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| Title of Report: | Taxi Licensing |
| Report to be considered by: | Licensing |
| Date of Meeting: | 21 st December 2010 |
| Forward Plan Ref: | |

Purpose of Report: To report back to the Committee following a period of consultation regarding in principle decision taken at the Committee Meeting held on the 13th September 2010

Recommended Action: To consider the report and either ratify or amend the "in principle" decisions previously taken

Reason for decision to be taken: Confirmation of an undertaking given at the previous meeting

Other options considered: None

Key background documentation: Committee Report and minutes 13th September 2010

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic downturn** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce crime and the fear of crime**

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

| Portfolio Member Details | |
|--------------------------------------|---|
| Name & Telephone No.: | Councillor Hilary Cole - Tel (01635) 248542 |
| E-mail Address: | hcole@westberks.gov.uk |
| Date Portfolio Member agreed report: | |

| Contact Officer Details | |
|-------------------------|--------------------------|
| Name: | Brian Leahy |
| Job Title: | Senior Licensing Officer |
| Tel. No.: | 01635 519209 |
| E-mail Address: | bleahy@westberks.gov.uk |

Implications

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| Policy: | The Council has a policy of including all decisions made by the Committee as conditions to licences, where appropriate. |
| Financial: | None If there are any financial implications contained within this report this section must be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken. |
| Personnel: | None |
| Legal/Procurement: | There will be a need to invite tenders for the garage/vehicle check contract if the recommended decision is taken at item 4 (Decision 3) |
| Property: | None |
| Risk Management: | None |
| Equalities Impact Assessment: | EIA carried out Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441. |
| Corporate Board's Recommendation: | To be completed after the Corporate Board meeting. |

NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.

| | | |
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| Is this item subject to call-in? | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> |
| If not subject to call-in please put a cross in the appropriate box: | | |

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| The item is due to be referred to Council for final approval | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | <input type="checkbox"/> |
| Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months | <input type="checkbox"/> |
| Item is Urgent Key Decision | <input type="checkbox"/> |

Executive Summary

1. Introduction

- 1.1 West Berkshire Council is the Licensing Authority for the purposes of hackney carriage and private hire licensing under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 This report is to be considered as feedback from a consultation with the taxi trade following decisions taken in principle at the Licensing Committee Meeting held on the 13th September 2010.

2. Proposals

- 2.1 To consider the responses and either confirm those decisions previously made or amend.

3. Conclusion

- 3.1 The outcomes of this meeting, where decisions are made, will become legally binding as conditions

Executive Report

1. Introduction

- 1.1 At its meeting held on the 13th September 2010, the Licensing Committee made a number of decisions with regard to hackney carriage licensing.
- 1.2 It was agreed that prior to some of the decisions being confirmed, that a consultation exercise be carried out with the trade and those comments be brought back to Committee.
- 1.3 As of the closure date for consultation 10th December 2010 only 6 responses had been received although 461 individual letters of consultation were sent to existing licence holders. However, it should be noted that the associations are representative of their members and therefore the number of interested parties consulted by them will be vastly greater than the number of individual responses received.
- 1.4 Following the Committee Meeting a Taxi Liaison Meeting was held on the 5th November 2010 where some of the decisions were discussed between officers and trade representatives.
- 1.5 Some of the responses received have expanded upon the original decisions made and for this reason the responses have been summarised and only fully quoted where full clarification is required in order that Members can make a reasonably informed decision.
- 1.6 A copy of the consultation letter is attached at Appendix A. Comments regarding each decision have been numbered 1 to 6 as in the consultation letter to avoid any confusion.

2. Decision 1

All new taxi drivers, as of the 23rd December 2010 (to be confirmed) will be required to have passed a taxi/private hire driving assessment with the Driving Standards Agency (DSA) prior to any licence being issued.

2.1 Consultation Responses

- 2.1.1 There was a general consensus that this decision is acceptable to those responding.

2.2 Recommendation

- 2.2.1 Decision to be confirmed. Details of content of assessment to be confirmed by officers following trade consultation. Effective date for implementation 23rd December 2010. Note: this will not affect those applications currently being processed.

3 Decision 2

All taxi drivers will be required to have passed a taxi/private hire driving assessment with the Driving Standards Agency within three years of the proposed implementation date of 23rd December 2010.

3.1 Consultation Responses

- 3.1.1 There were mixed views with regard to this decision. Four of the responders were quite clearly against this requirement as they felt that “time served” drivers had already proved their capabilities with regard to driving taxis and that no further training was necessary. The third responder had no major objection but felt that the time period which had been suggested for compliance be extended to 5 or even 10 years.

3.2 Recommendation

- 3.2.1 Officers make no recommendation to this decision. However, it may be prudent to relax standing orders to hear further from the trade prior to a final decision being taken.

4. Decision 3

The Council vehicle test, which is currently being carried out by Halfway Garage Thatcham, is to be replaced with a test which is the equivalent of an MOT (to be known as the “Council Test”).

Consultation Responses

There appears to be a general agreement that a more comprehensive test, than that which is currently being carried, out is agreeable. One responder, although having no major objection, felt that this decision should be deferred until the financial climate improves.

Recommendation

Decision to be confirmed. Details of the test, its frequency and other minor matters to be confirmed by officers following trade liaison. Effective date for implementation 1st July 2011.

5. Decision 4

The measured mile and meter test is to be reintroduced as a requirement of the above annual test.

Consultation Responses

There was general agreement that the measured mile and meter test should be reinstated.

Recommendation

Decision to be confirmed. Details of the manner in which the measured mile and meter test be carried out, to be confirmed by officers following trade liaison. Effective date for implementation 1st July 2011.

6. Decision 5

Vehicles will be accepted for first licensing up to the age of 5 years. Any vehicle over 5 years old will be rejected. There is to be no upper limit to the age of a vehicles presented for re-licensing (renewal).

Consultation Responses

Only one responder had an adverse view on this decision. The comment was totally against this proposal as “it will cause major difficulties and inequality. The highest burden will, yet again, fall upon those of us that provide wheelchair accessible cars as these are much more expensive than saloon cars. This proposal is being pushed by the companies that have more saloon cars as they know it will give them a much greater competitive advantage”,

Recommendation

6.2.1 Decision to be confirmed.

7. Decision 6

All wheelchair accessible vehicles which are not constructed as such at manufacture and presented for initial and replacement vehicle licensing, will only be considered if they are accompanied by a National or Single Type Approval Certificate incorporating any modification.

7.1 Consultation Responses

7.1.1 There were three responses received regarding this decision, Two responders were completely against this proposal and one comments “I object. This is against DTI guidance. It would impose a disproportionate burden on Wheelchair Accessible Vehicle suppliers, restrict vehicle choice and discriminate against part-timers whilst not giving any additional safety guarantee. Other, cheaper options would provide a greater guarantee of safety. it will cause major difficulties and inequality”. The responder here goes on to ask Members to consider other additional safety issues which were not a part of the consultation exercise but may have some validity for future trade/officer liaison. The second objector comments “This proposal is unacceptable as it stands. This proposal will be seriously detrimental to the interests of the disabled community and will add substantial costs to the trade. This proposal, as it is currently framed, is unlikely to meet many of the Council’s own key policy guidelines”. The third states “ We fully agree with the condition, also ensuring that all devices used to load, and secure the wheelchair, and the passenger restraints are also approved and checked, with certification issued yearly”.

7.2 Recommendation

7.2.1 Decision to be confirmed. Prior to taking this decision Members may wish to consider suspending standard orders to allow these responders to speak.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: Taxi trade
Officers Consulted: Paul Anstey
Trade Union: None