

## LICENSING PANEL

14 JANUARY 2014

PRESENT: Councillors Asghar Majeed (Chairman), Jesse Grey (Vice-Chairman), Philip Bicknell, Carwyn Cox, James Evans (substituting), John Fido, Geoff Hill, David Hilton and Sayonara Luxton.

Officers: Alan Barwise, Robert Cowan, Steve Johnson and Roxana Khakinia.

### PART I

7/13 APOLOGIES FOR ABSENCE

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

8/13 DECLARATIONS OF INTEREST

None

9/13 MINUTES

**RESOLVED: That the minutes of the meeting of the Panel held on 5 November 2013 be approved.**

10/13 AMENDING RBWM'S HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

The Panel considered the issue of amending the RBWM Hackney Carriage and Private Hire penalty point system.

Mr Steve Johnson, Trading Standards and Licensing Manager, introduced the report which was described as a first stage report. Members were informed that they did not have to make any significant decisions at that stage. The report recommended Members allow officers to begin consultation with the trade about changes to the penalty points system so as to include parking infringement.

Councillor James Evans noted that he had encountered concerns regarding the problems of parking infringement in his capacity as Vice-Chairman of the Windsor Town Partnership. He stated that, because of this, he was in favour of the recommendation.

Councillor John Fido expressed concern that the recommended changes might conflict with the relaxation of licenses. The relaxation meant that a higher number of

taxi vehicles were on the road. As a result, more taxis would try to get onto the ranks which would potentially lead to greater parking infringements and the proposed changes sought to penalise that more stringently. Mr Johnson advised that it was inevitable that if licenses were de-restricted that the number of taxis would go up. It was noted that officers were looking at means of relieving this problem.

Councillor Geoff Hill confirmed that he was in favour of the recommendation. Councillor Hill highlighted the problems faced on Ludlow Road. Officers agreed that Ludlow Road as well as Windsor Town Centre were of concern regarding traffic infringement. Mr Alan Barwise, Licensing Manager, informed the Panel that the Head of Parking had provided a parking ban which meant anyone who parked for any reasons would be given a ticket. The scheme was described as a success with a massive drop in people parking at the worst time periods.

Councillor David Hilton noted that the number of licences issued had stagnated. Councillor Hilton also noted that, to give the taxi drivers a fair playing field, the Council should support the taxi drivers by implementing all the new ranks before bringing parking infringements into the penalty point scheme.

Councillor Sayonara Luxton sought confirmation that the penalties would cover parking infringements generally and not just in the taxi ranks. Mr Johnson stated that this would be considered in the consultation and ultimately would be for Members to decide after the consultation was completed. However officers thought it was likely that the penalties would cover parking infringements generally.

Councillor Philip Bicknell was of the opinion that taxis should provide a high quality service for residents and visitors to the Borough, and he believed the vehicles used should be clean and undamaged. Mr Barwise informed the Panel that the MOT garages were stringent regarding the standards of the vehicles. Not only did they complete the MOT but also considered the standard of the vehicle generally, for example making sure they had the correct equipment such as a fire extinguisher and a first aid kit. Therefore taxi drivers were aware of the high standards expected of them and the Council was heading towards the type of regime Councillor Bicknell described.

Councillor Jesse Grey informed the Panel of his support for the recommendation, describing it as a deterrent for inconsiderate parking. He noted it was good to get the message out.

Councillor Asghar Majeed questioned whether the drivers were given an instant ticket or if there was a five minute grace period. Mr Barwise confirmed that tickets would be issued instantly on Ludlow Road.

Councillor Carwyn Cox stated that he agreed with the general principle of the recommendation. He was keen to see implementation be effective and fair for all the taxi drivers.

Councillor Bicknell explained that the focus of the Council should be the convenience of residents and visitors who use the taxis, rather than the taxi drivers themselves.

Councillor Cox highlighted the reality of being a taxi driver, describing the occupation as self-employed and requiring drivers to take the rough with the smooth.

Councillor Hilton stated that if there were not enough spaces on the ranks taxi drivers could drive around. The fact that taxis were highly recognisable due to their liveries meant that people would start to hail a cab when they saw them in the street which was the type of culture the Council wanted to cultivate as it would alleviate the pressure to gain a space on the ranks.

Councillor Hilton moved officer's recommendation and Councillor Luxton seconded the motion. The Panel voted unanimously in favour of the motion.

**RESOLVED UNANIMOUSLY: The Interim head of Public Protection consult with the trade about adding waiting, other than on a Hackney Carriage rank, to the list of infringements covered by the penalty points system. A report on the results of the consultation will come before the next Panel.**

## 11/13 DOOR SIGNS FOR PRIVATE HIRE VEHICLES

The Panel considered the issue of door signs for Private Hire vehicles.

Mr Johnson introduced the report which was described as a first stage report. Members were informed that they did not have to make any significant decisions at that stage. The report recommended Members allow officers to begin consultation with the trade about implementing a requirement for Private Hire vehicles to have signs on their doors in the interest of public safety.

Mr Barwise presented the Panel with two potential designs for the signs which were both approximately 35cm x 20cm [*see below*].

Councillor Luxton questioned how the requirement would be implemented on a practical level, asking, as an example of possible practice, would drivers be called in to a Council facility where the sign was fixed to the vehicle and then charged for the service.

Mr Johnson stated that such details were for Members to decide upon at a later stage. Mr Barwise informed the Panel that the plate number would be included on the sign so it was identifiable from the side of the vehicle. It was highlighted that the door signs were for Private Hire vehicles which could only be pre-booked. Taking a fare that was not a pre-booking constituted an offence under s.167 of the Criminal Justice and Public Order Act 1994.

Councillor Bicknell agreed with the proposal however expressed a dislike for the green colour used on the potential designs. Councillor Bicknell stated he would prefer the signs used the 259 colour used on the Hackney Carriages for consistency. Mr Barwise explained that the green colour had been purposely used to contrast with the 259 colour used on Hackney Carriages to highlight the difference between the two types of taxi.

Councillor Bicknell sought confirmation regarding the use of vehicles as mini-cabs. Mr Barwise confirmed that a vehicle could be used as a mini-cab and also as a private vehicle however only the licensed driver could use the vehicle for either business or personal use, as was stated in the High Court decision in the case of *Benson v Boyce* (1997).

Mr Barwise noted that there might be resistance to the recommendation from companies who offer Executive Corporate Hire. It was noted that such companies will not want to attach signs to expensive vehicles such as limousines. Mr Barwise stated that the recommendation was to improve public safety and as executive vehicles were hired by companies rather than individuals and were unlikely to be on the roads at night picking up numerous fares, giving such companies an exception to the rule would not conflict with the principle behind the recommendation.

Councillor Cox noted that the recommendation offered fairness to Hackney Carriage drivers. Also, the consultations would offer the Executive Corporate Hire companies the opportunity to raise their concerns. However Councillor Cox believed this issue was ultimately about public safety and thanked Councillor Luxton for bringing about the initial idea for door signs on Private Hire vehicles.

Councillor Luxton questioned whether the Penalty Points System would be updated to include the use of the door signs once implemented. Mr Barwise agreed the system would need to be updated.

Mr Barwise stated that the signs cost £4.45 each, however as he would be purchasing these in bulk he was confident he could get a good discount. Mr Barwise suggested that the cost would be in the region of £7000 per year.

Councillor Majeed questioned whether magnetic signs were a possible alternative however Mr Barwise stated that this would be a more expensive option.

Councillor Bicknell informed the Panel that if £7000 stopped a rape from occurring he was happy for that to be paid for by the Council. Councillor Bicknell stated he was not in favour of the Council charging taxi drivers for the signs.

Councillor Cox suggested the magnetic signs might be a possible option for Executive Corporate Hire vehicles, which could be made available at an extra cost thereby offering flexibility.

Councillor Majeed questioned whether the consultation would include both Private Hire and Hackney Carriage trade. Councillor Majeed noted that Private Hire drivers were usually consulted on changes to the rules for Hackney Carriages and therefore it seemed fair that the Hackney Carriage drivers be included in the consultation regarding Private Hire.

Councillor Bicknell moved the recommendation with a proposed change so as to include both the Private Hire and the Hackney Carriage trade in the consultation as opposed to just the Hackney Carriage trade as was the report's recommendation. Councillor Luxton seconded this change. The Panel voted unanimously in favour of the motion subject to Councillor Bicknell's change.

**RESOLVED UNANIMOUSLY: That the Interim Head of Public Protection be authorised to consult with the Private Hire and Hackney Carriage trade about the proposal to have door signs for Private Hire vehicles and to then report back to the next meeting of the Licensing Panel in April 2014.**

12/13 DATES OF FUTURE MEETINGS

Members noted the following date of the scheduled future meeting:

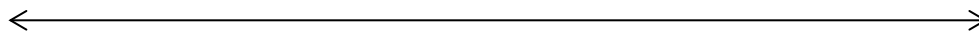
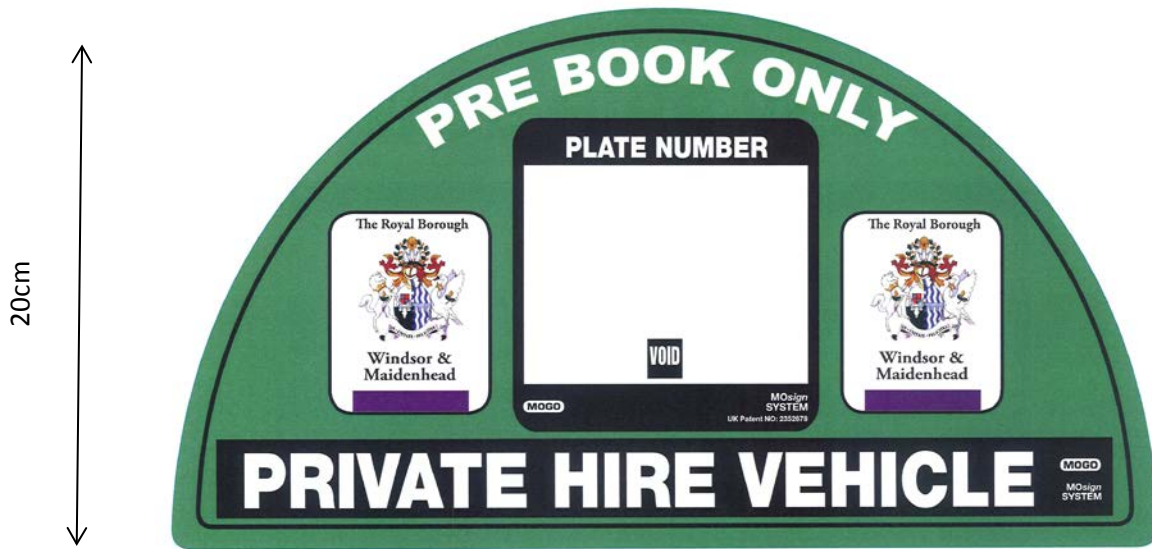
15 April 2014

13/13 MEETING

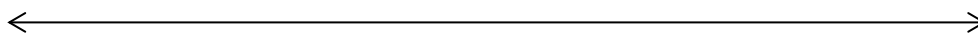
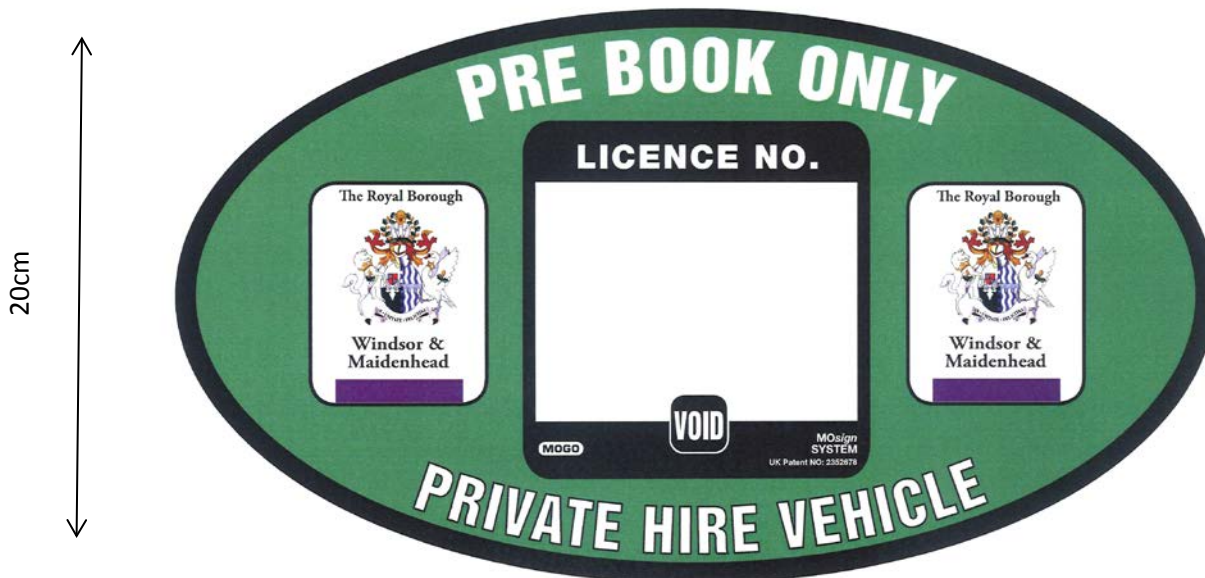
The meeting, which began at 6.00pm, ended at 6.45pm

Chairman.....

Date.....



35cm



35cm