

# LICENSING COMMITTEE



**3 NOVEMBER 2011 - 10:30 AM**

**PRESENT:** Councillor Mrs K F Mayor(Chairman), Councillor G G R Booth, Councillor Mrs V M Bucknor, Councillor D W Connor, Councillor Mrs C R Cox, Councillor M J Curtis, Councillor P Hatton, Councillor M J Humphrey, Councillor B M Keane, Councillor A Miscandlon, Councillor R Skoulding.

Kim Winterton (Licensing Team Leader), Ian Hunt (Legal), Mick Gipp (Safer Fenland Manager) and Jane Webb (Member Services)

## **L5/11      TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 21 JULY 2011**

Councillor Booth commented that in his opinion the previous minutes were not a true record of what was discussed and proposed that they be altered. Councillor Mrs Kay Mayor, Chairman, stated that the minutes were not a verbatim record and after much discussion Ian Hunt explained that the committee would require a Member to put forward a specific proposal as to how the minutes should be amended to which Councillor Booth stated he was not able to do this.

**The minutes of the previous meeting were confirmed and signed.**

## **L6/11      OUTCOME OF CONSULTATION ON REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY CONDITIONS**

Mick Gipp updated the committee stating that amendments as suggested by those consulted with had now been circulated and this had been delayed due to the considerably large document received from The National Private Hire Association.

Councillor Mrs Mayor stated that she was mindful of the amount of work carried out by officers in preparing Appendix F from the comments received during the consultation period and would like to thank them for getting to the point the committee were now at. Appendix F had been received by Members 24 hours previously and were now in receipt of a revised draft policy which incorporates the changes acknowledged by officers and it would be an injustice to not proceed and make the decisions required.

Members noted to continue to consider the amendments.

Kim Winterton presented the report and informed Members :

- of the outcome of the recent consultation on the proposed Hackney Carriage and Private Hire policy document;
- the Council already licence Hackney Carriage and Private Hire but the existing conditions no longer reflect the trade as it currently stands or keep in step with out licensing authorities, or indeed Fenland's family of similar local authorities as determined by the Audit Commission.

Some of the updates in the proposed document include:

- an upgrade to the mandatory Group II medical requirement for drivers;

- It outlines provision of Taximeters - Fenland currently have a unique situation whereby some Hackney Carriage vehicles are operated with a Taximeter under the Byelaws and others operate on the manually calculated tariff - causing some confusion with the users of these vehicles;
- the intention is that this document would give some clarity in Council procedures and process for obtaining relevant licences - not just for Trade but also for the public, Members and officers

The consultation was held on 8 August 2011 until 24 October with the majority of responses being received at the very end of the 12 weeks. Members were now in receipt of:

- Appendix F which included the written comments received and Schedule of Responses with officers comments;
- a copy of the proposed policy document with track changes shown in red
- a "price list" within Appendix F from Bev's based in Wisbech which had been given in good faith at the Consultation day held in Wisbech on 20 September 2011 and has been included as response.

The document gives cause for concern because:

- it is a document that interprets information given out by the Local Authority;
- it predetermines the cost of a Hackney Carriage fare for a hirer - under the legislation predetermined (negotiated) journey fares are only allowed for when a Hackney Carriage is hired to take passengers on a journey ending outside of the district;
- within the District is it an offence under Section 58/65 of the 1847 Act to charge more than the tariff set by the Local Authority and it would be the Hackney Carriage driver who may be prosecuted by the Council for overcharging;
- looking at the "price list" from Bevs Taxis they are charging £3.50 for what should be a £3.31 fare

Officers believe that introducing the revised policy document will improve community confidence in the management and monitoring of Hackney Carriage and Private Hire licensed provision with the Fenland District.

The Chairman exercised her discretion and invited Mrs Corbett, Operator of Bev's Taxis, to speak as she had sent in written representation asking to speak at committee.

Mrs Corbett stated that:

- Bev's taxis do charge £3.50 for a 1.3 mile journey when it should be £3.31 but they are entitled to charge more depending on how many passengers they are carrying;
- there is also a booking fee of 38 pence
- they do not charge for shopping
- she is against meters;
- Bevs taxis are probably breaking the tariff set;
- because of the recession people are now on a tight budget and taximeters cannot predict how much the fare would be;
- stopping at traffic lights can occur for five or six minutes on a journey and the passenger will be charged for this, which is unfair, the public need to know what the fare would be in advance

Kim Winterton stated that she totally understood the current climate and that the public were on a budget and for those that require a predetermined fare then this is covered by private hire booking whereby they can ask how much a fare would cost and negotiate that fare. Kim Winterton pointed at that shopping bags were not classed as luggage.

Councillor Curtis asked for clarification as he understood that even if a meter is installed, the driver does not have to charge what the meter states, he can charge under but not over the amount.

Councillor Hatton explained that the public need to be protected as there were drivers that did overcharge of which he had personal experience of and he was therefore a big fan of meters.

Councillor Curtis believed that meters was the correct route to take as the Council needs to think about the public first and taxi drivers are able to charge less than the meter would state.

Kim Winterton explained that the local authority should not expect licenced drivers to calculate rates in their heads. The tariff was created so everyone is charged the correct fare and not a higher one. An advert was placed in the local paper stating the consultation was running and who to contact to make comment.

Councillor Humphrey asked if other authorities have hackney carriages fitted with meters to which Kim Winterton replied that they did; all those that are within Fenland's family of similar local authorities and the districts around Fenland have meters fitted.

Councillor Humphrey asked if all taxi drivers were registered for VAT to which Kim Winterton stated that most were self employed, pay VAT on fuel and have their own accountant.

Councillor Mrs Bucknor stated that she was very impressed with the Wisbech taxi drivers she had experience of and was very often undercharged.

Councillor Booth asked if any complaints had been received with regard to hackney carriages and did the Council 'mystery shop' drivers to which Kim Winterton stated that there have been quite a few but these are usually made anonymously and the older generation tend not to want to make statements so the complaints cannot be carried through. The Council only has one licensing officer, Kim Winterton, although there is recruitment presently in progress but a budget is also needed for 'test purchasing' and the legal processes involved are very strict, also if taken to court for overcharging the courts answer may be that the drivers cannot work the fares out in their heads; hence the need for meters.

Councillor Booth said he was approached by Councillor King who was concerned about meter charging as the existing regime does provide the customer with a certainty of what the fare will be and although drivers can charge less than the amount a meter states, this is unlikely to happen.

Kim Winterton stated that there were a group of volunteers in March that did install meters under the Byelaws and still charged the old rates whilst running the meters and it was found that the meters were actually cheaper. The Council will have its own Calibration Inspector who seals the meters so that they cannot be tampered with.

Councillor Miscandlon asked what proportion of drivers taxi drivers were Wisbech based to which Kim Winterton stated that probably 20% of hackney carriage drivers were based in Wisbech.

Mick Gipp explained that he understood the cost of installing a meter would be £200 to £250.

Councillor Miscandlon proposed that meters be fitted to all new hackney carriage vehicles with existing hackney carriage vehicles to have them installed by April 2012, this was seconded by Councillor Hatton.

**It was RECOMMENDED that hackney carriage vehicles be fitted with taximeters, new vehicles to have them installed immediately and existing ones to have a taximeter installed by 1 April 2012.**

The committee then proceeded to work through the Schedule of Responses and draft policy discussing , agreeing to officers recommended changes and altering the following:

- 5.19 to include one passenger seat cars;
- 5.38 to state that fire extinguishers must be kept in the boot

Ian Hunt explained that fee setting and enforcement costs were not part of this policy

Kim Winterton explained that the document would now be written up, reworked and would flow better resulting in a reduced document. The Committee decided that this document should be sent to all committee Members for their approval before it progressed further.

Councillor Humphrey thanked officers for their hard working in producing the documentation with such tight deadlines.

**It was RECOMMENDED that;**

1. **the report is presented to Cabinet to approve amendments as it feels appropriate**

**L7/11 LICENSING OF SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES (SEVS) – PUBLIC CONSULTATION RESPONSE AND DECISION TO ADOPT PROVISIONS AS AMENDED BY SECTION 27 AND POLICY STATEMENT WITH STANDARD CONDITIONS.**

Kim Winterton presented the Licensing of Sex Establishments and Sexual Entertainment Venues (SEVs) - Public Consultation Response and Decision to adopt provisions as amended by Section 27 and policy statement with standards conditions report.

Councillors were asked questions, made comments and received the following:

Councillor Mrs Bucknor asked if a zero number of SEV's was possible to which Kim Winterton explained that this could be done but was unsure how wise it would be to do so and what legal implications there may be, would be an issue for the Council legal representative. Ian Hunt stated that evidence would be needed to show that it was an appropriate demand to have a threshold of zero and presently there are a number of premises within the District of this nature and it has not been brought up in any comments within the consultation, therefore to raise a zero tolerance now could be challenged. Ian Hunt stated that there would be a similar process for applications as now and this will enable people to be aware of proposals resulting in an opportunity on each application to give representation.

**It was RECOMMENDED that:**

1. **the report be NOTED;**
2. **recommended to Council that consideration is given to formal adoption of the new provisions and policy statement to include a proposal of commencement date in line with legislation.**

**L8/11 LICENSING OF SPECIAL EVENT VEHICLES**

This item was deferred to a meeting at a later date due to the length of time the meeting had already taken.