Watford and St Albans has made it more difficult for drivers to make a substantial earning.

I strongly don't agree with changing of tariff 2 to 1 Sunday and also week days from 11pm to 12pm. I think it should stay as it is.

in response about taxi tariff change I am not agree the new tariff. I am happy in our current tariff . For the response of public call you may consider Sunday tariff

I totally disagree with this proposal regarding of changing tariffs on Sunday time half back to tariff 1 and tariff 2 start from midnight. and about the age of car these should not be age limit I prefer some of the old cars affordable and spacious and better than some of the new ones.
Plz leave Sunday as time half and tariff 2 from 23:00. we really appreciate if you don't change these tariffs.

I am disputing the proposed changes to Sunday rate 1 and the proposed rate change between 23 hours and 7 am

Not happy with the rate changes it should stay the same

I strongly don't agree with changing of tariff from 2 to 1 on Sunday plus week days from 11pm to 12pm I think it should stay tariff 2 as it is.



To whom it may concern

I am writing in regard to the changes that Dacorum Borough Council are attempting to make on the time and day changes on Rate 2.

As a Hackney Driver I speak on behalf of most of the other hackney drivers, when we disapprove of this recommendation of changing Rate 2 to start at midnight rather than 2300; and we also disapprove of removing Rate 2 on Sundays.

We need the rates to stay as they are because if they were to change it would impact on the income that we all make and it will make our lives harder to make a decent living. In the long run it will make it harder for us to pay for petrol, rent, permit renewals, licence and badge renewals, MOT, Service and running our homes. People using taxis are using us less and less day by day and it has an effect on us taxi drivers as if there is no one using taxis we can't make money.

Yours Sincerely

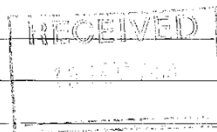
My plate number is [REDACTED]. My badge number is [REDACTED]. I understand a proposal in relation to changing rates at time and a half has been put forward. please take this letter as my strong objection to this proposal. My reason for objecting to this change is because despite working long hours and putting in a considerable amount of time and effort at work, due to the rising number of taxi drivers licensed by Dacorum, it is difficult to meet the increasing costs of a basic family life.

I am struggling to earn a healthy income at present, if implemented this will make it more difficult to find being a taxi driver and sole breadwinner to family of 4 children. By all means if you can bring back the living costs of 2001 then surely bring back the rates of 2001 and I will not object.

I would like to suggest that you divert your attention and efforts into eliminating those individuals who are working illegally in the borough and having an adverse effect on the boroughs earnings, as opposed to enforcing tighter restraints on fee paying, regulation abiding hard working taxi drivers.

I look forward to hearing from you
Kind regards,

[REDACTED]
14.12.13



RECEIVED

13 DEC 2013

Berthamsted
Close Taxi

Dear Sir

I work the evening shift in Berthamsted, and have done for many years. We now have 4 or 5 times more cabs on our fleet, + Ace, + the 'Private' from other Broughs. The population has not grown that much in comparison. When I started, it was 1 plate per 1000 head population. (What is it now?) Overhead have gone up, hourly rates have come down. So why are you asking us to take a pay cut? When the pubs shut, us night boys have to take the abuse, the runners and the spewers! If it ain't broke, don't fix it. Leave alone!

Licencing

DACORUM BOROUGH COUNCIL

I DO NOT WANT YOU TO CHANGE THE TIME & HALF RATE FOR SUNDAYS. SUNDAYS IS A DAY OF REST FOR MOST PEOPLE, AND IF THEY HAD TO WORK ON A SUNDAY THEY WOULD GET A HIGHER RATE OF PAY.

AS FOR TRYING TO CHANGE THE 11PM RATE BACK TO 00:00PM.

IT WAS CHANGED MANY YEARS AGO THAT WAS FOR A GOOD REASON.

AND NOW PEOPLE KNOW WHERE THEY ARE WITH THIS, SO TO CHANGE IT AGAIN, THEN IN ANOTHER FEW YEARS WE AS TAXI DRIVERS MAY ASK TO CHANGE IT BACK AGAIN, SO JUST LEAVE THESE THINGS ALONE THE ARE PUT IN PLACE FOR REASONS,

WHY DO YOU NOT PUT YOUR EFFORTS IN TO SOMETHING OF MORE USE TO ALL OF US, IN

WE STILL HAVE MANY ILLEGAL CABS, TAXIS, MINIBUSES, UNPLATED UNLICENCED PEOPLE OPERATING IN DA

WHICH CUTS DOWN THE AMOUNT OF MONEY WE CAN EARN,

GET THE POWERS FROM THE LAW, POLICE, TAXI COMMISSION, TO BE ABLE TO REMOVE OR IMPOUND VEHICLES AND TAKE THE DRIVERS OR COMPANYS TO COURT,

SO DO TO CHANGE

RECEIVED
- 3 DEC 2013

[Redacted]

Hempstead

Herts HP1 [Redacted]

Re
Taxi Fares

1/12/13

Dear Licensing Committee,

I would like to comment about the proposal to change the times for tariff 2 on Sundays to tariff 1.

As I work on a Sunday it would affect me greatly I would earn less money

Historically it has always been tariff 2 on a Sunday and customers are used to it, and expect it to be so.

I hope it will continue to be tariff 2 on a Sunday.

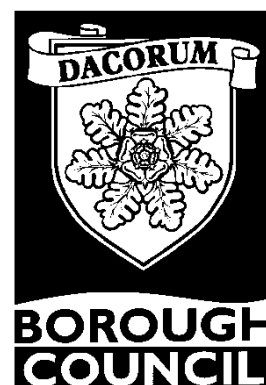
Yours sincerely

[Redacted]

ANNEX E

TARIFF COMPARISON WITH OTHER NEARBY AUTHORITIES

Authority	Sunday tariff provisions	Evening tariff provisions
Dacorum (current)	150% of regular fare on Sundays	150% of regular fare between 23.00 – 07.00
Aylesbury Vale	Regular fare	125% of regular fare between 23.00 – 05.30
Broxbourne	Flag-drop price at 133%, additional unit price at 150% on Sundays	Flag-drop price at 133%, additional unit price at 150% between 22.00 – 06.00
Central Beds	150% of regular fare on Sundays	150% of regular fare between 23.30 – 06.30
Chiltern	£1.50 surcharge on Sundays	150% of regular fare between 23.00 – 06.00
East Herts	Flag-drop price at 133%, additional unit price at 150% on Sundays	Flag-drop price at 133%, additional unit price at 150% between 22.00 – 06.30
Hertsmere		
Luton	Regular fare	Specified higher rates (≈125% of regular fare) between 00.00 – 06.00
North Herts	150% of regular fare on Sundays	150% of regular fare between 00.00 – 06.00
St Albans	120% of regular fare on Sundays	150% of regular fare between 00.00 – 06.00
Stevenage	40p surcharge on Sundays	150% of regular fare between 23.00 – 06.00
Three Rivers	Regular fare	40p surcharge between 23.00 – 06.00
Watford	Regular fare	Specified shorter distances (≈67% of regular fare) between 23.00 – 06.00
Welwyn & Hatfield		



Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	4 February 2014
PART:	1
If Part II, reason:	AGENDA ITEM: 6

SUMMARY

Title of report:	Taxi and private hire vehicle licensing standards
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To outline proposed changes to the criteria for vehicles to be accepted for licensing as hackney carriages or private hire vehicles within Dacorum
Recommendations	<ol style="list-style-type: none"> 1) That Committee adopt the attached 'Vehicle standards for hackney carriages' and 'Vehicle standards for private hire vehicles' as the Council's pre-licensing criteria for hackney carriages and private hire vehicles, with effect from the 1st June 2014; and 2) That 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.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Support the creation of a high quality, low carbon environment • Maintain a clean and safe environment
Implications:	<p><u>Financial</u> Under the revised proposals, there will be an additional charge for a second vehicle test per year for vehicles over 10 years of age, payable by licence-holders directly to the testing station.</p> <p><u>Health And Safety</u> More frequent tests for older vehicles will help to ensure that they are being maintained to a high standard, and will enable any mechanical or safety issues to be identified sooner.</p> <p><u>Value for Money / Risk / Equalities</u> No implications are expected to arise affecting these matters.</p>

Consultees:	The results of consultation with the licensed trade on the initial proposals are set out within. The revised proposal has been discussed informally with the Hackney Carriage Drivers Association.
Background papers:	None
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. The Council licences vehicles as hackney carriages under the Town Police Clauses Act 1847, and private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976. Both statutes permit the Council to set criteria in respect of the suitability, type, size and design of vehicles which will be licensed, and it is open to the Council to refuse to licence any vehicle the suitability of which it is not satisfied of, or which is not in a suitable mechanical condition, safe or comfortable. It is not enough that a vehicle can simply pass an MOT test – the Council must be satisfied that the vehicle is suitable for its proposed use, in addition to being safe and comfortable for passengers, before a licence may be issued.
- 1.2. The Council has previously adopted a number of criteria for the vehicles it will licence, which have been amended over time. Most recently, in 2012, a new criterion was applied to hackney carriages requiring those vehicles to be of type M1 whole vehicle approval, and compliant with the relevant European standards. Other changes have been made in respect of prohibiting the issue of a new hackney carriage licence to anything other than a wheelchair-accessible vehicle, the removal of a seat from multi-purpose vehicles so as to clear an access route to rear seats (later overturned), and exemptions in respect of stretch limousines.
- 1.3. Vehicle technology has continued to develop rapidly in recent years, with safety standards continuing to improve, engines delivering more power from smaller units, and emissions levels dropping. However, the Council's licensing criteria have not been reviewed as a whole in several years, and have not kept pace with automotive development.
- 1.4. The Council's criteria have become slightly muddled over time, with amendments being brought in piecemeal, and frequently applied only to one of the two categories of vehicle. It is now proposed to review the criteria, applying common standards to both categories of vehicle, and updating the requirements where appropriate to do so.
- 1.5. Recent consultations have also highlighted public concern over the average age of licensed vehicles in Dacorum (at the time of writing, 8.74 years for 'golden plate' hackney carriages, 7.86 years for wheelchair-accessible hackney carriages and 7.99 years for private hire vehicles), and the need to try and encourage the introduction of newer vehicles where possible.

2. INITIAL PROPOSAL AND CONSULTATION RESPONSE

- 2.1. An initial proposal to revise the applicable vehicle criteria was presented to the Committee on the 27th August 2013, seeking authorisation to commence consultation with the trade. The proposals instantly attracted attention, with a number of drivers attending that meeting in the mistaken belief that the Council would be immediately adopting the revisions without consultation. With the Committee's approval, details of the proposal were published on the council's website, in the taxi email newsletter, and via a direct mailshot (which summarised a number of active consultations). Comments on the proposal were invited with a deadline of the 1st November 2013.
- 2.2. The initial proposal detailed revised criteria for both hackney carriages and private hire vehicles, which consolidated a number of previous policy decisions and sought to establish some parity between the two sets of criteria. It was proposed to extend the 'M1' vehicle type requirement from hackneys only to both licences, to clarify the circumstances around the use of IVA tests and requirements for certificates of conformity, and to introduce a formal prohibition on 'dual plating'. However, the proposal which attracted the most attention and feedback was to introduce a 'maximum age on first licensing' policy for vehicles, under which a vehicle being licensed for the first time would have needed to be less than 5 years old at the time of licensing in the case of a non-accessible hackney carriage, and 7 years for accessible hackney carriages and all private hire vehicles.
- 2.3. It was stated in the original report that the initial proposals had been intended to provoke discussion, and a clear undertaking was given that officers would consider any feedback received before making a final recommendation.
- 2.4. A petition organised by the Hackney Carriage Drivers Association was received bearing 255 signatures (including a small number of duplicate entries) and a further 7 unsigned entries. The covering letter states the Association's opposition to the initial age limit proposal, and suggests instead a 12-year age limit. The other proposals are not addressed within the petition, although reference is made to current economic difficulties and the larger trade opportunities in other areas where age policies have previously been adopted. A copy of the petition is attached at Annex C.
- 2.5. A further 27 individual responses were also received, all of which opposed the proposed age limits, expressing a variety of concerns but the most frequent being affordability, citing a downturn in driver's earnings in recent years. Respondents also suggested that the proposed policy would lead to older vehicles being kept for as long as possible to avoid the cost of buying a newer vehicle, a potential issue around the temporary replacement of vehicles during repairs or maintenance, and doubt over whether the age policy proposal would lead to a safer fleet of vehicles for passengers. Copies of the individual responses are included at Annex D.
- 2.6. A number of responses suggest that Dacorum taxis would be put at an unfair disadvantage when compared to vehicles from neighbouring boroughs if the proposed age policies were introduced. By way of comparison, a summary of age policies adopted by other nearby authorities is appended at Annex E.

2.7. Very few of these responses addressed any other elements of the proposals. A couple of responses refer to the requirement that vehicles should be 'dent-free'. This was unchanged from the current criteria, and is interpreted as no obvious dents, on panels pressed inwards. Smaller imperfections, such as door dings and stone-chips are not currently a bar to licensing (unless a single panel is excessively marked with such), and it is not envisaged that this approach would change. The Council's compliance standards, which form the basis for the additional checks carried out during vehicle tests, make provision for minor damage of this type.

3. REVISED PROPOSAL

3.1. After considering the feedback received, officers have made amendments to the most contentious parts of the proposals.

3.2. In respect of vehicle age, after consideration of the feedback received during consultation (including a number of salient points about the effect of such a policy on other operational aspects), officers are now recommending that the initial proposal should not be progressed. Instead, a revised requirement is now proposed, under which vehicles which are older than 10 years at the time of the issue of the annual licence, will be required to complete a second MOT and compliance test half-way through the licence period. Licence-holders would be responsible for arranging and paying for the relevant test directly with the council's authorised testing station. If a vehicle failed to complete an additional test in the required period without good reason, a suspension notice would be issued. A number of respondents highlighted that compliance testing was a more suitable tool to ensure higher standards than a simple age policy, and this option should also provide a means to ensure that older vehicles are being correctly maintained, and alert owners earlier to any developing faults arising from the age of the vehicle. The additional cost of a second test may also act as an incentive to replace older vehicles.

3.3. As of the time of writing, this proposed age policy would affect the following number of vehicles:

Vehicle type	Total number licensed	Number aged over 10 years	%
Hackney carriage:			
<i>Non-wheelchair only</i>	189	62	32.8%
<i>Wheelchair-access only</i>	52	11	21.2%
Total	241	73	30.3%
Private hire vehicle:			
<i>Standard usage</i>	154	40	26.0%
<i>Exempt/specialist vehicle</i>	19	4	21.1%
Total	173	44	25.4%

- 3.4. While there are benefits to requiring newer vehicles for licensing (such as ensuring the latest technologies and safety standards, as well as typically lower emissions levels than equivalent older vehicles), there is clearly also a need to take account of economic considerations. In this respect, the revised proposal is considered to be the most suitable policy, offering an incentive to replace older vehicles, but not imposing undue financial barriers to entering the trade. However, there will be a need to monitor whether any improvement occurs in vehicle ages as a result of the implementation, and as such it is suggested that, if the Committee are minded to adopt the recommendation below, officers will track this data over the next 2 years, with a view to reporting any change to Committee after that period.
- 3.5. Initial discussions have been held with the appointed testing station about the possibility of additional tests, who have confirmed that they have sufficient capacity to facilitate these.
- 3.6. The other parts of the proposal are unchanged from the original report.
- 3.7. The M1 type policy, first applied to hackney carriages in 2012 but omitted from private hire criteria, ensures that only vehicles which have been designed and built for the safe carriage of no more than 9 persons (including driver) are being licensed. This policy also ensures that vehicles which have been modified from other vehicle types (e.g. from larger passenger vehicles which have had seats removed, or from goods vehicles), and which may not satisfy the relevant European safety standards applying to M1 vehicles are not considered for licences. For this reason, it is proposed to extend this policy to cover private hire vehicles. An amendment to the policy also deals with vehicles which have been converted in accordance with approved specifications, and have been certified as conforming to the relevant type and safety standards – a significant number of purpose-built taxis and wheelchair-carrying vehicles are now manufactured and approved in this way, and would currently fall outside of the policy.
- 3.8. The Council is of course free to depart from any criteria it has set when considering a particular vehicle, if the merits of the particular case in question warrant doing so. However, it is envisaged that this power will only be used in exceptional circumstances, and by no means will it be a regular occurrence – the standards should be set at a suitable level that will prove appropriate in the vast majority of cases. This power has previously been delegated to senior officers, subject to a right of appeal against a refusal to grant an exemption to the Committee.
- 3.9. This report contains proposals on the standard of vehicle that will be licensed, and does not refer to the conditions that may be applied to the vehicle's licences, nor does it stipulate compliance standards against which vehicles are tested. It is intended to review and report on these conditions and compliance standards, with suggested amendments, later this year.
- 3.10. This report also omits the specifications expected of stretch limousines and other novelty vehicles (e.g. decommissioned fire engines / ambulances / military vehicles, converted ice cream vans, etc, which are used to carry passengers), a number of which have been licensed as private hire vehicles. Again, it is intended to conduct a review of these specifications following a report later this year. Other types of vehicles which may also be

licensed, such as horse-drawn carriages or non-motorised vehicles, will also be considered outside of these standards.

3.11. The following documents are attached to this report:

Annex A – proposed criteria for hackney carriages

Annex B – proposed criteria for private hire vehicles

4. RECOMMENDATIONS

- 4.1. That Committee adopt the attached 'Vehicle standards for hackney carriages' and 'Vehicle standards for private hire vehicles' as the Council's pre-licensing criteria for hackney carriages and private hire vehicles, with effect from the 1st June 2014.
- 4.2. That 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.

ANNEX A Proposed criteria for hackney carriages

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH



Vehicle standards for hackney carriages

Dacorum Borough Council will require vehicles presented for licensing as hackney carriages to satisfy the following criteria:

Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
 - a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
 - b. The vehicle must be right-hand drive;
 - c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
 - d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
2. The vehicle must:
 - a. Be a saloon, estate, hatchback or multi-purpose vehicle with:
 - i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
 - ii. an engine capacity of not less than 1400cc;
 - iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
 - iv. a suitable space separated from the passenger compartment for the safe carriage of luggage; or
 - b. Be a 'London' type taxi; a purpose-built taxi or a similar large passenger carrying vehicle (with seating for no more than eight passengers), with:
 - i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
 - ii. an engine capacity of not less than 1800cc;
 - iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
 - iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or rearwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

Type approval

3. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWWTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's

unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWWTA Approval.
- c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

Roadworthiness inspection and compliance test

4. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

Egress from rear seating

5. Multi-purpose vehicles (MPV's) which feature rear seating without direct unimpeded access to a door (i.e. if it is necessary to tilt or fold a seat in the middle row to gain access to a door adjacent to the middle row of seats) must feature a device enabling the rear door of the vehicle to be opened from the inside of the vehicle, permitting emergency egress from the rear seats. Under no circumstances shall a seat installed by a manufacturer be removed from the vehicle, unless replaced by a seat of identical construction and safety standards.

Age of vehicle

6. A vehicle which, on the date of issue of a licence is older than **10 years** (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

Dual plating

7. A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

Wheelchair accessibility

8. A hackney carriage vehicle licence will only be granted in respect of a vehicle which is safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair.

(Note: The above requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 1 April 2004, providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has a wheelchair-accessible vehicle been substituted to the licence).

N.B. Vehicles which do not satisfy certain of the above requirements may be considered for licensing in exceptional circumstances, at the discretion of the Council. Please contact a licensing officer to discuss prior to making an application or purchasing a vehicle.

ANNEX B Proposed criteria for private hire vehicles

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH



Vehicle standards for private hire vehicles

Dacorum Borough Council will require vehicles presented for licensing as private hire vehicles to satisfy the following criteria:

N.B. Alternate standards will be applied to stretched limousines and novelty vehicles, presented for licensing.

Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
 - a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
 - b. The vehicle must be right-hand drive;
 - c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
 - d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
2. The vehicle must:
 - a. Be a saloon, estate, hatchback or multi-purpose vehicle with:
 - i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
 - ii. an engine capacity of not less than 1400cc;
 - iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
 - iv. a suitable space separated from the passenger compartment for the safe carriage of luggage; or
 - b. Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:
 - i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
 - ii. an engine capacity of not less than 1800cc;
 - iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
 - iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.
3. The vehicle must not resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi.

Type approval

4. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWWTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:
 - a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
 - b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWWTA Approval.
 - c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

Roadworthiness inspection and compliance test

5. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

Egress from rear seating

6. Multi-purpose vehicles (MPV's) which feature rear seating without direct unimpeded access to a door (i.e. if it is necessary to tilt or fold a seat in the middle row to gain access to a door adjacent to the middle row of seats) must feature a device enabling the rear door of the vehicle to be opened from the inside of the vehicle, permitting emergency egress from the rear seats. Under no circumstances shall a seat installed by a manufacturer be removed from the vehicle, unless replaced by a seat of identical construction and safety standards.

Age of vehicle

7. A vehicle which, on the date of issue of a licence is older than **10 years** (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

Dual plating

8. A vehicle will not be licensed as a private hire vehicle if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

N.B. Vehicles which do not satisfy certain of the above requirements may be considered for licensing in exceptional circumstances, at the discretion of the Council. Please contact a licensing officer to discuss prior to making an application or purchasing a vehicle.

ANNEX C

Petition from Hackney Carriage Driver's Association

Petition against Vehicle age limit
Taxi Drivers Association

Dacorum Borough Council Licensing Committee

25th Oct 2013

Head of Licensing Department Dear Sir/Madam,

We the taxi drivers of dacorum have gathered a signed petition by 262 drivers, sanguinely hoping that persons at the helm will take cognizance of the below points raised and address them at the earliest opportunity. This is a serious matter which affects the livelihood of over 500 drivers and their families, so it requires urgent attention.

We are strongly opposed to the proposal put forward by the licensing department setting a vehicle age limit of no older than 5years and disabled access being no older than 7 years. The trade feels that this is not a viable time to implement such a proposal, in the current economical downturn. The majority of businesses are currently struggling to survive. There a number of factors that need to be taken into consideration:

The financial implication to drivers having to upgrade vehicles is considerably high, and very few drivers could afford to fulfil this obligation. The extra cost to obtain such vehicles will lead to a considerable number of drivers being forced out of the taxi trade and into unemployment. The age restriction may force vehicle proprietors to purchase lower quality vehicles with high mileage depending on their budget. The Taxi trade is undergoing major changes with the current Taxi rank being forced to move to a new location, this will also have considerable financial implications on drivers. Also with rising fuel and insurance prices it is already difficult to earn a living. As well as this, the enforcement against foreign plate drivers from other boroughs is appalling and is having considerable financial implications on the dacorum borough drivers.

The Dacorum Borough does not have the volume of business in comparison to other towns such as Watford and Luton. These towns have major Train routes, hospitals, large shopping centres and also alot more night time trade. Luton also benefits from a main Airport, university and also benefits from a much higher population.

We feel if the vehicle passes the compliance test and the MOT, then the age should not be a deciding factor. The safety of customers is paramount, so if the vehicle is meeting all the safety aspects then the age limit should not be a legal requirement.

We would also like to bring to your attention that this age limit policy has only been implemented by some Council and thus is not a country wide policy. There is also an indication that the councils which have adopted this vehicle age limit also have higher fares than Dacorum.

We the association would recommend setting a vehicle age limit of 12 years for both types of vehicles. This recommendation is a fairer policy that is also financially more viable to drivers.

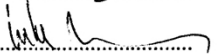
Please find attached 16 pages of signed petition of 262 drivers opposing the above proposal.

Regards

Tabrez Khan (Chairman)



Luke Mcilvaney (Vice Chairman)



Taxi Drivers Association

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email / Tel	Badge No	Signature
1. TABBAZ KHAN			HD 319	TABBAZ KHAN
2. MOHAMMED FANOOD AHMED			281	FANOOD AHMED
3. IJAZ KHAN			278	IJAZ KHAN
4. M. I. KHAN			PD 182	M. I. KHAN
5. F. M. KHAN			HD 248	F. M. KHAN
6. SAHIB			HD 299	SAHIB
7. HASEEB			HD 322	HASEEB
8. Asim Hussain			HD 312	ASIM HUSSAIN
9. Ghouse Khan			HD 370	GHOUSE KHAN
10. SAZEER AHMED			HD 113	SAZEER AHMED
11. WAHAB MIRZA			HD 317	WAHAB MIRZA
12. M. IJAZ			HD 087	M. IJAZ
13. JAFARY			HD 10	JAFARY
14. M. MAHROOF			HD 091	M. MAHROOF
15. G. RAJOO			HD 75	G. RAJOO
16. RUPAN			HD 210	RUPAN
17. Q. KHAN			HD 081	Q. KHAN
18. S. USMAN			PD 43	S. USMAN
19. N. KHAN			129	N. KHAN
20. M. SAJJAD			161	M. SAJJAD
21. M. ULHAAS			MAIL COM: MUMTAZ	M. ULHAAS
22. A. KHAN			78	A. KHAN
23. M. LATIF			309	M. LATIF

QTY: 23

page 18

SIGNATURE: (262)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email / Tel	Badge No	Signature
1. Abrar Khan			HD 144	ABRAR KHAN
2. M. ESSO/NE			HD 252	M. ESSO/NE
3. C. VENNER			MD 024	C. VENNER
4. M. ASHRAF			HD 213	M. ASHRAF
5. G. N. ...			HD 170	G. N. ...
6. B. WILLIAMS			HD 104	B. WILLIAMS
7. K. AWAZ			HD 15	K. AWAZ
8. B. KRISHI			HD 168	B. KRISHI
9. A. MOJ			122	A. MOJ
10. P. ...			227	P. ...
11. W. ABID			315	W. ABID
12. HUSSAIN			HD 36	HUSSAIN
13. MATHSOOD			HD 239	MATHSOOD
14. CSAMIR			HD 113	CSAMIR
15. IMRAN KHAN			037	IMRAN KHAN
16. P. ...			275	P. ...
17. M. ...			HD 127	M. ...
18. M. HANWAN			HD 082	M. HANWAN
19. A. JELUS			HD 060	A. JELUS
20. A. ...			HD 179	A. ...
21. S. HAZARATI			HD 128	S. HAZARATI
22. A. ALI			HD 326	A. ALI
23. N. KHAN			HD 174	N. KHAN

QTY: 23

page 18

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. Jamil			HD 059	[Signature]
2. ASSAD			HD 096	[Signature]
3. 'INDRAT			HD 343	[Signature]
4. M. AKHAT			HD 164	[Signature]
5. M. TAJFI K.			HD 090	[Signature]
6. M. MALOM			PD 910	[Signature]
7. M. INTIAZ			PD 164	M. Gumbry
8. M. Adrees			HD 127	[Signature]
9. R. Poin			HD 226	[Signature]
10. Y. AROUCHE			HD 011	[Signature]
11. SPATH			HD 098	[Signature]
12. SHAIKEEL			BS 1	[Signature]
13. ASIM KHUSRA			HD 312	[Signature]
14. Z. NI			HD 331	[Signature]
15. K. Shohjad			HD 139	[Signature]
16. RANM KHAN			310	[Signature]
17. M. TAJFI			HD 036	[Signature]
18. M. I. ALI			HD 361	[Signature]
19. SAFOR. DIDD			HD 119	[Signature]
20. MOHAMMED ISHAK			HD 347	[Signature]
21. SHAIKEEL AHMED			HD 077	[Signature]
22. GUJPPAD			HD 44	[Signature]
23. TABREZ KHAN			PD 319	[Signature]

(23)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email / Tel	Badge No	Signature
1. TABREZ KHAN			HD 159	[Signature]
2. MUHAMMAD RUMI KHAN			HD 268	[Signature]
3. M. GULSHI			HD 217	[Signature]
4. M. Saleem			HD 049	[Signature]
5. F. KALEM			HD 316	[Signature]
6. MASOOD KHAN			HD 121	[Signature]
7. MDHAMMAD ASHERF			HD 186	[Signature]
8. SAQIB MALEK			HD 325	[Signature]
9. ASAD KHAN			HD 161	[Signature]
10. JINGMAY KHAN			HD 318	[Signature]
11. ASAD/MOHAMMAD			HD 343	[Signature]
12. PI BISHALI			156	[Signature]
13. T. GHAEMAN			HD 211	[Signature]
14. JEFF HARRIS			HD 129	[Signature]
15. SIMON HEBBS			PD 913	[Signature]
16. M. FAYYAZ			HD 238	[Signature]
17. J. USMAN			HD 250	[Signature]
18. M. AHMED			HD 208	[Signature]
19. G. GILSON			HD 093	[Signature]
20. GUJPPAD KHAN			HD 044	[Signature]
21. MANISHA KHAN			HD 286	[Signature]
22. AMR AB			PD 216	[Signature]
23. Z. AHMED			HD 263	[Signature]

(23)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. M. AZAD			HD 306	
2. ABADILYAS			PD 138	
3. Mubarak Ali			PD 219	
4. IMRAN KHAN			HD 239	
5. ALI SETTOUL			PD 104	
6. MAZIN KHAN			HD 47	
7. Shabbir (Prakash road)			PD 98	
8. AKSIC LAMP			HD 274	
9. IPRANO RIZWAN			PD 288	
10. LAKSHI KHAN			HD 294	
11. GEORGE FOUZ			PD 290	
12.			HD 298	
13. S.M. BIKEL			HD 187	
14. G. HOSES			PD 093	
15. Z. FAROOQ			PD 143	
16. M. HARIF			HD 100	
17. NOORAMIN KHAN			PD 112	
18. M. KHAN			HD 271	
19. N. KHAN			HD 32	
20. A. SYAR			PD 193	
21. A. AHMED			PD 070	
22. J. KHAN			PD 25	
23. N. MEHMOOD			PD 14	

(22)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
24. R. KHAN			PD 41	
25. T. REZER			HD 236	
26.			HD 346	
27. S. ABBAH			PD 317	
28. W. ADOP YOUSUF			PD 491	
29. ZASMI SIRRI			PD 105	
30. KELCIN			PD 271	
31. S. PHILLIPS			PD 097	
32. A. ELA-TAMMI			PD 005	
33.			HD 48	
34. S. JAFARI			HD 12	
35. NALIKSI			PD 261	
36. ZIA KHAN			HD 135	
37. S. MOSSAN			PD 241	
38. SMIRHAT ALI			PD 33	
39. SALEEM KHAN			HD 38	
40. SAJJANI KHAN			HD 185	
41. M. KHAN			PD 114	
42.			HD 157	
43.			PD 140	
44. ISMAIL ALI			HD 259	
45. GUDAM JIN			HD 974	
46.			PD 096	

(19)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
47 DUNNITT			PD 77	[Signature]
48 JINAFU AHMED			PD 234	[Signature]
49 TKHAN			HD 26	[Signature]
50 C. BIEK			PD 21	[Signature]
51 J. HERRERA			PD 244	[Signature]
52 M. NAZEEM			HD 226	[Signature]
53 S. KHAN			PD 351	[Signature]
54 AHMAD			HD 283	[Signature]
55 [Redacted]			-	[Signature]
56 SAMIR			PD 277	[Signature]
57 EOLAKAVIC			HD 101	[Signature]
58 I. AMJAD			HD 171	[Signature]
59 F. REVAZ			HD 685	[Signature]
60 K. KHAN			HD 215	[Signature]
61 S. SAEED			HD 146	[Signature]
62 AYAZ AHMED			HD 321	[Signature]
63 SIZED GILAND			PD 119	[Signature]
64 FAZAL HUSAINI			HD 310	[Signature]
65 Shabaz Ismail			HD 27	[Signature]
66 ASHRAF KHAN			HD 137	[Signature]
67 L. EVANS			HD 182	[Signature]
68 ZAFAR			-	[Signature]
69 AMANULLAH KHAN			HD 61	[Signature]

(20)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
70 Farwa Shafa			PD 24	[Signature]
71 [Redacted]			HD 160	[Signature]
72 WAKOOS MURZA			PD 317	[Signature]
73 MY HAMID			PD 69	[Signature]
74 [Redacted]			-	[Signature]
75 SAMEZ ALI			PD 287	[Signature]
76 M. SAHIB			HD 110	[Signature]
77 [Redacted]			-	[Signature]
78 AQA ZAFAR MUSSAIN			HD 332	[Signature]
79 [Redacted]			PD 63	[Signature]
80 [Redacted]			PD 153	[Signature]
81 Nihal James			PD 255	[Signature]
82 Andrew Mills			HD 148	[Signature]
83 SAJID AHMED			HD 005	[Signature]
14 [Redacted]				
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23 [Redacted]				

(10)

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. A. MAHMOOD			HD 142	
2. A. MAMMAD			HD	
3. RATA SHAKI			HD	
4. O. COOKE			HD 120	
5. H. BASHIR			PH 140	
6. M. D. KHAN			HD 202	
7. Foad SHAH			HD 178	
8. MIKE DUM			HD 171	
9. MAHSAAN			HD 230	
10. SHUHAIAT			PD 033	
11. A. GEVYE			HD 112	
12. INTIAZ KHAN			HD 100	
13. M. BASHIR			HD 358	
14. Q. ALI			HD 312	
15. D. AHMED			HD 312	
16. S. MIAH			262	
17. S. KHUSS			PH 154	
18. R. N. JIBAL			PH 120	
19. A. KHAN			HD 202	
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(19)

page 9/18

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. MOHAMMAD ISLAM			HD 358	
2. T. MAHMOOD			HD 136	
3. KAMAL MAHOOD			HD 042	
4. SHEHAR RAHMAN			HD 209	
5. KAMAL RAHMAN			176	
6. ANWAR ALI			206	
7. MAHMOOD BASHIR			167	
8. YOUSUF ALI			353	
9. WY CLARKE			188	
10. SATHI KUN			185	
11. SAIED			202	
12. REVAZ ARUB			290	
13. ABID FRAZ			M 169	
14. M. IMRAN ALI			365	
15. SHARID			333	
16. CHAZANFOR SHARID			336	
17. SHARID ISMAEL			310 HD	
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(17)

page 10/18

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email / Tel	Badge NO	Signature
1. MOHAMMAD FAIZAN FAIZAN			HD 311	
2. FAIZAN FAIZAN			HD 041	
3. MUHAMMAD FAIZAN			HD 368	
4. ANPU VISHWANATHAN			245	
5. ANPU VISHWANATHAN			054	
6. KHALED AHMED Ahmed			198	
7. MOHAMMAD Ahmed			354	
8. MOHAMMAD Ahmed			007	
9. SHARIFUDDIN KHALIL			105	
10. TARIQ KHALIL			273	
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**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
24. SHARIFUDDIN KHALIL			HD355	
25.			PD 2714	
26. SHARIFUDDIN KHALIL			ETV	
27. KHALIL KHALIL			186	
28.				
29. TARIQ KHALIL			HD341	
30. TARIQ KHALIL			PD313	
31. TARIQ KHALIL			PD160	
32. TARIQ KHALIL			PD203	
33. TARIQ KHALIL			PD203	
34. TARIQ KHALIL			PD203	
35. TARIQ KHALIL			PD203	
36. TARIQ KHALIL			PD203	
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38. TARIQ KHALIL			PD203	
39. TARIQ KHALIL			PD203	
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41. TARIQ KHALIL			PD203	
42. TARIQ KHALIL			PD203	
43. TARIQ KHALIL			PD203	
44. TARIQ KHALIL			PD203	
45. TARIQ KHALIL			PD203	
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72. TARIQ KHALIL			PD203	
73. TARIQ KHALIL			PD203	

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. Khaled Elwan			HD 104	[Signature]
2. [Name]			[Signature]	
3. [Name]			[Signature]	
4. CAROL NICKSON			[Signature]	
5. Ghulam Mustafa			[Signature]	
6. [Name]			[Signature]	
7. Steve Burgess			PD 121	[Signature]
8. [Name]			[Signature]	
9. [Name]			[Signature]	
10. Ian Birch			PD 224	[Signature]
11. Babar Ali			PD 222	[Signature]
12. [Name]			[Signature]	
13. [Name]			[Signature]	
14. S. Ansari			266	[Signature]
15. [Name]			[Signature]	
16. ABDUL RAHMAN			1591	[Signature]
17. IAN RANSOME			[Signature]	
18. Graeme Khan			HD366	[Signature]
19. N. AZHAR			HD 158	[Signature]
20. [Name]			LH	[Signature]
21. A. McCRACKEN			HD103	[Signature]
22. S. AKRAM			[Signature]	
23. [Name]			[Signature]	

(14)

page 13 / 18

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. M. Shabazz			103	[Signature]
2. A Khan			106	[Signature]
3. [Name]			[Signature]	
4. [Name]			[Signature]	
5. [Name]			[Signature]	
6. [Name]			[Signature]	
7. [Name]			[Signature]	
8. [Name]			[Signature]	
9. [Name]			[Signature]	
10. [Name]			[Signature]	
11. [Name]			[Signature]	
12. [Name]			[Signature]	
13. [Name]			[Signature]	
14. [Name]			[Signature]	
15. [Name]			[Signature]	
16. [Name]			[Signature]	
17. [Name]			[Signature]	
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page 14 / 18

**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. M. BYANE	[Redacted]	[Redacted]	173	[Signature]
2. K. FARUK			176	[Signature]
3. YOUSUF AH			353	[Signature]
4. N. SHARIF			103	[Signature]
5. S. AYUB			219	[Signature]
6. B. KHAN			017	[Signature]
7. S. RAHMAN			165	[Signature]
8. A. KHAN			206	[Signature]
9. S. DURRANI			362	[Signature]
10. A. ALI			306	[Signature]
11. M. ILMIAH			285	[Signature]
12. P. HANES			1074	[Signature]
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**Petition against proposal vehicle age limit
Hackney Carriage Taxi Drivers Association**

Name	Address	Email	Badge No	Signature
1. MUHAMMAD NEMAN	[Redacted]	[Redacted]	025	[Signature]
2. Muhammad SAKIB			PD 155	[Signature]
3. AHMAD MAHMOOD			PD 004	[Signature]
4. Yaqiz Khan			PD172	[Signature]
5. MIRZA RASUL			HD123	[Signature]
6. MAHAMMAD ADEES			K HD300	[Signature]
7. SAEEDANI				[Signature]
8. Kamran Husain			HD352	[Signature]
9. USMAN MUZZA			HD133	[Signature]
10. M. SHAFIQUE			HD320	[Signature]
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ANNEX D
Individual consultation responses

I am just writing to say that I agree on the golden plates, but could you move the age limit up to 10 years please, because the Country is in crisis and we are not able to afford a new car ever 7 years. Plus there is not much work out there either so how could we possibly afford to buy a new car every 7 years?

I would like to register my objection to the proposed changes regarding the age of the taxi vehicle. This would place unnecessary financial burden on taxi drivers; who are already struggling financially. With limited night club business demand in Hemel, as well as accelerated car y depreciation of newer cars, this change is unwelcome for ALL Taxi drivers. I appeal to the committee for help in this

As all vehicles are all subject to the MOT and compliance test there appears to be no justification to imply the vehicle is unroadworthy based on its age. My vehicle is a "57" plate and if this change goes ahead I will have to change my vehicle next year. It was purchased eighteen months ago with 3,800 miles on the clock as it was a fleet car held in bankrupt stock. It now has 40,000 miles on the clock. I cannot understand how this is justifiable to enforce a vehicle change.

If a vehicle is properly maintained, it will be safe and reliable. It would not be in any taxi/private hire driver's interest to retain a vehicle that is unsafe or prone to breakdown as this would have a detrimental effect on his earnings and his life.

Many vehicles are older than this and are executive type vehicles. To impose this change would enforce drivers to purchase vehicles at the lower range of the spectrum and this would lower standards, not raise them.

I think this idea is absolutely ridiculous and disgraceful. This will only decrease our income and put another pressure on our financial situation. I think it's perfectly acceptable to have neat and clean vehicle without any age limit especially in this current situation where everything is going up and we are having to put many many extra hours to make up for it.

I recently received a email from you suggesting a amendment to HC vehicle age limit I strongly object to this and many of drivers who work in this trade feel the same and as committee member this matter should have been discussed first before presented front of licence committee and to be fair to all the HC age limit should been same between 8 to 10 years plus at this present claimant where the industry is struggling to provide sufficient salary for their families

I like to register my objection to car age limit because our industrial and night club life for taxi demand is very low I suggest the people who related to make law should have ground knowledge before making any changes thanks

Licensing department going to bring taxis age limited free disable plate and golden plate. I am not satisfaction that you are going to make a new rule for the age limited for the taxis. because I bought my brand new van by finance in 2008 and I got a free plate at same time then after four year (2012) licensing department needed to M1 certificate for that van which i have so I spend another £4080.00 to convert wheelchair accessible taxis(attach both receipt) when you issue the first time free disable plate car age less than 5 years that is acceptable, but you have to allow the free disable plate and golden plate stay in the car/van at least for 10 years old. That's why i bought new car so i can use my car at least for ten years. If you do changes I am going to lose my plate and I can't afford to buy a new vehicle because poor financial situation in my family and less work. I can't work long hours if you make this rule I will lose my work. If you want to make this rule i can't offered to buy new vehicle so I looking from you a taxi grant buy a new vehicle.

I am opposing to limit the car age because it cause a lot for the drivers. Causes will be-

- 1) Making someone as a unemployed.
- 2) Some one cannot get the personal loan to buy new car of that age.
- 3) Some one cannot earn more more money by new car.
- 4) Every one struggling to earn normal money.
- 5) Have to pay more money for insurance company.
- 6) All drivers are getting abuse because of one way in the high street.
- 7) Day by day less customer because of recession.
- 8) As long as car got MOT driver should drive that car.
- 9) By limiting we shall not get award from the public or more money.

I hope authority will consider those facts and cancel the proposal. Thank you.

I am writing with regards to the suggestion being put forward to the licencing committee on 27th August about the vehicle age limit, as I understand it is not a recommendation made by licencing department but merely a suggestion by a few drivers. After speaking to the majority of drivers in the trade they are all opposing this suggestion based on the points highlighted;

- Due to the economic downturn the trade has already suffered approximately 40% downturn
- Due to the regeneration of the town and displacement of the taxi rank the trade is likely to suffer further decline
- The new bus routes are also have a impact on the trade
- High fuel prices and insurance is already taking a toll

You cannot compare Hemel with other towns who have a lot of trade i.e. Universities, Nightclubs, Museums, Large Shopping Centres, Hospitals which generate a lot of taxi trade unfortunately we are missing half of the above attractions.

A few individuals have brought new cars and are suggesting to put an age limit on the vehicles, economically this is not a good time to be putting this proposal forward as it will force a lot of people out of business becoming dependent on government hand-outs, which I can guarantee the government or the people in the trade want. Maybe this should be delayed until the rank issue has been settled and then possibly a ten year limit should be more reasonable to start with.

I am looking at the whole trade rather than self-interest of a few individuals. I request the department and the committee to carefully consider the points mentioned above before making any further recommendations.

poor situation of work, extended bus service, regeneration of town we will lose work and will not be able to afford new cars. Can you please extend the golden plates for ten years and disable free 5 years. I will be thankful to you.

I would be against a 5 year old car limit as I feel this would unfairly penalise drivers like myself who run an older car to an extremely high standard.

In relation to the changing of vehicle licences to seven years for golden plates and 5 years for Disabled, We object as following;

- In a recession where such a rule will make continuing or starting new increasingly difficult economically.
- Hackney rank being moved from the town centre to be replaced by new bus terminal which will see the use of taxis decrease and thus having to buy new vehicles seems pointless.
- No survey amongst drivers carried out
- The trade has seen an active decline in business and implementing such a policy will clearly be detrimental as we are not making enough money to now start replacing vehicles with newer ones.
- To see a driver's suitability a medical is required to be able to be licensed, in the same way an M.O.T is conducted by a reputable local garage where extra stringent tests are in place. Why is this not deemed sufficient?
- Newer vehicles with more computerised systems are proving to be problematic with many newer models costing more than their older counterparts. A typical example is a VW Passat or a Toyota Avensis which many drivers in the borough have.

In summary it is not cost effective to implement such changes, a town which has no major club a college which is not fully operational and RANK BEING MOVED FROM THE TOWN. You are now expecting us to fork out on more money for cars not to mention the already increased yearly licence fee,

Thank you for your letter dated 30th august 2013. I read your letter with great interest and I am pleased to say that there are a lot of points which agree with but as far as the VEHICLE STANDARD is concerned I totally disagree with because as a hackney driver with a eleven years old car and no finance on it i am struggling to make a living out of it. Only two days ago i paid £240 for an Mot test which is £40 more than last year and you are planning to have mots twice a year, plus you have put up other fees too. As u probably know the work situation, it is dire as there are too many taxi to share the work. For me to buy a five years old car i will have to take out a finance which will b extra burden on my already stretched budget. While i appreciate you are trying to modernize the fleet but please also consider the daily struggle of a taxi driver who is trying to earn a decent wage for himself. For me a ten year age limit would me more appropriate. Thank u for your time and i hope you will give my point a serious thought.

ps. please also keep MOT to once a year.

I oppose to new rules stating 5years for saloons and estates mpv reason for it is not possible there is just not enough

I feel that instead of being 7 years age policy it should be higher, already we have a lot if taxi driver and its very competitive. They are many of us that feel the same some changes do need to made so its fair for every person, as at the moment the effort some people put in its not reflecting on their earnings because of unfair treatment!

I have thoroughly looked through the proposed changes to taxi licensing and I would have to comprehensively dispute the change regarding the age of vehicles when first licensed. This if for two main reasons;

1- Rather than judging cars on age I think it would be more appropriate to judge them on their condition as cars of an older age can be in just as good condition as newer ones.

2- We are currently going through a very difficult financial situation and business in town is very slow. Because of this our incomes have significantly dropped over the past few years, this means it very difficult if not impossible for all taxi drivers to afford newer cars.

I have no problems with any of the other proposed changes.

I am writing regarding the current proposal to implement rules which would mean that only must not be over the age of 7 years, I strongly disagree with this for a number of reasons.

Firstly it is not possible for people to buy new cars because the rules change and then to keep updating to stay within the specified time scale.

Secondly financially it is not affordable for me to buy a new car, taking into account the number of drivers you have allowed into the Borough to take up employment as taxi drivers I am only earning enough to pay my household bills. I do not have any dispensable income to put towards a new car.

If the vehicle is safe and in working condition I do not see the reason why it needs to be updated. We pay for the council to check whether the car is fit for purpose, and if it is deemed to be why is it necessary to make life more difficult and impose more unnecessary rules.

Work is already down in the borough and to have to start saving towards a new car, which will be a lengthy process, it means individuals will have even less than they currently do. The process of saving for a new car would take such a long time, taking into consideration individual circumstances, it would mean some people would not be able to work when the new rules come in, meaning higher unemployment and more people on benefits with a final result of more burden on society and the government. I therefore do not agree with the proposals and will strongly challenge them every step of the way.

I would like to state that I welcome the consultation as a part of your ongoing project to modernise the licensing procedure. However I am very concerned about the planned introduction of a minimum age for the vehicle. In the current financial climate it would be very difficult for the majority, myself included, to change our

vehicle to one which is a minimum of 5 year old. We simply would not be able to afford this change.

Less and less people are using a taxi to navigate around our town thus making it very difficult for the present taxi drivers to sustain a living with any disposable income. Myself and my colleagues work the maximum hours possible just to ensure that we are able to 1) provide for our families and 2) make sure all expenses are covered from our earnings. I would also like to point out that I am the sole breadwinner in the family.

If the changes to the minimum age of the vehicle go ahead then I would be left with no choice but to no longer peruse my career as a taxi driver, a career in which I take great pride in providing a service to my local community. I will be left with no choice but to declare myself unemployed and thus be a burden on society and claim benefits.

In my entire working life I have never been in a position where I thought it is financially beneficial for me to not work and claim benefits rather than try and provide for my family through hard work and perseverance.

Also I do believe if my vehicle is road worthy and meets the MOT road safety and environmental standards then there is no need for a vehicle to be of a minimum age.

We as taxi drivers cannot afford to have a vehicle which is a minimum of 5 years old, in a town which is struggling to attract any business during the day or any nightlife entertainment, and still be expected to provide for our families.

I urge you not to go ahead with this change as it will have a major negative impact on many lives. The lives of those taxis drivers who are working hard in providing great service to their local community.

I would like the chance to put a suggestion to the comity.

I am of the opinion that it may be a far better to ensure that the safety and standards of Dacorum licensed taxi and private hire cars is maintained without introducing an age limit on replacement vehicles or new licences ,this would be by implementing the existing compliance test by way of vetting out unsuitable vehicles but this would mean an enforcement officer inspecting the vehicles before it was excepted for licensing.

I was of the opinion that this's how things were done before the compliance testing was out sourced to a garage.

I feel this is where the standers have slipped. iE visual presentation and hygiene wear and tear of the trim .

In our neighbouring towns they have age limits on their fleet of taxi and a worrying pattern has develop.

drivers are keeping their cars as long as they can continue to pass the test this is resulted in cars upwards of 15 years old this is no different to our fleet now so I feel it would make sense to implement the existing compliances test as it was intended thus maintaining safety standards without the added expense of age limits in London there are no such age Limits as they use the compliance test to filter out unsuitable vehicle at any stage of its taxi life

And amendment to the compliance would be far simpler way of increasing public safety and standards

From reading the letter, I personally do not agree with the age limit of the vehicle as I believe if the vehicle is in good working condition and is well maintained there should be no need to change the vehicle.

Furthermore, another issue that is becoming more noticeable is that there is a decrease in business within the area. Therefore, it ties in with my previous point, if there is not enough business it would be difficult to upgrade the vehicle every 4-5 years.

With regard to the starting age policy I strongly oppose the proposal due to the fact that when my customers get into my car they never complain about the age of the car and I have no doubt that as long as the car is road worthy, the cab is on time and that drivers provide a good service that, that is what the customers are concerned about.

I have been a Taxi Driver for 11 years and in that time I have owned both new cars and older cars and it does not make no difference to the customer what the age of the car is/was and as we have a strict MOT, if the car passes the MOT, it means the car has passed a high standard of testing, beyond the normal test that a normal MOT would be.

The local Association representatives have informed me that one of the reasons for the age proposals is because neighbouring towns have an age policy but I would like to point out that they are much busier towns in terms business as they have bigger and busier train stations such as Watford Junction, more pubs and nightclubs/bars in their town centres than what Hemel Hempstead/Dacorum has, so they on paper should be getting more business. That is why drivers in neighbouring towns might be able to afford to buy cars with an age limit but even then I doubt they find it that easy, as the job regardless of where you work has lots of overheads and drivers are left with very little profit.

I think that if the age limit goes through it will backfire in the sense that drivers are likely to re license their car for much longer than they would at the moment. I can foresee them changing the engine of the car when necessary in order to try and get round having to buy a car under 5 years old and they will carry on using their cars for as long as they can where at the moment drivers tend to change their cars every few years in my experience.

In my experience, a significant amount of the public do not treat our cars with respect and they cause a lot of mess, often deliberately I feel, such as spilling drinks over the car seats, eating take aways in the cars and sometimes there are things that they do that is a lot worse than that which I will not specifically mention.

With regard to any changes in the compliance test, I would oppose that too as I feel the current compliance test is hard enough as it is and tests our cars beyond a normal MOT.

I am writing to oppose the new proposal put forward by the licensing department to bring into force vehicle age limit. I strongly disagree with this proposal, i feel that this is not economically the right time to bring the proposal into action. The reason being, the displacement of the taxi rank in town will have a huge affect on trade.

The recent increase in MOT fees of 40% and the driver badge fees up by 50% has already affected the trade.

There is a comparison being drawn by the licensing department with Luton and Watford, i would like to highlight that you cannot draw comparisons with these towns. For instance, Luton has an airport, university, nightclubs, hospital, large shopping centre, football ground and the population is 3 times in excess of Hemel Hempstead.

As a result, it is clearly apparent Luton has more trade due to the vast amenities listed above. Similarly, Watford have far superior trade due to the football stadium, nightclubs, hospital, major train station and popular shopping centre.

The drivers have to work 10 hours a day and on a good day they are lucky to earn approximately £60 a day. I would like to request the committee to give this proposal careful consideration as this will have an huge effect on the drivers and could possibly force a lot of them out of work. also, i would like to highlight that London being the capital city does not have such an age limit restriction in place for the taxi's. I feel that a visual inspection to check the condition of the vehicle should be reintroduced by the department at the time of the vehicle license renewal, where the vehicle should be checked for visual defects by the licensing department.

What would happen to vehicles that are plated and the plate needs to be transferred for a short period to another vehicle and the time limit has passed when the original vehicle needs to be replated?

e.g Golden plate X plated at 4.5 years, mechanical breakdown or paint damage sustained 18 months later. Awaiting parts or a respray so a cover vehicle is plated using golden plate X. Driver wants to return to original vehicle after repair but if new ruling comes in will not be allowed as vehicle would be 6+ years. Does this mean driver would be A) forced to buy a new vehicle or B) not be able to transfer plate and would be forced into a wheel chair accessible vehicle for the duration or C) would be prevented from working until the vehicle is back on the road.

Drivers are continually using cover cars on a temporary basis and I would appreciate your comments on any exceptions you may have in mind for situations like this or how to justify the imposition.

I am writing to you concerning the age limit on taxi vehicles. I strongly disagree with this idea for many reasons.

Firstly the economy is in a bad situation which results in higher costs for example insurance costs are high, MOT costs are high and Road Tax costs are high. The household costs are increasing but revenue is decreasing

Secondly the majority of taxi drivers will not be able to afford new cars as their financial situation is not good, which will result in taxi drivers losing their jobs.

The main reasons why I object to the maximum starting age proposal is because this will be unaffordable for many drivers including myself and we do not get enough work to be able to afford the cost of this proposal. The only way I can see myself being able to meet this proposal if it was implemented, was if I took out finance which is a very risky thing to do.

It is stated in the proposals that it is reasonable to expect drivers to make significant investment in the vehicles they license and I would like to point out that we already do and I think a major point has been overlooked or the current staff at licensing may not be aware of the point I am about to point out at all.

Since the mid 1990's, many owners of Hackney Carriages have had to buy and pay thousands of pounds just to get hold of a Hackney Carriage plate/business in the first place, were up until the mid-1990's, drivers used to get a Hackney carriage plate as part of the license fee. This is the key point I was referring to.

When Dacorum Borough Council stopped issuing Hackney Carriage plates by and large in the mid 1990's, they created a waiting list for applicants to get a Hackney Carriage plate as part of the licensing fees and what happened was that many drivers who already had been issued with a Hackney Carriage Plate from the council, either put their name down on the waiting list for a second or more plate (!) or they got their relatives to put their names down and one way or the other were able to sell those plates as part of a business to new drivers for thousands of pounds!

I always thought should never have been allowed to have happened but it did, so drivers will have the cost of paying around 4-6 thousand on average to be able to get hold of a Hackney carriage business before they have to pay all the other costs involved in trying to license a vehicle as a Hackney Carriage.

If new applicants opt to buy a wheelchair accessible vehicle instead, which if they pass the licensing process could then get them a plate from the council that way only, then my response is, those vehicles do not come cheap either.

Another reason why I am opposing the maximum starting age is because it is implied in the proposals that drivers are able to pass the MOT by buying an older car for just a few hundred pounds and I know from direct experience that even when buying older cars, the total costs of getting the car through the licensing process as a whole, runs into thousands of pounds. There are various licensing costs, insurance costs, the costs of buying meters which most drivers/cars have even those who are Private Hire drivers often have the meters in, as most cab companies follow the council rates of fares.

There is also the cost of meeting the compliance test requirements which means that the cars may need to be part re-sprayed if the car falls foul on the rules regarding scratches on the bodywork and things like that.

With regard to the point in the proposals that newer cars have much better technology and safety standards, it is not mentioned what they are exactly. Most cars since the late 90's have Anti Locking Brakes, Air Bags for both the driver and front passenger and as for satellite navigation systems, many drivers will either have their own sat nav or it will be part of the booking system device they have in their cars if they work for big cab companies like Choice and Millennium. I know that Rainbow also have an inbuilt sat nav system with their booking device inside drivers cars. As for the point about newer cars emit lower carbon emissions, I have to ask, how much bad emissions are existing cars adding to the atmosphere? If the council isn't already, shouldn't they be targeting buses who do release in my view and experience far too much dodgy emissions and always have.

I gave some examples as to the risk drivers will be taking if these proposals are accepted if they take out finance on newer cars in order to try and stay in the job such as if a driver is in a non-fault accident. If a driver's car is written off in a non-fault accident, it could well be the case that the insurance company will not pay out the full value of the car and if that happens, not only will the driver have to pay the full finance with all the interest still but they could well be unable to afford to try and get another car on the road. I can also see the scenario where it could lead to a driver defaulting on payments in this kind of situation and then possible bankruptcy?

The Licensing Department may think that if drivers choose to get out of this business and go into unemployment, that they won't be missed as there are a lot of taxis/private hires these days but I would caution against this too for the following reasons:

First of all, it is because there is so many drivers who work in Hemel Hempstead especially that the public can get taxis/private hires on the whole very quickly. If there

is a drop in the amount of drivers, then I know the public will not like having to wait longer to get a taxi/private hire.

Up until around 2003, there was still a lot of drivers then, but it was often the case that the public had to wait anywhere up to an hour or more for a Taxi/Private Hire depending on the time, demand and whether or not they had pre-booked or not. Even when customers had pre-booked, a lot of the time, companies would run late on their bookings as customers often change their destination, or want to drop off a friend that they didn't mention to the company when booking and or want to go to petrol stations/off licenses to buy things like cigarettes and alcohol.

I also remember there used to be long queues for Taxi's in many public places during periods of high demand and at weekends this sometimes used to lead to fights breaking out at Taxi Ranks as well as Drivers being threatened and or attacked if they couldn't meet someone's demand to pick them up. If drivers are forced out of the job as a result of these changes being accepted, It could lead to a return of these horrible situations.

I also wanted to point out another concern I have with regard to taking out finance and how it could go wrong. In this job, drivers unfortunately do get a lot of abuse, threats in general in various ways and scenarios too. I genuinely believe that many of the people that treat us in this way do so "because they can", mainly that because we have a license that they can put in a vindictive complaint in about us if we object in any way to the way we are being treated.

If a vindictive complaint is put in, there is no guarantee that things will go in the drivers favour if they have done nothing wrong, and those that hint at putting in a complaint motivated out of vindictiveness/spite I believe realise that it will be no skin off their nose if their complaint is not upheld and in any case they sure put drivers through a lot of stress and worry because like I said there is no guarantee what the outcome will be.

If a driver takes out a finance deal and a vindictive complaint is upheld and a driver loses his/her license, this will be complete and utter disaster for the driver in general including the possibility of facing financial ruin.

Going back to a point I made earlier about how some drivers got their Hackney Plates as part of the licensing fees and other drivers since the mid 90's have had to pay thousands to get a plate/business, I would also like to add that older drivers who have been driving for a long time since the 80's or earlier may have also benefited from much cheaper housing costs where the cost of buying/renting a home since the late 90's has rocketed and I think this also needs to be considered before this decision is made to accept the proposal for a maximum starting age for vehicles.

If the proposals on the maximum starting age are accepted, I really cannot see how it is going to be financially viable for anyone to be a Taxi Driver in the first place. It is a job that has so many overheads that drivers struggle to earn enough to live on in general and I think trying to recuperate "start up costs" as well as the cost that these proposals will incur will be impossible and as people go to work to earn money, the obvious point drivers and the council need to consider is why would anyone want to be a driver in future if these proposals go through as they will be earning next to nothing.

Moving onto my objection to vehicles having to be dent free. I am not sure if this is a exact proposal or not but it sounds like it is. I object as there is already existing policies on dents, scratches and rust to cars and on dents and scratches there is a

little wriggle room for drivers on this but if it is being proposed that cars have to be totally dent free or scratch free that will be very unfair and I think petty. Small dents have happened to most of the cars I have owned but none of it was my fault. They normally seem to occur in a car park, car park spaces when other vehicles park their car facing outwards and they hit their car doors onto parts of my car(s) not protected by a side impact bar and I've noticed that a lot of newer cars these days do not have side impact bars at all for some reason too so they could well incur small dents this way too.

On scratches, I would like to point out that drivers do not go round scratching their own vehicles, either cars are like that when first bought or our cars get vandalised and I have had that happen to me a lot over the years. For drivers to be penalised further for things that are beyond their control and not their fault is totally unfair so I request that any further changes on dents/scratches are not approved, it will lead to further costs as well if they are accepted.

That concludes my objections and opposition to the above mentioned proposals.

I am struggling to understand the council proposed policy on hackney carriage age restriction and could you please explain the logic behind it
As I see it I could buy a brand new mondeo do average taxi mileage of 50000 and after 5 years have a car that has done 250000 miles and is taxi compliant
Or buy a 6 year old mondeo full service history one owner 35000 miles which would be non-compliant

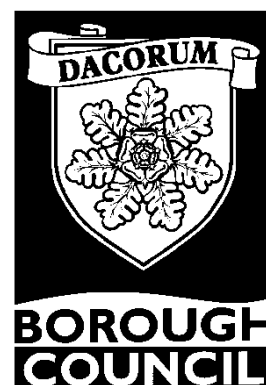
All so if I brought a new car and done 3 months driving 12000 miles and was not the sort not to check car daily potentially then running on illegal tyres that would also not alter this

Surely the answer is a more strictly enforced compliance check this would be fairer on all driver and more importantly safer for fare paying passenger

As someone that's been in this trade for a long time you can have my feedback. It would be nice to put new cars or ones of just a few years old, but because you the Council have been putting more & more taxis and private hires on the road, we are clearly making a living. And for drivers that have been doing this for a long time cannot afford to pay that sort of money out.
When I started there where 60 taxis 100 private hire in Dacorum. How many now? 300 taxis 500 private hire.
And at no time has Licensing stopped putting more & more taxis on the road. What did you do a few years ago, you ca have a taxi plate if you have wheelchair accessible and most of them couldn't take a wheelchair or get them into one unless the person got out the wheelchair.
So its not a good idea to change the policy for cars to be under 5 years, unless you take about 300 cars off the road, starting with last in first out. We need to earn money to pay out.
Another thing about new cars or 5 years old is DPF. Cars with DPF don't like lots of short jobs, they block up soot then don't go, so with are earning who can aford a newer car.

ANNEX E
Summary of age policies adopted by nearby authorities

Council	HC limit policy	Max age on first licensing	Max age before de-licensing	Other age policies
Dacorum (current)	-	-	-	-
Dacorum (proposed)	-	-	-	6m tests @ 10 yrs
Aylesbury Vale	50 (Aylesbury only, unlimited in rural)	4 years	8 years	6m tests @ 6 yrs
Central Beds	-	5 years	Non-WAV HC / novelty PH: 10 years Standard PH or WAV: no limit	6m tests @ 5 yrs
Chiltern	-	4 years	10 years	6m tests @ 6 yrs
Luton	167	5 years No older than current vehicle if replacing	-	6m tests regardless of age
St Albans	-	5 years	-	6m tests @ 5 yrs 4m tests @ 7yrs
Three Rivers	-	HC: 10 years PH: no limit	-	-
Watford	304, reducing	4 years	Purpose-built taxi: 20 years Other: 13 years	-



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	AGENDA ITEM: 7
PART:	SUMMARY
If Part II, reason:	

Title of report:	Taxi enforcement – “three strikes” approach
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To outline a revised approach in the enforcement and disposal of minor infractions by licensed taxi and private hire drivers, vehicle proprietors and operators
Recommendations	That the Committee note the contents of this report.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment <p>Dacorum Delivers</p> <ul style="list-style-type: none"> • Reputation and profile delivery
Implications:	<p><u>Financial</u> There will be a small cost in terms of revising and reprinting some licensing enforcement stationery, to be met from existing budgets.</p> <p><u>Value for Money / Risk / Equalities / Health And Safety</u> None</p>
Consultees:	No formal consultation, although details of the proposal have been discussed informally with the Hackney Carriage Drivers Association committee and some private hire operators.
Background papers:	DBC Licensing Enforcement Policy

Glossary of acronyms and any other abbreviations used in this report:	
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1. BACKGROUND

- 1.1. The Council has a duty to ensure that its licensed taxi and private hire drivers, vehicle proprietors and operators comply with legislation and licence terms and conditions, as well as taking appropriate enforcement action against both licensed and unlicensed persons found committing infractions and offences under the relevant legislation. Activities to detect infractions and offences take a variety of forms, ranging from informal observations by officers in and around the borough, through the investigation of complaints made by members of the public and businesses including taxi drivers and private hire firms, through to planned enforcement operations often involving the presence of multiple enforcement agencies.
- 1.2. In taking action to resolve infractions, officers have regard to the Council's Licensing Enforcement Policy adopted by the Committee in February 2013, as well as the government's Better Regulation Principles, which require any enforcement action taken by a public authority to be (among other attributes) proportionate, consistent and transparent.
- 1.3. For certain minor infractions, it would be disproportionate to take formal legal action for every incident, and as such a range of other actions are available and utilised, depending on a variety of factors including the severity of the infraction and harm caused, any history of similar infractions, and the response of the individual. Alternatives to prosecution include cautions, written or verbal warnings, written or verbal advice, referral to another agency better placed to deal with the infraction, or referral for review of the licence(s) held.
- 1.4. Committee members have commented several times in recent months about the conduct of some individuals within the licensed taxi and private hire trade, in particular noting the larger number of drivers who appeared before the Licensing, Health & Safety and Enforcement Sub-Committee in 2013 for licence reviews or application determinations. While this may in part be attributed to a more rigorous examination of licence applications and an increase in the amount of enforcement activities carried on by officers, the last year has also seen an increase in the number of complaints being made to the Licensing team in respect of taxis and private hire vehicles (up 21% compared to 2012).

2. PROPOSED CHANGES

- 2.1. At the present time, although the Enforcement Policy states that multiple or recurrent infractions may result in an escalation in the enforcement action being taken against the person responsible, it does not set out specifically how this will be achieved. In the absence of a set policy, it is generally left to the discretion of officers at which point to take further action in respect of repeat offenders, which delivers neither consistent nor transparent regulation.

- 2.2. Council and police officers involved in the control and supervision of taxis and private hire vehicles, as well as the investigation of complaints and allegations against such, have recently reported frustration that a number of drivers, after being advised of an infraction, have continued to act in the same way. In particular, a police officer who is working closely with the taxi trade in Berkhamsted has noted that he frequently observes drivers spoken to about infractions, such as driving along a footpath or stopping on a pedestrian crossing, or using a vehicle with tyres below the permitted minimum tread depth, repeating the same action within a few hours.
- 2.3. Several councils have adopted a 'penalty points' scheme to deal with multiple and repeat infractions, under which single infractions would result in the award of a certain number of points against an individual, and upon reaching a certain threshold of points they would be referred for a review of their licence. While a good concept, in practice such schemes often become overly bureaucratic, and subject to frequent challenge over the number of points being awarded, the validity period of points, as well as the legality of the scheme as a whole. There is also concerns about the administration of such schemes, and the need to ensure that points awards are correctly recorded against the appropriate individual. It is not believed that the database system currently in use by Licensing could adequately record and report upon such a scheme.
- 2.4. As an alternative to a full penalty points scheme, officers are now proposing the use of a simpler, "three strikes" approach to dealing with multiple infractions, as detailed at Annex A.
- 2.5. Under this proposal, where officers are satisfied that an infraction from a specified list had occurred, a written warning shall be issued to the individual responsible. If that individual were to receive three such warnings for any combination of infractions within a rolling 2-year period, they would be referred to the LHSE Sub-Committee, to enable consideration as to whether they remained a fit and proper person to hold the relevant licence.
- 2.6. At hearing, the Sub-Committee would be presented with details of all applicable infractions, and the licence-holder would also be entitled to make representations. Following consideration of the relevant information, a range of actions would be available to the Sub-Committee, including dismissal of the review, administering a formal Committee warning, suspension of the licence(s) for a specified period or pending completion of certain requisites, or revocation. It is key to note that the Committee would need to consider each individual referral on its merits – it is not lawful to adopt a fixed policy specifying that certain actions will be taken at certain thresholds.¹
- 2.7. It is proposed that this approach will apply across all forms of taxi licences, including drivers, vehicle proprietors and operators, and to both hackney carriages and private hire vehicles.
- 2.8. In addition, it is also proposed to open the scheme up to enable local police officers to issue warnings for infractions which will be registered for the purposes of this scheme, as an alternative to other means of disposal for

¹ R (on application of Singh) v Cardiff City Council [2012] EWCH 1852 (Admin)

low-impact infractions. It is likely that just a small number of officers, familiar with taxis and working closely with council officers, will be involved in this.

- 2.9. Adopting this approach will not bind the Council to any particular action, and officers will retain discretion to take action after a single serious incident, or to act in ways other than those set out herein.

ANNEX A GUIDANCE EXPLAINING “THREE STRIKES” APPROACH

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH



Taxi enforcement “Three strikes” approach

Due to an increase in complaints against Dacorum taxi and private hire drivers, we are reviewing the way in which we take action in respect of individuals against whom allegations are upheld.

Where complaints are substantiated for an applicable infraction, we may consider issuing a formal written warning, particularly if it would be disproportionate or inappropriate to take formal legal action for the infraction. Such warnings shall be issued only in situations where the investigating officer is satisfied that the infraction was committed, such as if they personally observed the infraction being committed, or if the results of the investigation into a complaint indicate on the balance of probabilities that the infraction was committed.

If a single driver, operator or vehicle proprietor should receive three warnings for any combination of applicable infractions within a period of two years, they shall be referred to the council's Licensing Sub-Committee, which will conduct a review hearing into that individual's suitability to continue to hold the relevant licence.

In conducting such reviews, the Sub-Committee will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate to take. The Sub-Committee may also have regard to any previous warnings or Committee determinations in reaching a decision. The options available to the Sub-Committee, depending upon the severity of the infractions and any previous record of misconduct, will typically be: to take no further action; to warn the licensee as to their future conduct; to suspend the licence for a specified period, or until such time as certain conditions have been satisfied; or to revoke the licence.

The existence of this guidance does not bind the Council, its officers or members to act in accordance with it, and if the circumstances of a particular case support doing so it shall be open to the Council to select a different course of action in respect of that case, such as prosecution for a single infraction, or issuing an informal warning which does not count towards the total.

The following lists of applicable infractions are non-exhaustive, and similar infractions may be regarded in the same way, even if not explicitly listed below.

Applicable infractions – drivers / vehicle proprietors

- Failing to declare convictions / cautions / motoring endorsements
- Failing to report accident
- Failing to produce vehicle/driver licence on request
- Failing to wear driver badge
- Failing to produce vehicle insurance certificate on request
- Failing to return licence plate / badge (following expiry, suspension or revocation)
- Using vehicle which is mechanically unsound / unsafe / excessively soiled
- Using vehicle at a time when it would not satisfy compliance standards
- Charging more than metered fare / use of incorrect tariff / previously agreed fare
- Non-display of fare card
- Prolonging journeys
- Tampering with taximeter seal, altering taximeter with intent to mislead
- Meter, radio or other equipment installed in dangerous position
- Non-display / incorrect display of licence plates
- Non-display of roof sign / door signs
- Display of roof/taxi sign on vehicle other than a hackney carriage
- Failure to carry first aid kit / fire extinguisher in vehicle
- Abusive/improper behaviour

- Injuring or endangering any person or property through wanton and furious driving or other wilful misconduct
- Driver improperly attired
- Touting
- Misuse of taxi ranks (obstructing or hindering other driver, preventing hiring)
- Hackney carriage driver refusing fare from taxi rank
- Private hire vehicle stopping on taxi rank
- Leaving hackney carriage unattended in public place
- Refusing to carry disabled passenger
- Refusing to carry assistance dog
- Carrying excessive number of passengers
- Failing to deliver lost property to police station
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application

Applicable infractions – operators

- Failing to declare convictions / cautions
- Failing to produce operator licence on request
- Failing to maintain operators records, or to produce on request
- Sub-contracting of booking to out-of-borough operator
- Touting of hire car services
- Abusive/improper behaviour by operator or staff
- Use of unapproved door signs on vehicles
- Refusing to accept booking to carry disabled passenger with assistance dog
- Obstruction of authorised officer or constable
- Making false statement to authorised officer or constable
- Making a false statement in connection with a licence or application

Police infractions

In addition to work undertaken by Dacorum council officers, Hertfordshire Constabulary officers may issue warnings which will have the same effect under this policy, for any of the above infractions, or for the following general violations:

- Minor offences under Road Traffic Acts in respect of a hackney carriage or private hire vehicle
- Minor offences under the Road Vehicles (Construction and Use) Regulations in respect of a hackney carriage or private hire vehicle
- Minor public order offences in the course of use of a hackney carriage or private hire vehicle

In all cases, issue of a warning under this scheme by a police officer shall represent an alternative disposal option, and police shall retain the right to instead utilise any other disposal method (e.g. fixed penalty notice or legal proceedings) for any applicable offence where deemed appropriate.

Excluded offences

The following offences are deemed sufficiently serious that they will be excluded from this scheme, with prosecution or Committee referral likely to result from a single incident:

- Plying for hire without HCV licence (or driving or standing for hire)
- Using an unlicensed vehicle for private hire
- Driving a licensed vehicle without a valid HC/PH driver's licence
- Employing an unlicensed driver to drive a licensed vehicle
- Operating unlicensed vehicles, or operating vehicles without an operator's licence

N.B. Licences issued by any other council do not permit any person to drive, use or operate any vehicle as a hackney carriage or private hire vehicle within Dacorum, and persons doing so are 'unlicensed' in the above.



AGENDA ITEM: 8
SUMMARY

Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	4 February 2014
PART:	1
If Part II, reason:	

Title of report:	Licensing fees and charges 2014-15
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To set out proposed licensing application fees and charges for the financial year 2014-15, following consultation
Recommendations	To 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 st April 2014 to 31 st March 2015
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • VFM
Implications:	<p><u>Financial</u> There will be a cost in adoption of fees, as some will require public notice to be given. The proposed fee amendments are projected to result in an increase in Licensing service revenue of approximately 2.5% compared to the previous financial year, assuming application numbers remain stable.</p> <p><u>Value for Money</u> The proposed fees have been calculated on a cost recovery basis, with the aim of ensuring that administrative, processing and certain compliance costs are recovered in full.</p> <p><u>Risk / Equalities / Health and Safety</u> None</p>
Consultees:	No responses were received to the consultation carried out.

Background papers:	Draft Licensing Fees & Charges 2014-15 (Annex B)
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. Dacorum Borough Council has statutory responsibility for the administration and enforcement of a wide range of licences, registrations and permits. A number of these schemes allow the Council to levy an application fee, payable by an applicant for a licence, in order to cover the costs (or a proportion thereof) of the administration of those licences. In some cases, costs are also permitted to cover other aspects of providing the scheme.
- 1.2. The basis in setting such fees is generally to ensure full cost recovery, or as close to it as possible. Numerous legal cases over the years have confirmed that licensing fees may not be used to generate a profit for councils, and that fees should be reviewed regularly (generally annually) to ensure that neither a significant surplus nor deficit is created. Surpluses or deficits may be carried forward to future years to be redistributed or recouped, as applicable.
- 1.3. Many licensing schemes fall within the definition of ‘services’, under the EU Services Directive, as incorporated by the Provision of Services Regulations 2009. Under such schemes, fees and charges must “*be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities*”.² The recent case of R (on the application of Hemming (t/a Simply Pleasure Ltd)) v Westminster City Council³ has examined this issue, and confirmed that fees must reflect administrative and compliance costs, but cannot include the costs of enforcement action against unlicensed operators.
- 1.4. The table at Annex A summarises the Council’s powers to set its fees in respect of licensing applications, and any limitations on those powers.
- 1.5. It is now proposed to review and set licensing application fees for the financial year 2014-15, and the remainder of this report sets out the specific proposals in this respect.

2. PROPOSALS

- 2.1. A draft, service-wide list of proposals for fees and charges in the period from 1st April 2014 to 31st March 2015, is appended to this report as Annex B.
- 2.2. Far fewer changes are proposed than last year, which saw the first wholesale review of fees at a service level in several years. Where increases have been proposed, this is generally due to a more accurate assessment of costs necessitating an increase to ensure costs recovery in full.

² Reg 18(4), Provision of Services Regulations 2009

³ [2012] EWHC 1260 (Admin)

2.3. Officers are continuing to review many of the licensing policies and licensing procedures for authorisation schemes, with a view to streamlining service provision and reducing costs. Any reductions realised through these processes will be assessed and reflected in future fee-setting exercises.

2.4. The following comments are made on specific proposals:

Section 2: Powers for licensing authorities to set fees for alcohol and entertainment licences have been much delayed – most recently, a Home Office consultation, but it is understood that a Home Office consultation is imminent at the time of writing, with a view to commencement in summer 2014. As and when this power is commenced, a separate proposal for these fees will be put to the Committee.

Section 3: Small increases have been proposed to some of the animal licences available, as in many cases the current fees are some way below a cost recovery point – however a phased approach to increase is seen as preferable rather than introducing a major increase in one go. This service area is in need of significant policy and procedural review, which is intended for later this year.

Section 6: A number of policy and procedural changes have either been proposed or are currently being implemented to the taxi licensing function, and where possible the fees have taken those changes into account. In particular, it is expected that significant changes will be made to the licensing processes for vehicles and operators within the next year.

Section 8.1: The setting of scrap metal licence fees is an executive function, and that category of fee is thus excluded from any decision made by the Committee. Cabinet have previously agreed that the current fees shall continue to have effect throughout the next financial year.

2.5. The proposed fees were brought to Committee on the 26th November 2013, prior to the start of consultation. Details of the proposals were subsequently published on the Council's website, and sent out within the taxi newsletter, inviting any comments to be made by the 20th January 2014.

2.6. No comments received within that period. As such, no significant amendments have been made to the proposed fees. However, a small number of errors and omissions from the initial consultation version have been corrected.

3. RECOMMENDATIONS

3.1. In pursuance of the powers specified in Annex A of this report, that the 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' (excluding fees shown in section 8 relating to scrap metal licences), for the period from 1st April 2014 to 31st March 2015.

ANNEX A – SUMMARY OF POWERS TO SET APPLICATION FEES

Section	Area	Summary of fee-setting power
	General principle	Reg 18(4), Provision of Services Regulations 2009 Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.
2.1 – 2.5	Alcohol, entertainment, etc	All fees are prescribed in regulations made by the Secretary of State under the Licensing Act 2003. Section 197A of that Act will allow licensing authorities to set fees locally on a cost-recovery basis, but is yet to be commenced.
3.1	Animal boarding	s.1(2), Animal Boarding Establishments Act 1963 Fee as may be determined by LA.
3.2	Dangerous wild animals	s.1(2)(e), Dangerous Wild Animals Act 1976 Sufficient to meet direct and indirect costs incurred
3.3	Dog breeding	s.3A(2), Breeding of Dogs Act 1973 Reasonable costs incurred in administration and enforcement.
3.4	Pet shops	s.1(2), Pet Animals Act 1951 Fee as may be determined by LA.
3.5	Riding establishments	s.1(2), Riding Establishments Act 1964 Fee as may be determined by LA. Cost of veterinary inspection.
3.6	Zoos	s.15(1), Zoo Licensing Act 1981 Sufficient to cover the reasonable expenditure incurred by the authority. Special provisions for inspections, closures, and direction making.
4.1, 4.3	Gambling notices, premises licences	Set on a cost recovery basis by the authority, up to maximum amounts prescribed in regulations made under the Gambling Act 2005. No fee chargeable for OUN's
4.2, 4.4	Gaming permits, lotteries	Prescribed in regulations made by the Secretary of State under the Gambling Act 2005
5.1, 5.2	Charity collections	No fees chargeable
6.1	HC/PH drivers	s.53(2), Local Gov't (Misc. Provisions) Act 1976 Recovering the costs of issue and administration. Refundable if licence not granted.
6.2, 6.3	HC/PH vehicles, PH operators	s.70(1), Local Gov't (Misc. Provisions) Act 1976 Sufficient to cover the cost of: inspection of vehicle for licensing purposes, providing hackney carriage stands, or other costs for administration and control/supervision of vehicles. Refundable if licence not granted. <i>Maximum fees must be advertised.</i>
7.1	Hypnosis	No fees chargeable (except by London boroughs)

8.1	Scrap metal	Sch 1 para 6, Scrap Metal Dealers Act 2013 Fee set by the authority, with regard to guidance FEES SET BY CABINET UNTIL 31/03/2015
9.1	Sex establishments	Sch 3, para 19, Local Gov't (Misc. Prov'ns) Act 1982 Reasonable fee
10.1	Skin piercing, etc	s.14(6), 15(6) , Local Gov't (Misc. Prov'ns) Act 1982 Reasonable fee

Item 8 appendix A p1

Item 8 appendix A p2

Item 8 appendix A p3

Item 8 appendix A p4

Item 8 appendix A p5

Item 8 appendix A p6

Item 8 appendix A p7

Item 8 appendix A p8

Item 8 appendix A p9

Item 8 appendix A p10

Item 8 appendix A p11

Item 8 appendix A p12

Item 8 appendix A p13



Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	AGENDA ITEM: 9
PART:	SUMMARY
If Part II, reason:	

Title of report:	Delegation of Powers to Sub-Committees and Officers
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose changes to the current scheme of delegations from the Committee to its Sub-Committees and officers.
Recommendations	That responsibility for the exercise of the powers specified in Annexes A and B of this report be delegated to the Licensing of Alcohol and Gambling Sub-Committee and the Assistant Director (Chief Executive’s Unit), respectively.
Corporate objectives:	Dacorum Delivers <ul style="list-style-type: none"> • Efficiencies • Reputation and profile delivery
Implications:	<u>Risk Implications</u> Failure to ensure a correct scheme of delegation may result in successful legal challenges against the authority’s decisions, with the risk of reputational damage and significant costs awards against the council. <u>Financial / Value for Money / Equalities / Health & Safety</u> None.
Consultees:	None
Background papers:	Dacorum Borough Council Constitution
Glossary of acronyms and any other abbreviations used in this report:	LHSE: Licensing, Health & Safety and Enforcement [Committee / Sub-Committee] LAG: Licensing of Alcohol and Gambling Sub-Committee

1. BACKGROUND

- 1.1. Many of the Council's powers in respect of licensing and regulatory activities have been delegated to the Licensing, Health & Safety and Enforcement Committee to exercise. Where appropriate to do so and permitted by law, the Committee has then further delegated many of the more regularly used powers either to its Sub-Committees or to officers. The scheme of delegation is set out in part 3 of the Council's Constitution.
- 1.2. These delegations are periodically reviewed to ensure that they remain appropriate, and to take account of any change to the legislative provisions which empower the Council to act or carry out certain functions.
- 1.3. This report represents one of the first stages in the review process, and it is likely that further reports with additional proposed delegations will be brought to a future meeting, as other areas for which the licensing service is responsible are reviewed.
- 1.4. In this first stage, the legislation examined relates to alcohol, entertainment, late night refreshment, gambling, sex establishment and hypnotism licences.

2. CURRENT POSITION

- 2.1. At present, the Committee has delegated many of its powers relating to the determination of individual applications to its two Sub-Committees and to officers.
- 2.2. The Licensing, Health & Safety and Enforcement (LHSE) Sub-Committee may currently carry out any of the functions of the full Committee in respect of the determination of individual applications (policy matters remain with the full Committee), with the exception of functions otherwise delegated to the Licensing of Alcohol and Gambling (LAG) Sub-Committee.
- 2.3. The LAG Sub-Committee may determine individual applications and notices under the Licensing Act 2003 and the Gambling Act 2005. The format and procedures for Sub-Committees exercising functions under this legislation and their meetings is prescribed in Regulations.
- 2.4. Officers have been granted delegated powers from the full Committee, and from the LAG Sub-Committee, to exercise many functions in respect of uncontested applications or which are time-limited. However, several functions introduced in recent statutory changes, particularly under the Licensing Act, are currently omitted from the scheme of delegation.

3. PROPOSED CHANGES

- 3.1. Officers are now reviewing all applicable legislation utilised when exercising the Council's functions, comparing the statutory provisions and powers to that currently listed in the scheme of delegation. Where powers are currently omitted or incorrectly reflect the terminology of the statutory provision,

updates have been proposed. A list of all of the proposed revised delegations is included at Annex A (for delegation to Sub-Committees) and Annex B (for delegation to officers).

- 3.2. Where a proposed delegation would duplicate a power currently listed in the scheme of delegation (which may be due to a rephrasing of a statutory power), it is intended that the existing delegation will be deemed rescinded upon the commencement of the new delegation.
- 3.3. As part of the changes, it is proposed that responsibility for determination of applications for sex establishment licences in circumstances where objections have been received, or where the application is not consistent with the sex establishment licensing policy adopted by the authority, is transferred from the LHSE Sub-Committee, to the LAG Sub-Committee. The rationale behind this proposal is that these applications, and the process for determining them, have far more in common with the processes for alcohol, entertainment and gambling licences than with the other forms of authorisation dealt with by the LHSE Sub-Committee, and as such will sit better within the structure and procedures of the LAG Sub-Committee. In particular, there are very few other matters currently dealt with by the LHSE Sub-Committee which include an opportunity for public representation and participation, whereas this is an essential part of sex establishment and premises licence applications and is reflected in that Sub-Committee's standard procedures. Enabling LAG Sub-Committees to determine sex establishment licence applications will also assist in fulfilling the statutory duty⁴ to determine such applications promptly, as LAG meetings are called when required, whereas LHSE meetings are held on a pre-determined schedule.
- 3.4. It is also proposed that determination of certain gambling permit applications (specifically, family entertainment centre gaming machine permits, alcohol-licensed premises gaming machine permits, and prize gaming permits), which are not subject to statutory requirements to hold hearings prior to a decision to refuse, be delegated to officers, to streamline proceedings and to prevent a Committee meeting needing to be called to determine what are arguably some of the lowest impact permissions issued by the Licensing service. Where a statutory power of revocation exists, to remove the permit following misconduct or evidence of an adverse impact, this has been left with the LAG Sub-Committee. However, it is proposed that the power to cancel permits as a result of non-payment of annual fees is delegated, as this is essentially an administrative power.

4. RECOMMENDATION

- 4.1. That the Licensing, Health & Safety and Enforcement Committee delegate responsibility for the exercise of those powers listed in Annex A of this report to the Licensing of Alcohol and Gambling Sub-Committee;

⁴ Regulation 19 of the Provision of Services Regulations 2009 requires that licence applications for service-based activities must be processed as quickly as possible and, in any event, within a reasonable, fixed and publicised period, running from the time when all documentation has been submitted.

4.2. That the Licensing, Health & Safety and Enforcement Committee delegate responsibility for the exercise of those powers listed in Annex B of this report to the Council's Assistant Director (Chief Executive's Unit).

4.3. To amend the terms of reference for the LHSE Sub-Committee to reflect the transfer of powers relating to sex establishment licences, as follows:

"To carry out any of the functions relating to the determination of applications, the conditions applied to authorisations, or exemptions from the Council's standard policies, which may otherwise be carried out by the Licensing and Health and Safety Enforcement Committee, except for those functions otherwise delegated to the Licensing of Alcohol and Gambling Sub Committee, contained within the Licensing Act 2003, the Gambling Act 2005, and the Local Government (Miscellaneous Provisions) Act 1982 relating to sex establishment licences."

**PROPOSED DELEGATIONS TO LICENSING OF ALCOHOL AND GAMBLING
SUB-COMMITTEE**

1. Licensing Act 2003

- a. Determination of an application for a premises licence where relevant representations have been made and not withdrawn (s.18)
- b. Determination of an application for a provisional statement where relevant representations have been made and not withdrawn (s.31)
- c. Determination of an application to vary a premises licence where relevant representations have been made and not withdrawn (s.35)
- d. Determination of an application to specify a designated premises supervisor on a premises licence where an objection notice has been given and not withdrawn (s.39)
- e. Determination of an application to transfer a premises licence where an objection notice has been given and not withdrawn (s.44)
- f. Cancellation of an interim authority notice where an objection notice has been given and not withdrawn (s.48)
- g. Determination of an application for review of a premises licence (s.52)
- h. Determination of an application for summary review of a premises licence (s.53C), and setting of interim steps pending review (s.53B)
- i. Determination of application for a club premises certificate where relevant representations have been made and not withdrawn (s.72)
- j. Determination of application to vary a club premises certificate where relevant representations have been made and not withdrawn (s.85)
- k. Determination of an application for review of a club premises certificate (s.88)
- l. Withdrawal of club premises certificate following cessation of qualifying club status (s.90)
- m. Issue of a counter-notice following an objection to a standard temporary event notice (s.105)
- n. Imposition of conditions on a standard temporary event notice following an objection (s.106A)
- o. Determination of application for grant of a personal licence, where an objection notice has been given and not withdrawn (s.120)
- p. Determination of application for renewal of a personal licence, where an objection notice has been given and not withdrawn (s.121)

- q. Consideration of convictions coming to light after grant or renewal of a personal licence, where an objection notice has been given and not withdrawn (s.124)
- r. Determination of a review of a premises licence following a closure order and magistrates' court notification (s.167)
- s. Imposition of restrictions on dancing and live music, on review of a premises licence or club premises certificate (s.177, s.177A)
- t. Making of representation when the authority is consulted on a cross-boundary application by a neighbouring licensing authority

2. Gambling Act 2005

- a. Determination of application for a premises licence where representations have been made and not withdrawn or disregarded, or where it is proposed to attach an additional condition or exclude a default condition (s.163, s. 169)
- b. Determination of application to vary a premises licence where representations have been made and not withdrawn or disregarded, or where it is proposed to attach an additional condition or exclude a default condition (s.187)
- c. Determination of application to transfer a premises licence where representations have been made and not withdrawn or disregarded, or where it is proposed to attach an additional condition or exclude a default condition (s.188)
- d. Determination of application to reinstate a premises licence where representations have been made and not withdrawn or disregarded, or where it is proposed to attach an additional condition or exclude a default condition (s.195)
- e. Determination of a review of a premises licence (s.201)
- f. Determination of application for a provisional statement where representations have been made and not withdrawn or disregarded, or where it is proposed to attach an additional condition or exclude a default condition (s.204)
- g. Issue of counter-notice following receipt of a notice of objection in respect of a temporary use notice (s.224)
- h. Dismissal of objections given in respect of temporary use notices (s.225)
- i. Making of order disapplying exempt gaming and gaming machine entitlements from specified alcohol-licensed premises (s.284)
- j. Refusal of application for registration for the promotion of small society lotteries, or revocation of registration (Sched.11 paras 47-48 & 50)
- k. Determination of application for a club gaming permit or club machine permit, or variation or renewal thereof, where a permitted ground for refusal is engaged (Sched.12 paras 5-7, 10, 15 & 24)

- l. Cancellation of club gaming permit or club machine permit (Sched.12 para 21)
- m. Cancellation or variation of licensed premises gaming machine permit (Sched.13 para 16)

3. Local Government (Miscellaneous Provisions) Act 1982

- a. Determination of application for waiver of sex establishment licence requirement; termination of waiver (Sch. 3, para 7)
- b. Determination of application for grant, renewal, variation or transfer of sex establishment licence, where relevant objections have been made and not withdrawn, or where application is not consistent with the authority's licensing policy (Sch. 3, paras 8, 9 & 18)
- c. Extension of licence continuation period following death of licence-holder (Sch. 3, para 15)
- d. Revocation of sex establishment licence (Sch. 3, para 17)

PROPOSED DELEGATIONS TO OFFICERS

Delegation of the following powers to the **Assistant Director (Chief Executive's Unit)** is proposed, with a view to onward authorisation as appropriate:

1. Licensing Act 2003

- a. To make representations on behalf of the licensing authority in its capacity as a responsible authority (s.17, 29, 34, 41A, 51, 53A, 71, 84, 86A, 87, 167)
- b. Determination of the relevancy of representations (s.18, 31, 35, 41B, 52, 53C, 72, 85, 86B, 88, 167)
- c. Determination of an application for a premises licence where relevant representations were not made or were all withdrawn (s.18)
- d. Issue of copy of premises licence, club premises certificate, temporary event notice or personal licence following loss, theft, damage or destruction (s.25, 79, 110, 126)
- e. Inclusion of alternative community premises licence conditions (s.25A, 41D)
- f. Determination of an application for a provisional statement where relevant representations were not made or were all withdrawn (s.31)
- g. Exclusion of representations against a premises licence application where a provisional statement has been issued (s.32)
- h. Determination of an application to vary a premises licence where relevant representations were not made or were all withdrawn (s.35)
- i. Determination of an application to specify a designated premises supervisor on a premises licence where an objection notice was not given or was withdrawn (s.39)
- j. Removal of designated premises supervisor from premises licence (s.41)
- k. Determination of an application for minor variation of a premises licence; selection of responsible authorities for consultation (s.41B)
- l. Determination of an application for transfer of a premises licence where an objection notice was not given or was withdrawn (s.44)
- m. Determination of exemption of applicant from requirement to provide licence-holder's consent on application for transfer of premises licence (s.44)
- n. Acceptance of an interim authority notice (s.47)
- o. To apply for the review of a premises licence on behalf of the licensing authority in its capacity as a responsible authority (s.51)
- p. Rejection of grounds for review specified in a review application (s.51, 87)

- q. Suspension of premises licence on failure to pay annual fee; and lifting of suspension on payment of outstanding fee (s.55A)
- r. Duty to update premises licence, club premises certificate or personal licence document (s.56, 93, 134)
- s. Power to require production of premises licence, club premises certificate, temporary event notice or personal licence (s.57, 94, 109, 135)
- t. Inspection of premises prior to determination of premises licence, provisional statement or club premises certificate application (s.59, 96)
- u. Determination of an application for a club premises certificate where relevant representations were not made or were all withdrawn (s.72)
- v. Determination of an application to vary a club premises certificate where relevant representations were not made or were all withdrawn (s.85)
- w. Determination of an application for minor variation of a club premises certificate; selection of responsible authorities for consultation (s.86B)
- x. To apply for the review of a club premises certificate on behalf of the licensing authority in its capacity as a responsible authority (s.87)
- y. Suspension of club premises certificate on failure to pay annual fee; and lifting of suspension on payment of outstanding fee (s.92A)
- z. Acknowledgement of temporary event notices (s.102)
- aa. Issue of a counter-notice following an objection to a late temporary event notice (s.104A)
- bb. Issue of a counter-notice to a temporary event notice where permitted limits are exceeded (s.107)
- cc. Power to enter premises to which a temporary event notice relates (s.108)
- dd. Determination of application for personal licence where (s.120):
 - i. the applicant meets all applicable statutory criteria;
 - ii. the applicant does not meet one or more of the compulsory statutory criteria;
 - iii. the applicant meets all of the compulsory statutory criteria but not the convictions criterion, where an objection notice was not given or was withdrawn.
- ee. Determination of application for renewal of personal licence where an objection notice was not given or was withdrawn (s.121)
- ff. Power to enter premises to investigate licensable activities (s.179)
- gg. Defence of appeals brought against decisions made by the authority (s.181)
- hh. Provision of information to licensing authorities or responsible authorities (s.185)

- ii. Legal proceedings or administration of cautions for offences under the Act (s.186)
- jj. Power to authorise “authorised persons” for all purposes of the Licensing Act 2003 (s.13, 69, 108, 135)

Licensing Act 2003 (Hearings) Regulations 2005

- kk. Power to require clarification on particular points from a party to the hearing (reg. 7)
- ll. Determination that a hearing is unnecessary (with agreement of all relevant persons) (reg. 9)
- mm. Determination to extend a prescribed time limit where necessary in the public interest (reg. 11)
- nn. Adjournment of hearing prior to commencement (reg. 12)

2. Gambling Act 2005

- a. Acknowledgement of occasional use notice (s.39)
- b. To make representations on behalf of the licensing authority in its capacity as a responsible authority in respect of premises licence applications (s.161, and that section as applied by s.187, 188, 195, 197, 200 and 204)
- c. Proposal to attach additional condition(s) to a premises licence; proposal to exclude default condition(s) from a premises licence (s.162)
- d. Determination that a hearing is unnecessary (with consent of all relevant persons) (s.162)
- e. Determination that representations made in respect of a premises licence application are vexatious, frivolous, or will certainly not influence the authority’s determination of the application (s.162)
- f. Determination of application for a premises licence where representations were not made or were all withdrawn or disregarded, and where it is not proposed to attach an additional condition nor exclude a default condition (s.163)
- g. Power to require production of premises licence, temporary use notice, family entertainment centre gaming machine permit, club gaming permit, club machine permit, licensed premises gaming machine permit or prize gaming permit (s.185, 229, Sched.10 para 20, Sched.12 para 13, Sched.13 para 10, Sched.14 para 20)
- h. Duty to update premises licence following change of circumstance (s.186)
- i. Determination of application to vary a premises licence where representations were not made or were all withdrawn or disregarded, and where it is not proposed to attach an additional condition nor exclude a default condition (s.187)

- j. Determination of application to transfer a premises licence where representations were not made or were all withdrawn or disregarded, and where it is not proposed to attach an additional condition nor exclude a default condition (s.189)
- k. Issue of copy of premises licence, temporary use notice, family entertainment centre gaming machine permit, club gaming permit, club machine permit, licensed premises gaming machine permit, or prize gaming permit following loss, theft or damage (s.190, 227, Sched.10 para 21, Sched.12 para 16, Sched.13 para 11, Sched.14 para 21)
- l. Revocation of premises licence on failure to pay annual fee (s.193)
- m. Determination of application to reinstate a premises licence where representations were not made or were all withdrawn or disregarded, and where it is not proposed to attach an additional condition nor exclude a default condition (s.195)
- n. To apply for the review of a premises licence on behalf of the licensing authority in its capacity as a responsible authority (s.197)
- o. Rejection in whole or in part of premises licence review application (s.198)
- p. Grant in whole or in part of premises licence review application (s.199)
- q. Initiation and notification of reviews of premises licences of a particular class on behalf of the licensing authority (s.200)
- r. Determination of a review of a premises licence without hearing, with the consent of all relevant parties or if all representations are to be disregarded; determination that representations made in respect of a review are vexatious, frivolous, or will certainly not influence the review (s.201)
- s. Determination of application for a provisional statement where representations were not made or were all withdrawn or disregarded, and where it is not proposed to attach an additional condition nor exclude a default condition (s.204)
- t. Exclusion of representations against a premises licence application where a provisional statement has been issued (s.205)
- u. Issue of a counter-notice to a temporary use notice where permitted limits are exceeded; consultation prior to issue of counter-notice (s.218)
- v. Acknowledgement and endorsement of temporary use notice (s.220, 227)
- w. To object to a temporary use notice on behalf of the licensing authority (s.221)
- x. Determination that a hearing is unnecessary (with consent of all relevant persons); issue of counter-notice where hearing dispensed with (s.222)
- y. Acknowledgement of modification of temporary use notice by agreement; power to propose modification where an objection has been given (s.223)

- z. Acknowledgement of notice of intention to make gaming machines available for use in alcohol-licensed premises under automatic entitlement (s.282)
- aa. Determination of application for a family entertainment centre gaming machine permit, or renewal thereof (Sched.10 paras 8 & 18)
- bb. Notification of non-occupation of premises causing FECGMP to lapse (Sched.10 para 14)
- cc. Notification to Gambling Commission of large lottery promoted by registered society (Sched.11 para 40)
- dd. Registration of applicant society for the promotion of small society lotteries (Sched.11 para 44)
- ee. Cancellation of registration for the promotion of small society lotteries (Sched.11 paras 53-54)
- ff. Determination of application for a club gaming permit or club machine permit, or variation or renewal thereof, where the permitted grounds for refusal are not engaged, or where a hearing has been dispensed with (Sched.12 paras 5-7, 10, 15 & 24)
- gg. Cancellation of club gaming permit or club machine permit on failure to pay annual fee (Sched.12 para 22)
- hh. Determination of application for a licensed premises gaming machine permit, or variation or transfer thereof (Sched.13 paras 4-6, 15 & 19)
- ii. Cancellation of licensed premises gaming machine permit on failure to pay annual fee (Sched.13 para 17)
- jj. Determination of application for a prize gaming permit, or renewal thereof (Sched.14 paras 9-11 & 18)
- kk. Legal proceedings or administration of cautions for offences under the Act (s.346)
- ll. Exchange of information (s.29, 30 & 350)
- mm. Defence of appeals brought against decisions made by the authority (s.206, 226, 284, Sched.10 para 22, Sched.11 para 51, Sched.12 para 25, Sched.13 para 21, Sched.14 para 22)
- nn. Power to designate "authorised persons" for all purposes of the Gambling Act 2005 (s.304)

3. Local Government (Miscellaneous Provisions) Act 1982

- a. Determination of application for grant, renewal, variation or transfer of sex establishment licence, where relevant objections were not made or were withdrawn, and where application is consistent with the authority's licensing policy (Sch. 3, paras 8, 9 & 18)

- b. Cancellation of sex establishment licence (Sch. 3, para 16)
- c. Power to enter and inspect any sex establishment in the authority's area; and to seize and remove anything found therein (Sch.3, paras 25 & 25A)
- d. Defence of appeals brought against decisions made by the authority
- e. Legal proceedings or administration of cautions for offences under the Act

4. Hypnotism Act 1952

- a. To authorise an exhibition, demonstration or performance of hypnotism (s.2)
- b. Legal proceedings or administration of cautions for offences under the Act

10. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

26 NOVEMBER 2013

Present –

MEMBERS:

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

OFFICERS:

B Lisgarten	Legal Governance Team Leader
R Hill	Licensing Team Leader
S Taylor	Lead Licensing Officer
R Mabbitt	Licensing Enforcement Officer
C Thorley	Member Support Officer

Other Persons Present:

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 were made on behalf of Councillor Green. Councillor Bassadone substituted for Councillor Green.

3. DECLARATIONS OF INTERESTS

None.

4. PUBLIC PARTICIPATION

None.

5. RESPONSE TO CONSULTATION ON REVISION OF SEX ESTABLISHMENT LICENSING POLICY AND APPLICATION PROCEDURES

S Taylor introduced the item and said that one response had been received in the consultation period from an academic, who had carried out a study of the effects of sexual entertainment venues on communities, and whose comments were set out on pages 7 and 8 of the report. The academic in addition asked for two reports to be presented to the Committee which could be found on pages 9-19 of the report. S

Taylor explained that the licensing team had considered the academic's suggestions when making amendments to the draft policy as proposed in the recommendations set out on page 5.

S Taylor pointed out that there was an error on page 5 of the agenda under recommendation (ii) a) b) and c), which should refer to locality maps at Annexes E, F and G and not Appendices 1-3 as stated. S Taylor added that no comments had been received in respect of the draft application form. S Taylor asked that the Committee adopt both the Sex Establishment Policy as amended and the application form for Sex Establishments.

There were no further questions.

Resolved:

The Licensing, Health & Safety and Enforcement Committee agreed the proposed amendments to the Sex Establishment Licensing Policy and standard conditions arising from the consultation, and adopted the revised policy for the period from the 23rd February 2014 to 22nd February 2017, and the application form and particulars set out at Item 5 of the agenda for use in applications made from the 23rd February 2014 onwards.

6. KNOWLEDGE TEST ARRANGEMENTS FOR TAXI AND PRIVATE HIRE DRIVER APPLICANTS

R Hill introduced the report and explained that the report set out the results of consultation on proposed changes to the Council's knowledge tests for taxi drivers, which were initially considered by the Committee in June.

The proposed changes were intended to reinforce the existing knowledge test, so as to provide a more comprehensive picture of the fitness and propriety of applicants for driver's licences, in particular providing an assurance as to the competency in certain key skills which were not currently assessed.

R Hill said that several responses were received from current drivers and those undergoing the test at present, and these comments were included at section 3 of the report.

R Hill highlighted the recommendation at paragraph 4.1 of the report which set out the proposed implementation in detail. R Hill said that officers proposed that the communication skills requirement be introduced with effect from the 1st January 2014, and the practical driving qualification and expanded computer theory test be commenced from the 1st April 2014. R Hill said that applicants who had already applied for the test, or who did so prior to these dates, would be permitted to continue any remaining attempts under the previous system, subject to a limit at the end of September 2014 for any final attempts.

R Hill said that the proposed changes may also be applied to certain specified existing drivers as a sanction – for example, following complaints about the driving ability or language skills of a particular driver, a Sub-Committee may consider it appropriate to suspend the licence pending completion of the relevant test components.

The Chairman said that he thought that the report and resulting recommendations addressed the concerns that had been expressed by the Committee in the past. Councillor Whitman said that he appreciated the changes to the knowledge test but that he felt that there were many existing drivers whose English language skills were quite poor. R Hill said that in regards to existing drivers, only if complaints regarding knowledge/language skills were received could the Licensing team request that drivers be re-tested.

Councillor Bhinder complimented the Licensing officers for the test content. The Chairman acknowledged that there were potentially issues around retrospective testing and that there may be issues around language skills with existing drivers as demonstrated when existing drivers in the Borough came before the Licensing Health and Safety Sub-Committee with an interpreter.

Councillor G Chapman asked how difficult the knowledge test was as she had experienced drivers in the area who had a very limited knowledge of Dacorum, especially the more rural areas. R Hill responded that the current test did test knowledge across the borough including the more rural areas and that currently there was a 70% fail rate. R Hill explained that it was not an easy test to pass which was why many of the drivers who lived in the area worked in the Three Rivers borough as the test there was more lenient. R Hill said that there had to be a balance in terms of test difficulty and that the licensing team would be benchmarking the pass rate with pass marks of existing drivers.

The Chairman asked if, once it was complete, would the Members of the Licensing Committee be able to try out the knowledge test. R Hill said that once the test was compiled he would invite the members to complete it.

Resolved:

The Licensing, Health & Safety and Enforcement Committee accepted the proposed changes to the arrangements for knowledge tests for prospective applicants for hackney carriage and private hire driver's licences, and:

- a) That all candidates for the council's taxi and private hire driver knowledge test applying for a first test on or after the 1st January 2014 shall be required to demonstrate suitable and sufficient proficiency in English-language speaking and listening skills as a component of successful completion of the test, either:
 - i) By producing evidence of satisfactory completion of a recognised English language qualification awarded by an accredited examining body, such as:
 - a GCSE, GCE O-level or GCE A-level issued by a recognised examining body in the UK (grade C or higher)
 - an NVQ, City & Guilds, or similar vocational qualification (level 2 or higher) issued by a recognised examining body in the UK
 - an equivalent qualification to either of the above, issued by a recognised examining body in an English-speaking country other than the UK
 - a TOEFL, IELTS or ESOL qualification at CEFR level B2 (or equivalent); or
 - ii) By undertaking a speaking and listening skill assessment with the council's approved supplier, under the supervision of licensing officers, attaining a grade equivalent to level B2 on the Common

European Framework of Reference for languages. The cost of the assessment shall be recharged in full to the applicant, and the choice of provider shall be periodically reviewed to ensure suitability and competitiveness.

- b) That all candidates for the council's taxi and private hire driver knowledge test applying for a first test on or after the 1st April 2014 shall be required to produce evidence of successful completion of the Driving Standards Agency's taxi drivers assessment as a component of successful completion of the test;
- c) That officers arrange for the purchase and installation of a computerised testing program for knowledge tests with a view to activation by the 1st April 2014, to replace the current paper-based testing system; to review and expand the question banks; and to adjust pass marks accordingly to ensure that the required topographical knowledge of candidates remains at an approximately similar level to the current test system;
- d) To incorporate additional test sections on relevant equalities issues and numeracy to the revised test;
- e) To make the following policy amendments to the revised test:
 - i) The 12-month 'cooling-off period' following three unsuccessful test attempts to be removed, to enable candidates to sit tests as and when requested, with no upper limit on the number of test attempts;
 - ii) Previously passed test sections shall no longer be carried forward: all sections of the test must be passed in one sitting;
- f) To introduce a substitute test for candidates seeking exemption from the standard topographical private hire test due to the nature of the work carried on, to assess knowledge of national destinations and routes, for all such candidates applying for a first test on or after the 1st April 2014. Only the Dacorum-specific topographical elements of the test would be substituted, all other test requirements would remain unchanged, and candidates passing this test would be entitled to a restricted licence only, not permitting general private hire work or operation by any licensed operator other than the one in respect of which the exemption was applied.
- g) That candidates who have booked or taken a first test prior to the 1st April 2014 shall be permitted to attempt any further current tests permitted under the pre-existing limits, without being required to satisfy the new proposed requirements, subject to completion of all such attempts within the 6 months following introduction of the new system. Affected candidates may also choose to transition to the revised testing system at any time, but shall be required to satisfy all applicable requirements.
- h) That the revised knowledge test arrangements apply to any new applicant who does not currently hold a driver's licence issued by Dacorum Borough Council, or to a previous licence-holder whose driver's licence expired more than 12 months previously. Existing private hire licence-holders wishing to upgrade to a dual driver's licence shall be required to complete the elements of the revised computer test only. Existing hackney carriage licence-holders wishing to upgrade to a dual driver's licence shall be required to complete the elements of the revised computer test, excluding topographical sections, only.

7. LICENSING ARRANGEMENTS FOR PRIVATE HIRE OPERATORS

R Hill introduced the report and explained that proposals for the reform of private hire operator licensing in Dacorum, initially considered by the Committee in August, had now been consulted upon, with no comments being received.

R Hill said that operators were the lynchpin of the private hire system, responsible for the invitation and acceptance of bookings for hire cars. It is considered vital that the individuals being licensed in this capacity were fit and proper for this purpose, and that the proposals would strengthen the existing system and aid in achieving this aim.

R Hill said that at present, there were 39 smaller operators and 12 larger companies in Dacorum.

R Hill said that therefore the Licensing team recommended that the changes were adopted as initially put forward, through the publication of a licensing policy document, the introduction of a more detailed application form, more thorough checks on applicants, and a single licence fee, for longer duration licences, with effect from the 1st April 2014.

There were no questions.

Resolved:

The Licensing Health & Safety Committee adopted the proposed changes to the licensing of private hire operators, with effect from the 1st April 2014, and:

- a) That the draft 'Private Hire Operators licensing policy' shown at Annex A of the report be adopted and published with immediate effect, and its provisions implemented in full in respect of licences commencing from the 1st April 2014;
- b) That all private hire operator's licences issued by the Council with effect from the 1st April 2014 shall be valid for a period of 2 years, or 3 years if the licence permits the operations of no more than 3 vehicles;
- c) That the draft 'Private Hire Operator's licence application form' shown at Annex B of the report, and the particulars therein required, be adopted and utilised for all applications made after the 1st April 2014 or for licence renewals commencing from that date;
- d) That a Basic Disclosure certificate shall be required from any applicant for a private hire operator's licence (or every director of a limited company applicant) with effect from the 1st April 2014, issued in the relevant individual's name not more than 3 months prior to the date of application, unless that individual holds a current hackney carriage or private hire driver's licence issued by the Council.
- e) That the proposed standard conditions for private hire operator's licences shown at Annex D of the report be adopted and applied to all licences commencing from the 1st April 2014 onwards.

8. LICENSING FEES AND CHARGES 2014-2015

R Hill introduced the report, which outlined pre-consultation fee levels for the Licensing service in the 2014-15 financial year. He said that all such fees must be reviewed periodically to ensure that they remain commensurate with the costs incurred by the authority in processing applications for licences or registrations, and of developing policies and ensuring compliance on the part of licensed businesses. In certain cases, other costs may legitimately be considered, such as the cost of controlling and supervising taxis and private hire vehicles as part of vehicle and operator fees.

R Hill stated that, as fees were comprehensively reviewed last year, there were far fewer changes proposed this year, with the main exceptions being for licences where revised processes have or will increase the amount of work undertaken, and thus the authority's costs. He highlighted Annex B of the report, which listed the proposed fees for the next year, and confirmed that these had been calculated by officers at levels commensurate with estimated costs for the next year.

R Hill noted that in certain cases, most notably around the animal welfare licence renewals, some fees were below expected costs, but the rise to bring them to such levels would be excessive if introduced in one round. He advised that it was proposed to bring these fees up gradually over the next few years.

R Hill advised that the setting of fees around the new scrap metal licences was outside of the Committee's powers, and as such would be excluded from any consultation. He noted that these fees had already been set for next year by Cabinet. R Hill asked the Committee to approve consultation on the proposed fees until mid-January, with a final decision to be made by the Committee in February.

Councillor Taylor asked why there was such a high cost associated with attaining a licence for Bingo. R Hill explained that in regards to gambling the fees were capped by legislation and that the figure outlined in the report was 60% of the maximum fees that could be charged, R Hill said that Dacorum Borough Council had not issued many of these licences and once a clearer indication of cost did become apparent the team would revise the cost of this.

Councillor Taylor said that he asked the question because he knew that the Royal British Legion in Hemel Hempstead ran a Bingo night and if they were to reapply for permission to do this Councillor Taylor wanted to know if they would incur a large cost. R Hill explained that the fees were for establishments that solely ran Bingo on a commercial basis, and different authorisations were available to non-commercial clubs and organisations.

Councillor Bhinder commented that he could not see any licence fees related to ice cream or burger vans in the table. R Hill said that street trading was currently in the remit of Environmental Health officers, rather than Licensing.

The Chairman asked if there had been any cases of scrap metal dealers no longer working in the area because of the newly imposed licence fees. R Hill said that it was believed that a few may have stopped work but that the team were currently in the process of issuing 15 applications for scrap metal dealers within Dacorum.

Outcome:

The Licensing Health & Safety Committee instructed officers to commence public notification and consultation in regards to the proposed fees, and to report the results to a future meeting of the Committee.

9. EXCLUSION OF THE PUBLIC

Resolved:

That, under Section 100A (4) of the Local Government Act 1972 the public be excluded during the items in Part II of the Agenda for this meeting, because it was likely, in view of the nature of the business to be transacted, that if members of the public were present during these items there would be disclosure to them of exempt information relating to an individual which is likely to reveal their identity (Minute 10).

10. SEX ESTABLISHMENT LICENCE FEES 2009-2014

See Part II minutes.

11. GENERAL

Councillor G Sutton said that he wanted to take the opportunity to thank the Licensing team for all their work and that he thought the team was fantastic with a very fine attention to detail. The Chairman agreed with this and said that things had drastically improved.

The meeting ended at 8:05 pm

