

LICENSING PANEL

5 NOVEMBER 2013

PRESENT: Councillors Asghar Majeed (Chairman), Jesse Grey (Vice-Chairman), George Bathurst (substituting for Councillor Lawless), Phill Bicknell, Tom Bursnall, Carwyn Cox, James Evans (substituting for Councillor Sharp), Jesse Grey, Geoff Hill, David Hilton, Sayonara Luxton and John Penfold.

Officers: Elaine Browne, Alan Barwise, Robert Cowan, Cathryn James, Steve Johnson and Karen Williams.

PART I

1/13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Peter Lawless and Derek Sharp.

2/13 DECLARATIONS OF INTEREST

None

3/13 MINUTES

RESOLVED: That the minutes of the meeting of the Panel held on 29 April 2013 be approved.

Following a question from Councillor Bathurst in relation to 45/12, it was confirmed that the Crime and Disorder Overview & Scrutiny Panel had the previous evening discussed EMROs and late-night levies. The Chairman of the O&S Panel had requested further specific information be provided to the O&S Panel.

4/13 HACKNEY CARRIAGE DRIVERS' PETITION (DECISION) LP 01/13

The Panel considered the issue of the Hackney Carriage Drivers' Petition. The Hackney Carriage Drivers had written a letter dated 10 September 2013, signed by 137 drivers, which set out the drivers' concerns regarding the de-restriction of Hackney Carriage licences, the requirement of the livery on the vehicle, and restrictions on the age of saloon vehicles being used as Hackney Carriages.

Mr Yasin, represented the local taxi drivers and spoke to the Panel. Mr Yasin reminded the Panel that the policy of Hackney Carriages had recently changed and since the change approximately 75 new Hackney Carriage licences had been issued. It was noted that approximately 170 active licences were in use. In the past there had been a large demand for a licence which had caused a long waiting list.

However at the time of the meeting there were no applicants waiting for a licence suggesting demand had been met.

Mr Yasin stated that it was difficult for taxi drivers to make a decent living as there was not enough work for so many drivers. Also, there was not enough space on the taxi ranks due to the huge number of taxi vehicles. Due to the reasons stated above, Mr Yasin requested the Panel place a temporary ban on further licences being issued. Mr Yasin also suggested an independent survey should be conducted to give the Panel a true picture of the trade. It was confirmed that the taxi driving community would be willing to contribute towards the cost of such a survey.

Mr Yasin then discussed the RBWM livery policy. The policy required all Hackney Carriages had a white colour with both the boot and bonnet of the vehicle a pantone 259 colour. Vehicles must also carry the Council's logo on the side of the vehicle. Mr Yasin highlighted the difficulty of acquiring a vehicle suitable. The Panel was informed that white vehicles were difficult to obtain and spraying a vehicle white with a purple boot and bonnet incurred a cost of between £2000 and £3000 depending on the vehicle. Mr Yasin highlighted the fact that neighbouring boroughs had no such livery policy. Watford Borough Council had introduced a livery policy however it was later removed due to the cost being too expensive for drivers. Mr Yasin also stated that the council logo was too large for saloon vehicles and that a smaller one on the doors would be a preferable change which could be introduced for both Hackney Carriages as well as private hire vehicles.

Mr Yasin also requested that the current age policy be changed for saloon vehicles from 9 years to 15 years as vehicles such as Mercedes, BMW and Audis were still running well after 10 years. Mr Yasin requested this change in light of the rule for wheelchair access vehicles such as Fiat Doblo and Peugeot Partner which could remain in use for 20 years.

Prior to the meeting, the Chairman had agreed documents could be circulated to the Panel which evidenced what Mr Yasin stated. This included Autotrader search results showing limited availability of white saloon vehicles, garage invoices which evidenced the high cost of vehicle paint spraying, and an article from the Watford Observer which stated that Watford council had discontinued its livery policy.

The Panel thanked Mr Yasin for speaking to the Panel.

Alan Barwise, Licensing Manager, confirmed to the Panel that to reapply restrictions on licences for Hackney Carriages would require a Recommendation to Full Council. Furthermore, the matter was governed by s.16 of the Transport Act 1985 which required the council to show that there was "no significant unmet demand" if the Council wished to restrict taxi numbers. There was also a large amount of case law which considered this matter. It was confirmed that if the Council was to reapply

restrictions on licences, the Council would need to organise an independent survey to make sure there was no significant unmet demand. This would protect the Council if the matter went to judicial review. The independent survey would cost approximately £15,000.

Mr Barwise also discussed the issue of the livery. He displayed a photograph of the required livery to the Panel. It was stated that the petition asked for the complete removal of the livery or for the introduction of an annual advertisement fee. It was recommended by Mr Barwise that the livery was not an advertisement for the council, but rather an endorsement by the council on the reliability of the taxi. It was highlighted to the Panel that Thames Valley Police had requested the Panel consider the matter very carefully.

Mr Barwise informed the Panel of a recent situation which highlighted how the livery provided public protection. A woman had entered an unmarked vehicle having been informed that the vehicle was a taxi. However the vehicle was not a taxi and the woman was raped by the driver. Mr Barwise asserted that by retaining the policy on liveries, the public remained protected as taxis were identifiable and therefore people would not be placed in situations where they were vulnerable. Mr Barwise recommended retaining liveries on public protection grounds.

The officer also discussed the requirements regarding saloon vehicle age. Once a saloon vehicle reached 9 years of age, it could not continue to be used as a taxi and a new replacement had to be used. This was done in the interests of public safety. The taxi drivers' petition requested that this rule be amended to 15 years due to developments in engineering whereby vehicles were roadworthy for longer than when the policy was introduced. Mr Barwise confirmed to the Panel that he believed that 15 years was too great a jump from 9 years however he noted that it was for Councillors to decide. He also noted that vehicles could undergo two MOTs per year at the Council's new MOT garages if the age requirement was extended to include older vehicles.

The Panel thanked the officer for his summary.

The Panel discussed the Agenda item in three separate stages. First, the de-restriction of licences. Second, the removal of the livery. Third, the expansion of age restrictions on vehicles.

The Panel reconsidered the Panel's previous decision to de-restrict Hackney Carriage licences.

Councillor Hilton stated that the Council went through a long process of thought concerning de-restriction before deciding it was the right thing to do. It was apparent from the reduction of the waiting list from 400 to 0 that demand had been met.

Therefore a point of equilibrium had been reached. Furthermore the increase in Hackney Carriages had been mirrored by a decrease in private hire vehicles. For these reasons, Councillor Hilton believed the policy should not be changed back.

Councillor Tom Bursnall questioned the current demand for a licence. Mr Barwise informed the Panel that it was fairly balanced. 8 or 9 licences had been issued in the previous 6 months. Councillor Bursnall also questioned how many licences had been returned and Mr Barwise confirmed that no licences had ever been returned.

Councillor Grey expressed sympathy for the taxi drivers regarding the space available on the ranks in Windsor. The Councillor described the positioning of double yellow lines which limited the space available to taxi drivers and as a result drivers were sometimes unable to fit on the rank, or faced having to park illegally and received a fine.

Mr Barwise informed the Panel that an extra 23 taxi spaces had been provided in Maidenhead and a further 5 or 6 were to come. Furthermore, consultation had begun to increase the number of spaces in Windsor town centre by 20.

The Panel noted that 41 extra spaces would be available across the Borough by Christmas 2013/14.

The Panel discussed cost. It was noted that taxi drivers did not have to provide a new vehicle until their old vehicle became too old so there was no immediate cost. The Panel also noted that the taxi drivers had focused their concerns regarding costs on the price of BMWs and other vehicles considered prestigious, however it was within a taxi driver's power to purchase a cheaper saloon vehicle such as a Volvo.

Mr Barwise also confirmed to the Panel that the same graphics company who transfer the logo onto Council vehicles also provided the logo for hackney carriages and the price of this was included in the licence fee.

Councillor Penfold questioned how many vehicles were privately owned. Mr Barwise informed the Panel that all vehicles were privately owned, and anyone was entitled to apply for a licence including companies.

Councillor Bathurst informed the Panel that they should be concerned primarily for residents rather than taxi drivers. Ultimately the taxis were for the benefit of the residents and with that understanding, Councillor Bathurst believed that the Council should not restrict the number of licences, instead the market should decide how many taxis there should be. He believed that if a driver did not get enough work he could find a different occupation. Furthermore, he believed that taxis should compete for road space with all other vehicles as there was lots of competition for

the space from residents as well, therefore no further taxi spaces should be made available.

Councillor Tom Bursnall agreed with Councillor Bathurst that the free market should prevail. He noted that there was not a culture of 'hailing' a taxi, instead people knew where to go to find a taxi and as business therefore went to these areas, RBWM should consider building upon established sites, for example cutting into pavements to increase capacity. Councillor Bursnall believed the council ought not to metaphorically tie taxi drivers' hands behind their backs. It was also suggested that a new taxi rank could be built with a possible location being in close proximity to East Berkshire College.

Councillor Bicknell stated that he had hailed a taxi in a fashion similar to that which you would expect in London, contrary to what Councillor Bursnall had stated. He believed such a culture could be generated in time and that this would require liveries to make taxis identifiable.

Councillor Hilton believed both Councillors Bursnall and Bicknell made good points however he agreed with Councillor Bursnall that business for taxis migrated to specific areas where people knew to go for a taxi.

Councillor Luxton suggested private hire vehicles should display a safety sticker for identification and visibility purposes. It was confirmed that nothing was planned for such a policy to be implemented, however Mr Barwise stated that it was up to Members whether they wanted to change this.

Councillor Bathurst stated that it was not for the Council to guarantee work and salary for taxi drivers. People were free to choose what they did for an occupation and where to do it.

Cllr Hilton moved officer recommendation to make no change to current RBWM policy, thus Hackney Carriage licencing would remain de-restricted. This was seconded by Cllr Bicknell. This decision maintained the current policy and could therefore be made by the Panel and did not need to be referred as a Recommendation to Full Council. The Panel voted unanimously for Cllr Hilton's proposal.

RESOLVED UNANIMOUSLY: That RBWM maintain a policy of de-restriction on the number of Hackney Carriage Licences in order to allow anyone who complies with RBWM's existing Hackney Carriage Driver and Vehicle Policy and Conditions to apply for a Licence.

The Panel discussed whether to remove requirements that Hackney Carriages have a specific RBWM livery, or alternatively pay the drivers an annual advertising fee.

Councillor Bathurst stated that the look of the taxis was popular with residents and added to the town's aesthetic. Councillor Bathurst was of the opinion that taxi drivers knew the livery was required, therefore if they did not want to have the livery, they should not have become taxi drivers.

Councillor Bicknell declared an interest in 'vehicle wrapping' which used vinyl for vehicle wrapping. Councillor Bicknell stated that to wrap the boot and bonnet of a vehicle in vinyl was around £150 and therefore nowhere near as expensive as the taxi driving community had suggested. It was noted that only 40 taxi vehicles were of a saloon type. The taxi drivers who had a saloon vehicle were in a privileged position as anyone new obtaining a licence would be required to have a disabled access vehicle which would rule out a saloon vehicle. It was a requirement of this privilege that the vehicle be replaced after 9 years in the interests of public safety. Councillor Bicknell stated that the alternative was to buy a vehicle which had wheelchair access which was more expensive but was fit for purpose and had no age limit.

Councillor Cox questioned whether the police had provided any feedback on liveries. Mr Barwise stated that nothing had been received from the police regarding liveries however they had wished for vehicles to be identifiable.

Councillor Hilton stated that, rather than being an advertisement for RBWM on the taxi, the livery acted as a visual endorsement by the Council of the taxi, thereby assuring residents of the standard of the taxi. For this reason Councillor Hilton was keen to retain the liveries.

Councillor Bathurst moved officer's recommendation to maintain the current RBWM policy regarding a livery, thus Hackney Carriages would continue to require the RBWM livery in the manner displayed in the photograph presented to the Panel at the meeting by Mr Barwise. This was seconded by Councillor Hill and agreed in a unanimous vote.

RESOLVED UNANIMOUSLY: That RBWM maintain a policy of requiring a livery on all Hackney Carriages licensed by RBWM in the current format, as displayed in the photograph presented during the Panel meeting.

The Panel discussed whether to amend the Hackney Carriage Policy and Conditions to allow Saloon Hackney Carriage Vehicles to be licensed to a maximum of 15 years from date of first registration, instead of existing 9 years.

It was confirmed to the Panel that saloon type vehicles had to be replaced when they reached 9 years old. However officers had a discretion to grant a licence for a further year should the vehicle be a prestigious vehicle and in exceptional condition. It was

noted that officers rarely used such discretion to maintain the relevance of the standard required by Members.

The Panel questioned whether this could be increased. Mr Barwise replied that these vehicles had high mileages and public safety was paramount, however if vehicles received two MOT certificates per year after the 9 years concluded, he could not object to the extension of the timespan.

Councillor Bursnall suggested meeting the taxi drivers half way on their request by increasing the number of years from 9 though not necessarily to 15 years.

Councillor Hilton noted that the economics of keeping an old vehicle would make sure only vehicles that were very well maintained would remain on the road.

Councillor Bicknell reminded the Panel that it was in taxi drivers' interests to look after their vehicles as it was their livelihood. Therefore the condition of the vehicles was usually kept high.

Councillor Bursnall moved to create a compromise whereby Saloon Hackney Carriage Vehicles could be licensed for 9 years as long as they had a MOT and received a certificate of compliance once a year. Then, Saloon Hackney Carriage Vehicles could be licensed between 10 and 12 years as long as they had an MOT and received a certificate of compliance every six months. Beyond 12 years, prestigious vehicles of exceptional quality could continue to be licensed for an extra year or longer at the discretion of the licensing officer. These proposed arrangements were to extend to saloon private hire vehicles as well. This was seconded by Councillor Grey. The motion was passed in a named vote, ten Councillors voted for the motion (Councillors Bicknell, Tom Bursnall, Cox, James Evans, Grey, Hill, Hilton, Luxton, Majeed, Penfold) one Councillor voted against (Councillor Bathurst).

RESOLVED UNANIMOUSLY: That RBWM Hackney Carriage Policy and Conditions and Private Hire Vehicles Policy and Conditions be amended to change the maximum permissible age of saloon vehicles to 12 years, so long as after 9 years licensed vehicles receive an MOT every 6 months. Also, a discretion be maintained by Licensing Officers to licence prestigious vehicles of exceptional quality that are beyond 12 years old for 1 or more years.

The Panel questioned whether the 6 year rule of purchase should be amended. It was agreed that this matter would be discussed at the next meeting.

5/13 DATES OF FUTURE MEETINGS

Members noted the following dates of scheduled future meetings:

14 January 2014

15 April 2014

6/13 MEETING

The meeting, which began at 6.00pm, ended at 7.15pm

Chairman.....

Date.....

