

Time commenced : 6.00 pm
Time finished : 7.35 pm

TAXI LICENSING AND APPEALS COMMITTEE
15 FEBRUARY 2006

Present: Councillor Redfern (Chair)
Councillors Hird, Jackson, Lowe, Rehman, Skelton and Turner

34/05 Apologies for Absence

Apologies for absence were received from Councillors Berry, Brown and Dhamrait.

35/05 Late Item Introduced by the Chair:

In accordance with Section 100(B) (4) of the Local Government Act 1972, the Chair agreed that the following item be admitted as a late item:

Revision of Taxi Licensing Fees for 2006/07

The revision to the Licensing Fees needed to be approved before the licensing fee for 2006/07 came into force on 1 April 2006.

36/05 Declarations of Interest

There were no declarations of interest.

37/05 Minutes of Previous Meeting

The minutes of the meeting held on 21 December 2005 were approved as a correct record and signed by the Chair, with the addition of the following wording to minute number 28/05 – The Committee were aware of a considerable difference between Private Hire and Hackney Carriages.

38/05 Revision of Taxi Licensing Fees for 2006/07

The Committee considered a report of the Director of Environmental Services regarding the revision of taxi licensing fees for 2006/07.

The Committee were requested to approve the revised fees as set out in Appendix three of the report.

At its meeting on 21 December 2005, the Committee considered and approved the proposed taxi licensing fees and charges for 2006/07. The proposed fees were based on budget allocations made by Licensing and Finance Officers in September/October 2005. When calculating the fee levels, the figures used for the number of current licences in each category were accurate at the time, however, since that time there was a large, unprecedented increase in the number of new licensed private hire vehicles and drivers. This resulted in the licence fee for 2006/07 needing to be recalculated which the Committee were asked to consider and approve.

Resolved

- 1. to approve the revised fees as set out in Appendix Three of the report**
- 2. to request the Director of Corporate and Adult Social Services to advertise the proposed variations of fees**
- 3. to authorise the Director of Corporate and Adult Social Services in consultation with the Chair of 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 2006 if no objections are received during the objection period.**

39/05 Petition Requesting the Council to Restrict the Numbers of Licensed Hackney Carriages

The Committee considered a report of the Director of Environmental Services regarding a petition which had been received which requested that the Council restrict the number of licensed Hackney Carriages.

The report detailed that the City Council did not restrict the number of licenses issued to Hackney Carriages, because the Transport Act 1985 advised licensing authorities that Hackney Carriages should not be restricted and that 'market forces' should dictate the number of licensed vehicles. The Act advised licensing authorities that restrictions should not be applied unless they were satisfied that there was 'no unmet demand' within their area. In order to be satisfied that there was no unmet demand, good practice required that a local demand survey be conducted and the findings considered by the licensing authority. The results of the survey would be valid for approximately two to three years, after which the survey would need to be repeated. The cost for each survey would be in the region of £20,000.

Councillor Redfern commented that the city was in a transitional period, due to the various works going on, such as Connecting Derby, Riverlights and the Westfield Eagle Centre development. She questioned the sense in carrying out a survey when the situation would change drastically within the following few years.

Councillor Jackson asked how long it would take to carry out a survey. John Tomlinson replied that it would take up to two months to carry out once the company actually started the survey.

Mr Saffaf, the lead petitioner, attended and addressed the Committee. He reported that Nottingham had carried out a survey which cost £18,000 and found that there was no unfulfilled demand in Nottingham. He felt that for the size of the City of Derby, where there were only four streets where Hackney Carriages could get trade, there were already enough vehicles to meet the demand in his view.

Mr Mahmood, a hackney trade representative attended and addressed the Committee. He offered the suggestion that there should be no restrictions for those wanting to start a business, but that they must buy a new cab, which would

be specified by the Committee, and that existing drivers would have to replace their vehicles with newer ones if their existing vehicles needed to be replaced. The cost would deter some and would also improve the overall stock of taxicabs in use.

Both Mr Saffaf and Mr Mahmood indicated that the number of licensed vehicles approved for use in the city was such that it was having a detrimental impact on the earnings of licensed drivers/operators.

Olu Idowu, Legal Adviser, responded that the Council could not restrict the type of taxicab in that way, as doing so could be potentially discriminatory. He indicated that there would have to be some other justification for seeking to restrict the age or type of vehicle, such as on environmental grounds.

Councillor Redfern commented that the change had come about because licences were being sold, when the numbers were restricted. She did not want it to go back to that situation.

Councillor Hird felt that Councillor Redfern's earlier comment regarding the transition the city was in was appropriate and that a survey would not show the true picture of demand for taxicabs within the city in the longer term.

Resolved to note the report

40/05 Proposal to Calculate Private Hire Operator Licence Fees using 'Banding' Methodology

The Committee considered a report of the Director of Environmental Services on the proposal to calculate private hire operators licence fees using 'banding' methodology. The report detailed alternative ways of calculating the Operators licence fees for 2006/07. The taxi licensing fees and charges were based on a cost apportionment exercise, which identified that £241,621 was recoverable from Operators licence fees in 2006/07. This amount needed to be recovered regardless of the methodology used.

Four approaches were presented which could be used to calculate operator's fees. They were:

1. 'flat rate' charge
2. 'per vehicle' charge
3. 'flat rate plus vehicle' charge
4. 'banding'

The advantages and disadvantages of each approach were detailed in the report.

Olu Idowu, Legal Adviser felt that there would be issues with options three and four, regarding objectivity and justifying how the flat rate or banding figures were arrived at.

John Tomlinson commented that option one was problematic due to proportionality issues. Olu Idowu agreed that the amount of officer time would need to be factored into the flat rate to make option three workable.

Councillor Redfern suggested that a proper consultation with all operators was needed.

Resolved:

- 1. to consult all Operators on the following two approaches to calculate operators fees:**
 - a) 'per vehicle' charge – ie a set amount per vehicle licensed**
 - b) 'flat rate plus vehicle charge' – a fixed fee per company, plus an amount for each vehicle**

- 2. to approve the Chair of the Taxi Licensing and Appeals Committee in consultation with representatives from each political group to approve the final choice of approach to be adopted once the consultation has been completed**

41/05 Taxi Licensing Section – Statistics for Licensing and Enforcement Activities – Quarter 4, 2005.

The Committee considered a report detailing the performance and workload statistics for the taxi licensing section for the period 1 September 2005 to 31 December 2005.

It was reported that there was some concern regarding the number of illegal tyres noted on Private Hire Vehicles but as the sample size was relatively small, it might not be representative. The idea of the report was to build up trends which could be tracked over time and allow appropriate action to be taken.

Resolved to note the report

MINUTES END