

Time commenced 6:21 pm
Time finished 7:19 pm

TAXI LICENSING AND APPEALS COMMITTEE 7 DECEMBER 2011

Present: Councillor Marshall (in the Chair)
Councillors Barker, Harwood, Jackson, Rawson and Richards

07/11 Apologies for Absence

Apologies for absence were received from Councillors Jackson, Richards and L Winter.

08/11 Late Items to be introduced by the Chair

There were no late items.

09/11 Declarations of Interest

There were no declarations of interest.

10/11 Confirmation of the Minutes of the meeting held on 29 June 2011

The minutes of the previous meeting held on 29 June 2011 were agreed as a correct record and signed by the Chair.

11/11 Credability Scheme for Licensed Drivers

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The Committee considered a report of the Strategic Director of Neighbourhoods on the credibility scheme for licensed drivers. It was by the representative that the scheme had been developed by Derby it was an assurance scheme designed to allow providers of services to demonstrate they are suitably qualified and experienced to deliver a class service to disabled and older people.

Members raised concerns over what checks would be taken of the drivers, once they had signed up to scheme. It was reported that these were details not yet in place and that following future consultation this could be reported at a later date to Committee Members. The officer informed Members that it would not be in the remit of the local authorities enforcement officers role to check the drivers that have signed up to the scheme and were abiding by it.

The Committee were informed that the scheme was part of the personalisation agenda and that it has a way to generate income and

for taxi drivers to increase their income – following their addition to the disability direct approved providers list.

Members informed the representative that their view was that drivers and operators would not sign up to the scheme. It has suggested that all drivers and /or trade unions were consulted for a view and details be reported back at a later date.

Councillor Redfern reminded Members that all drivers were due to complete the NVQ scheme before 2014 and included within this was wheelchair loading training and customer service/care provisions.

Councillor Redfern asked Members to consider that there may be other providers of a similar scheme and that it would be wrong of the Committee to endorse and favour one scheme over another.

The Chair felt that following the concerns and queries raised by Members at Committee it would be beneficial for the representative to come back to Committee at a future date with further information so that Committee could make an informed decision on the scheme.

Resolved to receive an update report from Disability Direct at a future meeting of the Committee once further clarification had been sought on the issues raised by Members.

12/11 Quarter **Taxi Licensing and Enforcement Activities 2011/12 1 and 2**

The Committee considered a report of the Strategic Director of Neighbourhoods on the activities the taxi licensing service had undertaken during quarters one and two of 2011/12 financial year.

Members questioned whether the checks carried out were random of all drivers or if vehicles were identified as those that could fall below the Councils Standards. It was reported that the enforcement work was done using a risk based approach and that those vehicles identified were those that looked as if they may fall below standard. It was noted that Members needed to recognise that the statistics do not indicate the general condition of all the licensed fleet. Members suggested then that future enforcement activities be more random of the general fleet.

It was asked of officers whether checks and balances were carried out of the Council's enforcement officers. It was reported that enforcement officers have to operate within broad administrative law principles, so that any suspension would have to be objectively justified on the basis of 'reasonable suspicion' of the condition of a vehicle, or driver, for which the officers could be held to account. In practice, that does not translate into the suspicion having to be borne out by a roadside or other subsequent test. Members were informed that if any driver felt they had been singled out for enforcement, they could legitimately

challenge the officer to disclose the basis of their suspicion but once provided with an explanation, they would be obliged to comply with the officers reasonable request.

It was suggested that further details be brought to the next meeting on the enforcement officers and their remit.

Resolved to note the statistics for taxi licensing and associated licensing enforcement activities for quarter one and two of 2001/12.

13/11 Private Hire Vehicle Specification – Spare Wheel Provision

The Committee considered a report of the Strategic Director of Neighbourhoods on the request to decide whether or not to amend the Council's specification for private hire vehicles accordingly.

The officer reported the scenario of the dangers of using space saver wheels to the Committee. It was noted that this was a public safety issue.

Councillor Atwal informed Members that the issue he wished to have raised was the 5th wheel of an alloy set and why it could not be a steel braced rim spare. It was noted that this had previously been discussed primarily as an appearance based, Committee having previously felt the aesthetics of a car was a factor to consider, not exclusively of its own but alongside other safety concerns. Within those previous discussions had been a level of uncertainty around the potential for a handling imbalance between alloy and steel braced rims.

Members requested a legal view on the issue. It was reported that it was up to the Local Authority to determine its vehicle conditions but as long as public safety was at the forefront of the conditions and their inclusion could be reasonably and objectively justified, there could be no prospect of a successful legal challenge.

The Chair suggested that officers seek clarification of the alloy wheel issue and get advice from VOSA to be reported at the next meeting of the Committee.

Resolved to ask officers to contact VOSA for its view on the safety implications of mixed axle steel braced rim and alloy wheel usage, and report back on their findings to the next Committee meeting.

14/11 Renewal of Contracts for Approved Testing Stations

The Committee considered a report of the Strategic Director of Neighbourhoods on the renewal of contracts for approved testing stations.

Members questioned officers as to whether the standards of the MOT centres had dropped, and whether there been complaints as a consequence of this. The officer reported that there had been complaints, and some investigations had been undertaken, and that actions had been agreed with the garage.

Members agreed that if garages were under performing the enforcement officers needed to carry out more pro-active auditing of test stations.

Resolved to

- 1. authorise the Service Director of Environment and Regulatory Services to initiate the tendering and selection process for testing stations on the basis of the terms and conditions set out in the report;**
- 2. to implement through the ensuing contract a pro-active formal auditing programme of testing approved stations.**

15/11 Taxi Licensing Fees and Charges 2012/2013

The Committee considered a report of the Strategic Director of Neighbourhoods on the proposed licence fees and charges for driver, vehicle and operator licences and other charges for 2012/13.

It was reported that there was a shortfall this year in the taxi licensing budget and that previous years resources would be used to balance the budget. Members noted that it was likely that there would again be a shortfall in the budget this year.

Resolved to

- 1. approve, subject to the consideration of representations, the proposed licence fees and charges for driver, vehicle and operator licences and other charges for 2012/13;**
- 2. authorise the Strategic Director of Neighbourhoods to advertise the proposed variation of fees;**
- 3. authorise the Strategic Director of Neighbourhoods, in consultation with the Chair of Taxi Licensing and Appeals Committee, to consider any representations received within the required period and take appropriate action if required;**
- 4. approve the new licence fees to become effective from 2 April 2012 subject to the consideration of any representations received during the required period.**

MINUTES END