

Licensing Committee – 2 March 2016

Present: Councillor Miss Durdan (Chairman)
Councillor James (Vice-Chairman)
Councillors Brown, Davies, Mrs Edwards, Gage, Mrs Gunner, Hunt, Mrs Lees,
Morrell, Nicholls and Sully.

Officers: John Rendell (Licensing Manager), Alison Evens (Licensing Officer), Mark Banczyk-Gee (Licensing Officer) and Emma Hill (Democratic Services Officer)

Other: Councillor Berry
Councillor Lillis - Chairman of Licensing Committee, West Somerset Council

(The meeting commenced at 6.15 pm)

1. Apologies/Substitution

Apologies: Councillors Mrs Adkins and Ross.
Substitution: Councillor Morrell for Councillor Ross.

2. Minutes

The minutes of the meeting of the Licensing Committee held on 18 November 2015 were taken as read and were signed.

3. Declarations of Interest

Councillor Hunt declared a personal interest as a member of Somerset County Council.

4. Licensing Update Report

Considered report previously circulated, which provided an update on the activities of the Council's Licensing Team, changes to legislation, current consultations and other general Licensing matters.

Since the last meeting of the committee, John Rendell had been appointed as Licensing Manager and Mark Banczyk-Gee as Licensing Officer.

The performance of service was measured against the number of applications that had been determined within 14 days of receipt and this target was 95% within the timescale. 71% of applications had been determined within the timescale. Although the service had not achieved its target for quarter three, this did represent an improvement of 11% on quarter two.

The Licensing Team had launched a 'duty assistant/officer' rota in December to look to improve customer service, staff diary management and overall performance of the service and statistics for December had shown a further improvement, with 80% of applications determined within the timescale. The aim was to achieve the performance target for quarter one of the 2016/2017 financial year.

The team had now reduced the total number of incomplete activities to 136, with 61 left of the original isolated backlog. The number of incomplete activities would never realistically reach zero, due to regular submissions of applications, which could not legally be determined right away.

Noted that an independent inquiry into Child Sexual Exploitation (CSE) cases, had highlighted “significant concerns” that taxi and private hire vehicles had been used to transport victims, with young people being collected from outside schools, bus and railway stations and care homes and then returned.

Taxi drivers were key to identifying CSE as they might come into contact with children or young people who were being transported by the perpetrator, by taxi.

To support the work of the Somerset Local Safeguarding Children Board CSE Strategic Group a new guide had been developed to help taxi and private hire vehicle drivers identify the signs of CSE and understand how and where to report it.

The guide was circulated to Members and would be introduced to the taxi and private hire trade at a future meeting of the ‘Taxi Forum’ and would also be developed into a more compact, user friendly leaflet.

Members were provided with a comparison of the number of applications received between October and December 2015 for the preceding two years and a summary of the numbers of licenses in force and notices given as at 9 February 2016.

The application numbers during this period remained fairly similar in number to that period in the preceding two years, with the exception of taxi and private hire related applications. Although interest from out of area drivers had reduced since the implementation of the Out of Area Driver Policy last August, there were many out of area applicants still attempting to renew licences. Five licences had been refused during this period on the grounds that the applicants had been unable to provide evidence to support working as a hackney carriage/private hire driver in Taunton Deane.

Members were also provided with the numbers of service requests received by the service between October and December 2015, compared with the previous two years.

There were significantly more service requests recorded in 2015 due to a combination of improved record keeping and an increase in complaints against hackney carriage and private hire vehicles and drivers. 35 of the 39 service requests in 2015 related to complaints against hackney carriage and private hire vehicles and drivers.

During the discussion of this item, the following points were raised:-

- With regard to CSE the drivers were being encouraged to report any possible incidents of CSE to multi-agency partners tasked and trained to investigate these cases and observations.
- Members expressed that this might apply undue pressure upon taxi drivers. Officers accepted this was a valid concern surrounding pressure to identify and report suspected incidents with their limited knowledge.

- Members suggested that this should be widened to encourage the reporting of all crime by drivers and operators and they should be issued with a confidential contact number to report such crimes.
- Could service performance data be widened to encompass data from each quarter within the financial year as well as comparisons to entire previous years?
- Clarification was sought as to how the department ensured that the Licensing Officer kept up to date with current legal thinking, common laws and statutes and what resources had been made available for this. Reassurance was given that regular updates on changes to the existing law and new case law were provided and officers had the opportunity to attend relevant training courses.

Resolved that the report to be noted.

5. Report on Hackney Carriage Vehicle unmet Demand Survey

Considered report previously circulated, concerning the proposal for the commission of a Survey about the unmet demand for Hackney Carriage Vehicles.

Through meetings of the 'Taxi Forum', the Hackney Carriage and Private Hire trade had put forward a number of proposals, which included introducing a limit on the numbers of Hackney Carriage vehicles licensed by the Council.

The qualitative and quantitative data that would be gathered from the commissioned survey would be used as part of policy review and development.

The Taxi Forum had met irregularly since 2012 and a number of key recurring issues had been raised and had become prominent in meetings of the forum held since August 2015.

In 1998, the Council removed a restriction on the number of Hackney Carriages that could be licensed to operate in Taunton Deane, enabling an increase from 63 vehicles. This number rose to 140 in April 2009 and currently stood at 204.

Representatives at the Taxi Forum and members of the trade in general agreed that the provision of Hackney Carriages outweighed demand, opinion as to whether Hackney Carriage numbers should be limited was divided, with many concerned that a restriction would not allow existing businesses to grow.

Also in 1998, the Council decided to introduce the requirement that all new Hackney Carriage vehicles must be wheelchair accessible.

The decision to introduce an accessibility requirement was made in response to Central Government policy current at the time. However the Government had abandoned this policy prior to 2005 and to this current day, there was no definitive proposal to introduce a requirement for all Hackney Carriages to be wheelchair accessible.

Vehicles that were adapted to carry wheelchairs were naturally higher in price than those, which were not. Officers were also aware of anecdotal evidence from members of the trade and members of the public, which pointed to wheelchair accessible vehicles being difficult to access for people with non-wheelchair based mobility issues, particularly the elderly.

It was understood that demand for saloon style vehicles outstripped that of wheelchair accessible vehicles, due to the demographic of users and that as a result, only those within the trade who operated protected saloon style Hackney Carriages had access to this market.

Reported that there was concern that the current vehicle specification policy might not be adequately meeting the needs of the travelling public, nor was it providing members of the trade, current and new, with equal business opportunities.

To establish the existence or otherwise of unmet demand and at the level at which numbers could be restricted, usual practice was for an initial survey to be taken, to then be repeated at regular intervals (every three years).

As well as establishing the level of demand for Hackney Carriages so that the Committee could consider whether restricting the number of licensed vehicles was appropriate, such a survey would also provide other qualitative and quantitative data on demand for Hackney Carriages by wheelchair users, behaviour of drivers and members of the public at taxi ranks and perceptions of the trade from service users. This would help to review and develop, where appropriate, other areas of Hackney Carriage and private hire policy.

It was anticipated that such a survey would take around three months from commission to production of the survey report.

The results of the survey would not bind the Council, should no unmet demand be established. It was intended that the results the survey would be used to inform discussion and the review of Hackney Carriage and private hire related policy.

During the discussion of this item, the following points were raised:

- Would the Council have to wait for any Government decision before making a policy change regarding the types of taxi vehicles and restricting their numbers? The Committee would have to be mindful of this when looking at the results of the survey but there was no information or timescale from the Government about the possibility of new legislation and there had been no clear direction from the Government since 2005.
- Was there anything Licensing could do to restrict or prevent Taxi Drivers and Operators being able to sell on their vehicles with the license plates at a substantial cost? The current legislation allowed this to happen.
- Could West Somerset Council (WSC) 'piggy back' on the proposed survey – that is for the survey to cover the WSC district as well?
- Members were informed that the possibility of a joint survey would be investigated and, if considered sensible, would be presented to the WSC Licensing Committee for approval.
- Members were informed that the proposed survey was an additional project for the service but it would be commissioned to an outside company and the additional cost of the survey would be met by future Licensing fee setting and not from the General Fund.

Resolved that the commissioning of an Unmet Demand Survey on the Hackney Carriage Vehicles be approved.

6. Report on Proper Business Accounting by Hackney Carriage and Private Hire Vehicle Drivers and Operators

Considered report previously circulated, concerning an update on the work of the Licensing service following calls from the Hackney Carriage and private hire trade to clamp down on drivers and operators who evaded tax.

This issue had been explored at length at recent Taxi Forums and a number of proposals, had been discussed. There were already existing channels that allowed members of the public to report tax evasion directly to Her Majesty's Revenues and Customs (HMRC). Some members of the forum felt that, rather than report intelligence or evidence of crime to HMRC, to prevent crime, the Council should require drivers and operators to demonstrate proper business accounting, which included payment of VAT before they received a licence.

Before the Council could grant or renew a licence to a Hackney Carriage/private hire vehicle driver or private hire operator, it must be satisfied that the applicant was a 'fit and proper person'. It was arguable that the Council could require an applicant to demonstrate proper business accounting as an element of the 'fit and proper' decision making process.

Any proposal to require applicants to demonstrate proper business accounting would have the potential to increase costs to be recovered through the fees levied for grant and renewal applications for drivers and private hire operators. However, the discussions between both the Forum and the Council had focussed on proposals which might deliver the desired outcome but with minimal time expenditure.

One such proposal was that upon applying to renew a licence, an applicant must provide a 'Unique Tax Reference' (UTR) number, which identified an individual as a self-employed tax payer. It was proposed that this information could then be provided to HMRC.

Representatives of HMRC had been in contact with the Licensing Manager with a view to holding a meeting to discuss the risk of non-compliance with tax paying requirements amongst the licensed driver population and the potential for data sharing. It was anticipated that this meeting would take place in March.

A further report with an update and full set of recommendations would be presented at the next Licensing Committee meeting.

Resolved that the report be noted.

(The meeting ended at 6.50 pm)