

Time commenced : 6.05 pm
Time finished : 7.05 pm

**TAXI LICENSING AND APPEALS COMMITTEE
14 FEBRUARY 2007**

Present: Councillor Redfern (Chair)

Councillors Baxter, Berry, Bolton, Dhamrait, Hickson, Hird, Hussain,
Jackson, S Khan, Leeming, Poulter, Richards and Skelton

28/06 Apologies

There were no apologies for absence.

29/06 Late items introduced by the Chair

In accordance with Section 100(B)(4) of the Local Government Act 1972, the Chair agreed to admit the following item on the grounds that it could not wait until the next meeting.

- Request for Survey of Unmet Demand for Hackney Carriages, considered as minute number 37/06

30/06 Declarations of Interest

There were no declarations of interest.

31/06 Minutes of the Previous Meeting

The minutes of the meeting held on 20 December 2006 were approved as a correct record and signed by the Chair.

32/06 Appeal Against Refusal to Grant a Hackney Carriage Drivers Licence.

The Committee considered a report from the Corporate Director of Corporate and Adult Social Services regarding an appeal against the refusal to grant a hackney carriage drivers licence. It was reported that the Appellant had appealed against the Council's decision to refuse him a hackney carriage drivers licence to the Southern Derbyshire Magistrates' Court and the matter was listed for trial on 21 November 2006. At the trial the Appellant offered to withdraw his appeal if the Council agreed to offer him one further drive test. The Council's solicitor was therefore instructed to give an undertaking to the Court to offer the Appellant one further drive test. The Appellant then withdrew his appeal. The Council's solicitor made an application for costs and the Appellant was ordered to pay a contribution of £300 towards the Council's costs. The Appellant took and failed this further drive test.

Resolved to note the outcome of appeal against the refusal to grant a Hackney Carriage Drivers Licence to Mohammed Waseem Hasham – the Appellant.

33/06 Taxi Enforcement Section – Statistics for Licensing and Enforcement Activities – Quarter 4 2006

The Committee considered a report from the Director of Environmental Services that gave details of statistics for October to December 2006 of performance and workload data relating to taxi licensing activities. It was highlighted that, although a number of the figures for suspension of licences seemed high, they were a percentage from a 'targeted group' and did not reflect the whole of the taxi trade in general. It was reported that some signs of improved vehicle maintenance had been reported by one of the Council's Specified Testing Stations, where examiners had noted a reduction recently in the number of failure items arising on annual tests. It was also reported that an information sheet had been sent to all drivers giving basic advice on what routine maintenance checks drivers should be carrying out on their licensed vehicle.

Councillor Hussain raised concerns that licences were still be suspended for reasons of cleanliness. Councillor Redfern responded that this had been a specific case of extremely poor hygiene in the interior of the vehicle and licences are not being suspended for general uncleanliness of the vehicle.

Councillor Hickson raised concerns at such a high rate of suspensions. John Tomlinson responded that the vehicles checked were targeted, so it was not a random sample, therefore a higher percentage was expected.

Councillor Hussain commented that Derby City Council operated the highest standards in the whole of the East and West Midlands and that he was not aware of any serious accidents being caused by defective taxis. He asked for any statistics on this.

Councillor Dhamrait commented that the figures were quite high and that this needed to be improved. He felt this needed to be impressed upon the drivers so they were aware of how important this was considered to be by the Council.

Councillor Skelton commented that she felt that driving training needed to be considered which included maintenance of vehicles as this would help drivers to improve their skills.

Resolved to note the report.

34/06 Taxi Licensing Fees and Charges 2007/08

The Committee considered a report from the Director of Environmental Services on taxi licensing fees and charges for 2007/08. It was reported that the hackney carriage and private hire licensing fees and charges were reviewed annually. These licensing functions were self-financing and non-profit making. The fees and charges were set at a level to recover the total costs incurred in providing the service.

Resolved

- 1. to approve, subject to the consideration of objections/representations, the proposed licence fees and charges for driver, vehicle and operator licences and other charges for 2007/2008 as set out in Appendix 4 of the report.**

2. to request the Director of Environmental Services to advertise the proposed variation of fees.
3. to authorise the Director of Corporate and Adult Social Services, in consultation with the Chair of the Taxi Licensing and Appeals Committee, to consider any objections received within the objection period and take appropriate action if required.
4. to approve the new licence fees to become effective from 1 April 2007 if no objections are received during the objection period.

35/06 Increased Testing Station Fees

The Committee considered a report from the Director of Environmental Services regarding the increased testing station fees. It was reported that since the release of the new contracts on 1 January 2007, a number of complaints had been received from the taxi trade concerning the level of the new testing fees. It was alleged that the fee increases were excessive and could not be justified, particularly the retest fees. The Chair responded to these concerns by writing to each garage requesting a detailed written explanation of the rationale behind these fee increases and for these increases to be re-considered. Responses from both garages were received at the meeting.

Councillor Hussain commented that the committee had raised its concerns over this at the last meeting, but were unable to have an effect on this decision. He asked that officers look into setting charging limits when new contracts are drawn up.

Councillor Redfern responded that officers were already considering this and were also considering allowing companies from outside the city to tender next time. She also commented that extending the service to a Saturday was being considered.

John Tomlinson commented that the Council was also still in discussion with three other companies who might be able to provide the service.

Resolved to note the report

36/06 Amendment to Private Hire Operators Conditions – receiving bookings by text

The Committee considered a report from the Director of Environmental Services regarding the amendment to Private Hire Operator Conditions regarding receiving bookings by text. It was reported that private hire vehicles may only carry passengers if a journey is pre-booked. These bookings were made predominately by telephone, although a small percentage of bookings were made in person at a private hire operator's base. However, technological advances in recent years meant that it was now possible to take bookings by other means such as texting, email or via the internet. Such booking methods were not included within the Council's current licence conditions and private hire operators had asked that the conditions be amended to incorporate these new methods.

Mark Mitchell, Western Cars, informed the Committee that the text service was being trialled at Western Cars and commented that the technology allowed all the conditions

to be met regarding contact name and address and traceable phone number but that this method was not currently covered.

Resolved:

- 1. to note the report**
- 2. to request the Director of Environmental Services to report back to the next meeting of this committee with recommendations for amendments to the Private Hire Operators' Conditions.**

37/06 Request for a Survey of Unmet Demand for Hackney Carriages

The Committee considered a report from the Director of Environmental Services regarding a request for a survey of unmet demand for hackney carriages. At its meeting on 20 December 2006 this committee considered a request from the hackney carriage trade to carry out a survey of unmet demand. After careful consideration the committee resolved not to commission a survey at the present time. One of the factors in arriving at the decision was the absence of a 2006/7 budget provision to fund a £15,000 survey. Whilst there was no planned budget provision for this in 2007/08, potential funding was identified that was not part of the Taxi Licensing budget but could be diverted for this purpose, therefore the matter was referred back to the committee by the Chair in light of the identification of this new source of funding.

Councillor P Berry commented that he felt a full discussion on this item had taken place at the last meeting and that the decision the committee came to was based on many other issues, not just funding. He felt the decision taken at the last meeting should stand.

Councillor Skelton agreed, saying that cost had only been an issue for a few Members and most had other issues including a potential influx in applications if capping numbers is seen to be a possibility.

Councillor Hussain responded that he felt that as the money was available the survey should be commissioned. He felt it important to check that the service being offered was correct and what the public expected and required was, where possible, being met. He felt the survey would be money well spent.

Councillor Hickson disagreed arguing that with such a tight budget for 2007/08 the money could be better spent elsewhere and that market forces should be allowed to take effect in the industry. The Council should not get involved in restrictive practices.

Councillor Hird commented that at the last meeting, money was by no means the only reason for deciding not to go ahead with the survey. One of the main reasons for her voting against the initiative had been the fact that the area was undergoing such a large amount of developmental change and that any survey would need to be redone in two to three years following the completion of Riverlights and the extension of the Eagle Centre, therefore this was not the right time to do the survey.

Councillor S Khan commented that it might not be the duty of the Council to restrict licences to help out drivers, but that the number of licences issued was way above the amount of rank space in the city.

Councillor Skelton commented that there were other ways to stabilize the number of people holding licences, such as introducing higher standards as a prerequisite to obtaining a licence.

Resolved to not commission a survey of unmet demand for Hackney Carriages within the city.

MINUTES END