

Licensing Committee – 28 September 2017

Present: Councillor Miss Durdan (Chairman)
Councillors Mrs Blatchford, Brown, Davies, Gage, Mrs Gunner, Mrs Hill, Hunt, James and Morrell.

Officers: John Rendell (Licensing Manager), Fern Avis (Licensing Officer) and Clare Rendell (Democratic Services Officer)

Other: Councillor Berry

(The meeting commenced at 6.15 pm)

19. Apologies

Councillor Mrs Lees

20. Minutes

The minutes of the meeting of the Licensing Committee held on 13 June 2017 were taken as read and were signed.

21. Public Question Time

Item 6 Hackney Carriages in Taunton Deane

Mr Robin Colclough, owner of Scorpio Cars, had been a licensed taxi driver in the Taunton area for 24 years and was the last operator to purchase a Hackney Carriage licence from another company before deregulation happened in 1998.

The Council had to deregulate because there was significant unmet demand at the time the survey was carried out. He believed the period that they carried out the survey was not appropriate as it was done in the two weeks that led up to Christmas.

Now another survey had been carried out and clearly demonstrated that there was no unmet demand. Taxis were stacked along every rank in the area without any work and yet the report suggested that the Council had decided not to regulate again.

There had been a significant increase from 63 to 200 licensed vehicles and in the last three months of June, July and August, another 15 had applied. The Taxi Forum had requested a moratorium because there was concern that if a cap was imposed, a premium would be placed on existing licences and there would be a rush of applications. There was not enough demand to supply work for all the vehicles. Taxi drivers had to work longer than they ever had to. He requested a temporary cap to try and calm the situation down. There was no unmet demand.

Mr Mike Davis, owner of A1 Ace Taxis, had been trading for nearly 10 years in the area. He took a different view because his firm worked slightly differently to independent traders.

He did not want the survey to be carried out. His concern was that the independent taxi firms were not set up to pay income tax. He had been requesting for a long time that the Council ensured that taxi drivers were declaring their tax and he believed

that several firms were not set up for VAT and did not have proper accounting in place.

If the Council wanted to regulate the trade, they needed to make sure it was an honest trade and that businesses were set up correctly to pay tax and prevent the facilitation for tax evasion. As a government body, the Council should ensure that traders paid their tax correctly. This would make sure drivers were fit and proper people to hold a licence.

22. Hackney Carriages in Taunton Deane

Considered report previously circulated, which requested Members to consider whether or not the number of Hackney Carriages operating in the area should be limited by the Authority.

The Town Police Clauses Act 1847 gave Local Authorities the power to licence Hackney Carriages to operate in their District.

A Hackney Carriage or 'taxi' as they were now more commonly known, could be categorised as a vehicle which:-

- a) Had eight or less passenger seats;
- b) Was provided, for hire or reward, with the services of a driver; and
- c) Could ply for hire. For example, wait on a taxi rank for a fare or hailed by members of the public.

Local Authorities could also licence private hire vehicles. These were vehicles that met the criteria described in points a) and b) but could only be used for pre-booked fares.

Section 16 of the Transport Act 1985 gave Local Authorities the power to limit the number of Hackney Carriages it licensed to operate in its area. It allowed a Local Authority to refuse to grant a Hackney Carriage vehicle licence for the purposes of limiting the number of vehicles, provided the Authority was satisfied that there was no significant unmet demand for the services of Hackney Carriages.

It had become standard practice that Local Authorities carried out 'unmet demand' surveys when they considered whether to limit the number of Hackney Carriages.

The Office of Fair Trading (OFT) had conducted a market study of Hackney Carriage and private hire licensing in 2003. It had specifically looked at the quantity restrictions on Hackney Carriages.

In the report they had concluded that quantity restrictions did not serve the public due to:-

- A longer wait for taxis;
- Less suitable alternative transportation to taxis being used;
- Shortage premiums on taxi vehicle licences;
- Councils maintained long waiting lists for those that wanted to acquire a Hackney Carriage vehicle licence.

The OFT had recommended that Section 16 of the Transport Act 1985 was repealed so that Local Authorities could no longer maintain quantity restrictions, but this had not been acted upon.

The Department for Transport (DfT) had published its 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' in March 2010.

The DfT stated that they regarded best practice that Local Authorities adopted was not to restrict the number of Hackney Carriages they licensed. The DfT stated that where restrictions were imposed, the DfT would urge that the matter should be regularly reconsidered and that the matter should be approached in terms of the interests of the travelling public.

The increase in Hackney Carriage numbers since 2007 and the economic austerity in recent years had been noticeable, especially in Taunton Town Centre. This had affected Taunton's largest taxi rank at Corporation Street, which was often over capacity at peak times, with vehicles queued on double yellow lines, due to its proximity to the centre of town.

At the October 2015 meeting of the Taxi and Private Hire Trade Forum, trade representatives had had differing views on whether to limit vehicle numbers but when asked to vote, the majority of drivers were in favour of officers presenting a report on the matter at the next available meeting of the Licensing Committee.

For the Licensing Committee to consider whether Hackney Carriage numbers could be limited, it would first need to be satisfied that there was no significant unmet demand in the District. In order to evidence the level of demand the Licensing Manager first proposed the commissioning of an unmet demand survey at the meeting of the Committee held on 2 March 2016. Members of the Licensing Committee resolved to approve the recommendation.

The survey was undertaken and the final unmet demand survey report was published by CTS Traffic and Transportation on 27 February 2017 and subsequently shared with licensed drivers.

The primary result from the survey was that the level of unmet demand for Hackney Carriages in Taunton Deane was not significant, it was in fact well below the standard value that was used.

At the May 2017 meeting of the Taxi and Private Hire Trade Forum, licensed drivers were given the opportunity to fully discuss the results of the survey with officers. The feedback given at the meeting was negative on the whole. Some drivers questioned the validity of the survey and the methods used to collect the data.

A request was made on behalf of the Taunton Taxi Association for a moratorium to immediately halt new licences being issued to prevent a premium on new plates being capitalised. The Council decided not to implement the moratorium.

The DfT guidance recommended that where quantity restrictions were maintained, unmet demand surveys should be carried out every three years or less. The Licensing Manager was concerned that were a quantity restriction to be implemented and maintained, this would result in a significant amount of administration for the Authority, when the market could dictate the size of the fleet.

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

- The Licensing Manager clarified that although in the last three months 15 more applications had been received, the total number of applications compared with last year was less.
Members confirmed that the number of applications received was only slightly less than previous years.
- Concern was raised about the taxi ranks in the area and that they were overflowing into the road and causing traffic problems due to the taxi drivers who were illegally parked and appeared not to be penalised by the Highways Authority like other vehicle drivers were.
This was a legitimate concern and the Licensing Manager would need to work with Somerset County Council (SCC) to investigate whether additional taxi ranks could be added at other locations in the town. If the number of taxis was restricted this would not eradicate the problems on the taxi ranks.
- Members did not want to limit trade in the area.
- Members questioned if there was information on how many of the licence holders worked full time and part time. Not all taxis operated on a twenty-four hour, seven days a week timetable.
No data on operation time statistics was available.
- Concern was raised that if the number of licences was restricted, this would contradict the market economy and Members were not confident that there was enough data to make an informed decision.
- It was understood that some residents still had to wait several hours for a taxi, which evidenced that there was demand for the service in the area.
- Members queried the fees charged for the licences and requested whether they could be lowered.
The fees were set to cover the cost of the administration of the licences. The Licensing Department was not permitted to make a profit on the fees.
- Members queried whether the Licensing Department checked whether traders were registered to pay tax.
The Licensing Manager had brought a report to the previous Committee which had requested proof of proper accounting from taxi drivers.
- Members did not agree with a cap being placed on the number of taxi licences. Other trades did not have a cap on numbers. This created healthy competition and promoted good service. It was the Council's responsibility to licence correctly.
- Members requested that a report was brought to the next Committee meeting from SCC Highways on the options available for other taxi ranks in the area.
The Licensing Manager would do his best to accommodate the request, however, the decision to introduce additional taxi ranks fell with SCC and he could not guarantee that they would agree to provide more ranks.

Resolved that it be agreed that:-

- a) The Council continued to issue Hackney Carriage vehicle licences where valid applications were made; and
- b) A report on additional taxi rank allocation be brought to the next Committee meeting and if this was not possible, it would be added to the Forward Plan for another date.

23. Licensing Service Update Report

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

A summary of the activity and performance of the Licensing Service since the last meeting of the Committee was set out:-

- The performance of the Licensing Service was measured against the number of applications that were completed within 14 days of them being determined. The target was 95%.
- This target had been reached between 1 April and 30 June 2017.
- Members were provided with a comparison of the number of applications received between April and June 2017 for the preceding two years and a summary of the numbers of the licences in force and notices given as at 6 September 2017.
- Application numbers had increased across the various regimes since 2015, except for taxi and private hire vehicle, driver and operator licence applications, where there had been a decline.
- The numbers of service requests received by the service between April and June 2017, compared with the previous two years were also reported.
- Since 2015, the service had improved its record keeping, particularly with complaints and investigations.

A Taxi Driver had appealed to Taunton Magistrates Court which followed the revocation of his Hackney Carriage/private hire vehicle drivers licence by the Licensing Sub-Committee on the 31 January 2017. The appeal was heard on 19 June 2017. The Magistrates were able to view the footage of the incident and listen to the recorded interview with the Taxi Driver which was conducted by the Licensing Officer and Licensing Manager. The Magistrates had upheld the original decision made by the Licensing Sub-Committee and awarded the Licensing Authority half of its costs.

Hackney Carriage and private hire vehicle driver licences had recently been refused to and revoked from two men on account of them struggling to speak and comprehend the English language. It was important that drivers had a good ability to speak and understand English because they had to follow instructions from customers and for the driver's own safety that they could communicate effectively to be able to diffuse conflict.

The Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, more commonly known as the Taxi Handbook, was the Council's policy document for taxi and private hire licensing. The document had not been revised for many years until July 2017. Several parts had been amended and these were highlighted in the report.

The Licensing Team had met on 5 July 2017 in order to compile a service plan. The service had performed poorly in 2015 and had fallen behind with processing applications and customer enquiries. Whilst the service had performed well over the last year, the knock-on effect of the poor performance had meant that many policies and procedures, such as the Taxi Handbook, had not been kept up to date. The Licensing Manager was in the process of producing a draft service plan which would be shared with the Committee when it was completed.

During the refurbishment of The Deane House, the Licensing Team would be located in the John Meikle Room, along with Planning and Environmental Health.

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

- Members queried what was included in the knowledge test used for taxi licences and whether geographical knowledge could be included.
The Licensing Manager confirmed that geographical knowledge was not included but would be added to the Forward Plan work on the policy review.
- Members queried once a skin piercing licence had been issued, were periodic checks carried out on the licence holder?
The Council had adopted some by-laws that focused on hygiene, but there were no compliance tests. Health and safety checks were carried out by Environmental Health.
- Concern was raised that new policy documents required proof reading before they were published. There were some spelling and grammatical errors within the report that were highlighted.
- Members requested an update on the review on the Street Trading Consent Policy that had been requested at a previous meeting. Concern was raised on the increased number of stalls that had appeared in the town centre and that the Economic Development Team had allowed permission for certain traders to set up business without consent.
The decision to grant a licence fell with the Licensing Officers as part of their delegated decision authority. The Licensing Manager believed that the request made at the previous meeting was a review on the policy itself and not the way licences had been issued. He would discuss the policy with the Assistant Director for Business and Development and request that they attend the next Committee meeting.
- Members queried whether the licences listed had covered all of the categories of licences, because tattoo licences were not listed.
Tattoo licences were listed under skin piercing, but this could be changed on the report.
- The Licensing Committee praised the Licensing Manager and his team for their hard work.

Resolved that the report be noted.

24. Scrap Metal Dealers Policy

Considered report previously circulated, which provided a new document for an approved manner in which the Council would deal with all matters that related to scrap metal dealers.

Recently an application for a scrap metal dealer's licence had gone to the Licensing Sub-Committee, where it had become apparent to Members that they did not have any guidance in respect of the options that were available to them for such applications.

The Scrap Metal Dealer's Act 2013 covered the procedure to apply, vary or appeal a scrap metal dealer's licence, however, it could cause confusion for practitioners and Members.

A new policy document had been compiled which set out what any person who applied for a scrap metal dealer's licence or collector's licence could expect. The policy covered definitions and procedures to be adopted should matters go to a Sub-Committee again.

The policy also explained on what basis an applicant or holder of such a licence would be judged to be a fit and proper person.

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

- The Licensing Committee was pleased that a policy had been introduced.
- Members requested clarification on the difference between the Collectors and Site Licences.
The Collectors Licence was for a 'man with a van' to come and collect and the Site Licence was for a scrap yard. The Environment Agency also made checks on scrap metal dealers.
- It was questioned if collectors could go out of the area that had granted their licence to trade.
Collectors could only collect from within the area they were licensed for.
- Members queried whether reclamation yards and recycling centres required a scrap metal dealer's licence.
This depended on the amount of scrap metal they sold. If the dominant material that was processed was not scrap metal, they would not be deemed as a scrap metal dealer.

Resolved that the document be accepted as the policy to be used when scrap metal dealer's issues were dealt with.

25. Minutes of the Licensing Sub-Committees

Considered minutes previously circulated of recent meetings of the Licensing Sub-Committee.

Resolved that the minutes be noted for information.

26. Forward Plan

Members discussed items that they would like to be brought before the Committee at the next meeting. These were identified as:-

- Report on additional taxi ranks in Taunton Town Centre.
- Report on Street Trading review (report with Economic Development).

Resolved that these items be added to the Licensing Committee's Forward Plan.

(The meeting ended at 7.50pm)