

## LICENSING PANEL

MONDAY, 16 JANUARY 2017

PRESENT: Councillors Jesse Grey (Chairman), John Bowden, John Collins, David Hilton, Maureen Hunt, Derek Sharp, Julian Sharpe, Adam Smith and Derek Wilson

Also in attendance:

Officers: Shilpa Manek and Greg Nelson

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Alexander, Bhatti, Burbage, Hollingsworth and Richards. Councillor Derek Wilson was substituting.

### DECLARATIONS OF INTEREST

No Declarations of Interest received.

### MINUTES

Minutes of the last meeting, **Unanimously Agreed.**

### DEPOSIT PAYMENTS FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE - APPLICATION AND RENEWAL APPOINTMENTS

Greg Nelson, Trading Standards & Licensing Lead, introduced the report explaining that a number of pre-booked appointments are not completed due to either the driver failing to attend, is late or fails to present the correct documentation.

The recommendation is to introduce a deposit payment scheme for appointments so as to raise the percentage of appointments attended and completed.

The Chairman highlighted that no show of drivers for pre-booked appointments was wasting officer time.

Mr Yasin, representative of the taxi association explained that the process was dated and the officers did not need to see the driver, all processes should be carried out online, this would save time.

Greg Nelson explained that the onus was on the driver to complete the paperwork, officers were always on hand to assist, and that there was a need to see the drivers in person to confirm their identity and see the originals of their paperwork. There was a high number of drivers and the high turnover in the borough so officers always want to meet the drivers and keep a line of communication.

Councillor Hunt thought the suggested scheme was excellent and was very supportive of the proposal.

Councillor Sharp was generally supportive of paperwork submitted before the meeting, however, Greg Nelson explained officers did not want to have the additional task of

holding the paperwork and checking it. This could be checked at the meeting and immediately returned to the driver. Councillor Sharp asked for clarity on the latest time a driver could cancel an appointment without losing their deposit and what documents were required. Greg Nelson suggested that 48 hours notice was a reasonable time to cancel without the driver losing the deposit but this would be discussed with the drivers. The documents included the drivers licence, mot certificate, insurance details and a compliance certificate.

Councillor Hilton suggested that the Chairman review the document that is sent to drivers which list the documents to ensure that it is clear. Councillor Hilton asked if it was necessary for the driver to attend the town hall to meet officers. Councillor Hilton also felt that a 50% deposit was too high and suggested a tariff system.

**ACTION: Chairman to review the document sent to drivers.**

Councillor Bowden was supportive of the suggestion of the deposit but felt that 50% was too high. Councillor Bowden suggested a trial period for six months.

Councillor Wilson felt it was important for the driver to attend meeting with the officers as the borough could validate any changes since the original appointment, especially as the paper version of the drivers licence was no longer issued. Councillor Wilson was supportive of the report but felt that the 50% fee element was too high and suggested a fee between 30 – 50%. If the fee was too low, the drivers would continue not to turn up for the meetings.

Councillor Smith suggested that there was an explicit reference to the refund of the deposit to make it very clear for drivers.

**Councillor Hilton proposed that the introduction of a deposit payment system amounting to 30% of the cost of the licence being applied for, for licence application and renewal appointments for hackney carriage and private hire drivers, vehicles and operators. For any charges that were below £50.00, the deposit would stay at 50%. And the documentation to include the 48 hours reference. This was seconded by Councillor Hunt and unanimously agreed by the Panel.**

## AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AND CONDITIONS - PENALTY POINTS

Greg Nelson, Trading Standards & Licensing Lead, introduced the report explaining that licensing officers have the power to impose penalty points on private hire vehicle (PHV) and hackney carriage drivers for a range of infringements. This report seeks to add to this list of infringements so that several illegal and anti-social parking and waiting activities can be dealt with quickly and effectively.

Councillor Sharpe commented on the impressive list at appendix A and asked how many penalty points were actually imposed. Greg Nelson responded that zero had been imposed in the last year, since he had been responsible as informal ways to inform drivers had been used previously. However, Greg Nelson felt that this needed to change as residents were complaining about irresponsible parking by taxis.

Other points discussed included:

- Licensed drivers only to drive hackney carriage vehicles.
- Complaints only actioned with evidence.
- Sometimes complaints out of the borough's jurisdiction so police to be alerted to take action.
- Taxi's stopping at bus stops and disabled bays.
- After 12 points, driver could lose their licence, however, drivers could appeal.

**Councillor Bowden proposed to go ahead with the officers recommendation that Members give authority to the Head of Consumer Protection and Enforcement Services to consult with the trade and other interested parties about adding the infringements listed in Appendix B to the Penalty Points System in the RBWM Hackney Carriage Driver and Vehicle Policy and Conditions and the RBWM Private Hire Driver and Vehicle Policy and Conditions. A report on the results of the consultation would come before the next Licensing Panel in April 2017. This was seconded by Councillor Sharp. The Licensing Panel unanimously agreed.**

#### DEALING WITH NON-USE OF TAXIMETERS BY HACKNEY CARRIAGE DRIVERS

Greg Nelson, Trading Standards & Licensing Lead, introduced the report explaining that RBWM hackney carriage drivers are legally permitted to take a fare starting within but ending outside the Borough without using the taximeter as long as a set fee is agreed with the customer at the start of the journey. Fares starting and ending within RBWM can also be conducted without using the taximeter, but in these cases it is illegal for the driver to charge more than would have been charged had the meter have been used.

Complaints have been received indicating that some hackney carriage drivers are going "off meter" within the Borough to deliberately overcharge the customer. Licensing officers have the power to impose penalty points on a hackney carriage driver for a range of infringements. This report seeks to add to this list of infringements the non-use of taximeters by hackney carriage drivers within RBWM where there is evidence to believe that this has been done for the deliberate purpose of overcharging the customer.

Mr Yasin, representative of the taxi association explained that these issues mainly came about at times of events, especially at Ascot Racecourse.

Councillor Bowden suggested having a taxi marshal present on during Ascot Race days. Councillor Sharpe asked how does the passenger know what the fare would have been if the meter is off.

Mr Jaffri, professional driver, said there are two issues that are of concern, passengers want the meter off at the end of an evening out and get aggressive if the meter is kept on. Another issue is non payment, at night, drivers ask for the fare up front as passengers flee without paying. This is very difficult at times.

Councillor Hilton asked if a passenger could insist that a meter be put on and was advised that they could.

The Chairman summed up the discussion, advising Members that legal advice had been taken and the advice was that making it compulsory to use the meter would be open to legal challenge as this would be more stringent than national law.

**Councillor Hilton moved the officers recommendation that Members give authority to the Head of Consumer Protection and Enforcement Services to consult with the trade and other interested parties about adding to the RBWM Hackney Carriage Driver and Vehicle Policy and Conditions Penalty Points System the non-use of the taximeter by a hackney carriage driver for journeys within RBWM, where the purpose of not using the taximeter can be shown to be to overcharge the Customer. This was seconded by Councillor Hunt and agreed unanimously by the Panel.**

**Councillor Hilton also suggested that officers look to having fixed, visible tariffs for Ascot. Members agreed this unanimously.**

DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be 4 April 2017.

The meeting, which began at 6.00 pm, finished at 8.00 pm

CHAIRMAN.....

DATE.....