

TAXI LICENSING AND APPEALS COMMITTEE 14 MARCH 2012

Present: Councillor Marshall (in the Chair)
Councillors Atwal, Barker, Harwood, Leeming, Richards and F Winter

16/11 Apologies for Absence

Apologies for absence were received from Councillors Jackson, S Khan, Rawson, Redfern, Tuplin, Whitby and L Winter.

17/11 Late Items to be introduced by the Chair

There were no late items.

18/11 Declarations of Interest

There were no declarations of interest.

19/11 Confirmation of the Minutes of the meeting held on 7 December 2011

The minutes of the previous meeting held on 7 December 2011 were agreed as a correct record and signed by the Chair.

20/11 Criminal Records Checks for Private Hire and Hackney Drivers

The Committee considered a report of the Strategic Director of Neighbourhoods to update Members of the changes to the requirement for Criminal Record Bureau checks on all Private Hire and Hackney Carriage Drivers. Members noted that since April 2011 only standard Criminal Record Bureau checks have been required by the Licensing team. The officer informed the Committee that following a number of representations nationally from licensing authorities and the trade, the Government has announced that Council's will be able to require Enhanced Criminal Record Bureau checks. It was reported that the changes would be made by secondary legislation but as yet there was no indication of timescales.

Members welcomed the change but were disappointed there was no definite timescale. It was suggested that officers, on behalf of the Committee, write to The Parliamentary Under Secretary of State for Equalities and Criminal Information, requesting that this change happen as soon as practicable.

Resolved to request that Mike Kay, Head of Environmental Health and Licensing, write to The Parliamentary Under Secretary of State for Equalities and Criminal Information, on behalf of the Committee stating

their request that this secondary legislation be implemented as soon as practicable.

21/11 Consultation with the Hackney and Private Hire Trade

The Committee considered a report of the Strategic Director of Neighbourhoods on the implications for the Council in consulting with the trade associations when concerns have been raised by Members about the legitimacy of the status of those attending in the role of the trade associations' representatives. It was reported that the Chair had asked for information from the DHU and DATOA requiring clarification of the constitutional and membership status of each organisation, but the requested information had not been received within the timescale set, and remained outstanding. Members were informed that for an association to be properly constituted, the law requires it to have a governance structure that includes the need for constitutionally appointed officers and a list of members.

The Committee felt that sufficient time had been given to the associations to respond and that in the immediate future the DHU and DATOA would not be recognised as trade associations. Members recognised that this would mean that licensing officers would now need to consult with every Hackney Carriage and Private Hire Driver in the City individually, yet it was felt that this was the only way they could be sure that all the drivers views were being taken into consideration when the need to consult with them arose.

Resolved to agree that the DHU and DATOA no longer legitimately continue to be recognised as trade associations.

22/11 Complainants Attendance at Taxi Licensing Sub Committees

The Committee considered a report of the Strategic Director of Neighbourhoods for Members to determine if complaints should be accepted by the licensing team if the complainant will not attend Sub Committee.

Members welcomed the report yet felt that not all complaints could be dealt with this way due to some sensitive issues and dependant on who the complainant was. It was suggested that the complainant form be amended to include an indication of the willingness to attend or reasons why the complainant would not attend the Sub Committee, so that licensing officers could use their judgement dependent upon the individual circumstances.

Resolved to agree that complainants should be prepared to attend Sub Committee in order for the licensing team to accept the complaint, unless there are exceptional circumstances that prevail against attendance.

23/11 Private Hire Vehicle Specification – Spare Wheel Provision

The Committee considered a report of the Strategic Director of Neighbourhoods on the spare wheel provision for private hire vehicles. It was reported that following the discussion at the last meeting of the Committee, officers had approached VOSA for guidance on the issue. VOSA provided some information but stopped short of answering the substantive question, whether or not vehicle safety is likely to be compromised. Members were

informed that officers were now suggesting that a wider consultation be carried out with other agencies and organisations.

Members thanked officers for contacting VOSA but felt that the issue should be remedied by amendments to the specification for Private Hire Vehicles. Specifically, Members suggested the deletion of the reference to the spare wheel construction and design being the same as the road wheels. Consideration of the use of space saver, run flat and temporary seal and inflate gas product was deferred to be looked at again at a later date by the Committee.

The Committee agreed an amendment to paragraph 8 of the Specification for Private Hire Vehicles to read as follows:

- (a) The vehicle must have at least four road worthy wheels and carry at least one spare wheel, a jack and brace all securely stored in a position not liable to damage passengers' luggage. The spare tyre must be an identical size to the four road wheels.

Resolved to approve the amendment to paragraph 8 of the Specification for Private Hire Vehicles as above.

24/11 Use of Mobile Technological Devices in Licensed Vehicles

The Committee considered a report of the Strategic Director of Neighbourhoods on the use of mobile technological devices in licensed vehicles. It was reported that this had been suggested to address concerns of the fare paying public that electronic communication devices such as satellite navigation systems, electronic data heads and on-board radio/music devices installed in licensed vehicles act as distractions to drivers.

Members felt that the recommendation to amend the drivers' condition was not required and that it was not substantiated by the small amount of complaints that were received by the licensing team in the last year. It was suggested that many other professions use communication equipment whilst they are working which are not barred. The Committee agreed that drivers were professional drivers which came with the expectation that they would have public safety as a high consideration whilst driving.

Resolved to reject the recommendation to introduce restrictions against the use by licensed drivers of mobile technological devices in hired licensed vehicles

MINUTES END