

BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Tuesday, 7th January, 2014

Present:- Councillors Manda Rigby (Chair), Patrick Anketell-Jones, Rob Appleyard, Bryan Chalker, Anthony Clarke, Gerry Curran, Roger Symonds and Tim Warren (In place of Gabriel Batt)

Also in attendance: Andrew Jones (Environmental Monitoring and Licensing Manager), Alan Bartlett (Principal Public Protection Officer), John Dowding (Senior Public Protection Officer) and Shaine Lewis (Principal Solicitor)

45 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the procedure.

46 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that a Vice-Chair was not required on this occasion.

47 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Gabriel Batt, Chris Watt and Brian Webber.

48 DECLARATIONS OF INTEREST

There were none.

49 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

50 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

51 MINUTES: 14 NOVEMBER 2013

The public and exempt minutes of the meeting of 14 November were approved as a correct record and signed by the Chair.

52 TAXI POLICY AND CONDITIONS

The Environmental and Licensing Manager presented the report. He pointed out that the Policy for Hackney Carriage and Private Hire Licensing Standards (Appendix A) had already been approved by Cabinet, though the Committee could still comment

on it. The Committee was invited to approve the conditions and byelaws applicable to licensed drivers, and the conditions applicable to hackney carriage vehicles, private hire vehicles and private hire operators (Appendices B-E), which had been amended and updated.

The Senior Public Protection Officer drew attention to the summary of key changes to the documents set out in paragraphs 5.1 and 5.2 of the report.

The Chair invited Rob Hollingdale, Chairman of the Bath Taxi Federation to make a statement to the Committee. Mr Hollingdale wondered why the limit for engine size had been set at 1400cc (Appendix C, agenda page 48) and said that he agreed with the proposed ban on the use of satnav and GPS by taxi drivers.

Members considered the Appendices to the report in order.

Appendix A: Policy on Hackney Carriage and Private Hire Licensing Standards: Drivers, Vehicles and Operators

It was suggested by two Members that anyone with a second conviction for a sexual offence should be banned from being a taxi driver for life. The Principal Solicitor reminded Members that the policy in Appendix A had already been approved by Cabinet. The recommendation was that the Committee should note the policy, though they could still comment on it. The section on sexual offences was Home Office guidance adopted by the Council. Applicants would be expected not to have a conviction for a sexual offence within the previous five years, and that when there is more than one conviction for a sexual offence a period of ten years should normally elapse before an application is considered. He advised that there was nothing in the policy that would remove the Licensing Sub-Committee's discretion to refuse a licence if they thought that there was a risk to passengers. However the Licensing Authority could not fetter its discretion by stipulating that no person with two convictions for sexual offences would be granted a licence; each application had to be considered on its merits.

Members were advised that term "*fit and proper*" was in the legislation and could not be further defined by the Licensing Authority.

It was proposed and seconded and **RESOLVED** to note the policy by 7 votes in favour and 0 against, with 1 abstention.

Appendix B: Private Hire Drivers General Conditions & Hackney Carriage Byelaws

A Member wondered why the conditions applicable to Hackney Carriages were not fully set out. He also thought that the statement that the Council will "expect" Hackney Carriage drivers to advise the Council of convictions, cautions etc. was weak, and that this should be made mandatory. The Senior Public Protection Officer responded that the law did not allow conditions to be attached to Hackney Carriage licences. Bath and North East Somerset issued only combined Hackney Carriage/Private Hire licences and conditions could be attached to Private Hire licences, which applied to all holders of a combined licence. The wording that the Council "*expects*" is all that the law permits in relation to Hackney Carriages.

It was agreed unanimously that “*sexual orientation*” should be inserted after ‘gender’ in paragraph (d) of the section headed “**Conduct**” on agenda page 33.

A Member noted that in the section on “**Dress**” (agenda page 33) that sports shirts and rugby shirts were mentioned, but T-shirts were not. He wondered whether there was a more informative way of indicating what style of dress was acceptable. The Senior Public Protection Officer replied that this was very difficult; there were excellent taxi drivers who dressed unconventionally.

A Member noted that the free tourism training courses for taxi drivers had been discontinued. He thought it should be a condition for obtaining a licence that drivers should attend such a course, so that they could act as ambassadors for the city. The Environmental and Licensing Manager said that he was working with colleagues in Transport with a view to making available to taxi drivers the same kind of customer care course given to those who drive buses on behalf of the Council.

Appendix C: Hackney Carriage Vehicle (Proprietors) Licence General Conditions

It was agreed unanimously that “*normally*” should be inserted before “*be at least 1400cc*” in the first line of “**Vehicle Specifications**” on agenda page 48, because of exceptions made by the Licensing Sub-Committee in the past and to promote sustainability.

It was agreed unanimously that “*normally*” should be inserted before “*have a minimum of four doors*” in line 8 on agenda page 49 because of exceptions made by the Licensing Sub-Committee in the past.

The Chair asked officers to explain the rationale for the proposed ban on the use of satnav and GPS and how it would be enforced. The Senior Public Protection Officer replied that enforcement would be no different in principle from enforcement of any other condition: officers would act on the basis of information received. The rationale for the ban was that:

- drivers ought to be familiar with the area in which they were licensed to operate
- satnav was not as reliable about local issues as experienced drivers should be
- it did not give confidence to passengers if a taxi driver appeared to be reliant on satnav
- satnav obstructed the driver’s view

Several Members agreed that local knowledge was crucial and suggested that the knowledge test should be made harder. The Senior Public Protection Officer explained that the knowledge test used to be paper-based, but was now computer-based. A computer programme generated random questions, including questions about the location of hotels, restaurants and tourist venues. The pass mark was 75% for each module. The computer test was followed by a test drive with by officers,

during which the driver had to go to four venues chosen at random. A Member suggested that the pass mark of 75% was not high enough.

In debate the following points were made by Members:

- there was a legal requirement for a driver to have clear vision, so a satnav device had to be located somewhere that did not prevent this
- cars were now often fitted with satnav as standard
- sometimes passengers only had the postcode of their destination
- it did not appear that any other local authority was proposing to introduce a ban on the use of satnav by taxi drivers
- technology was likely to improve and information given by satnav might eventually surpass local knowledge

After discussion it was agreed by 6 votes in favour and 2 against that the sentence on agenda page 49 "*Satellite or GPS Navigations systems are prohibited from use in a Hackney Carriage vehicle whilst on hire or available on hire with the zone for which they are licensed to operate.*" should be deleted, because the Committee considered there were circumstances in which the use of satellite and GPS was justified and of benefit to passengers.

A Member asked about the requirement that accessible vehicles should be side-loading (agenda page 50), which might not be convenient in every location. He noted, however, that only side-loading taxis were permitted to call at stations. He suggested that more accessible vehicles might be available if both side- and rear-loading were permitted. The Senior Public Protection Officer said that rear-loading vehicles could cause problems at stations where taxis were queuing. He explained that "accessible" meant accessible to passengers with all forms of disability, not just accessible to wheelchair users. Though side-loading might not be ideal in some locations, it was preferable in most locations. Purpose-built accessible vehicles were now almost invariably side-loading.

[Councillor Chalker let the meeting at this point.]

Appendix D: Private Hire Vehicle Licence General Conditions

It was agreed unanimously that '*normally*' should be inserted before "*be at least 1400cc*" in the first line of "**Vehicle Specifications**" on agenda page 59, because of exceptions made by the Licensing Sub-Committee in the past and to promote sustainability.

It was agreed unanimously that '*normally*' should be inserted before "*have a minimum of four doors*" in line 8 on agenda page 60 because of exceptions made by the Licensing Sub-Committee in the past.

It was agreed by It was agreed by 6 votes in favour and 2 against that the sentence on agenda page 61 "*Satellite or GPS Navigations systems are prohibited from use in*

a Private Hire vehicle for the purposes of hire and reward whilst on hire or available for hire within the boundaries of the city of Bath.” should be deleted, because the Committee considered there were circumstances in which the use of satellite and GPS was justified and of benefit to passengers.

The conditions were approved unanimously subject to above amendments.

Appendix E: Private Hire Operators General Conditions

Members were advised that whilst Licensing Officers may aggregate points leading a referral to the Licensing Sub-Committee, where a driver appearing before them is in breach of more than one condition on a single occasion rather than aggregating points they should apply the highest number of points as appropriate, similar to the DVLA system, and if appropriate move on to consider suspension or revocation.

The conditions were approved unanimously.

Appendix F: Consultation Replies and Officer Responses

Members were shown an example of the Executive Chauffeur hire vehicle identification disk (agenda page 79).

It was agreed unanimously to note Appendix F.

53 SCRAP METAL DEALERS

The Environmental and Licensing Manager presented the report. He explained that the Scrap Metal Dealers Act 2013 had introduced a new licensing system for scrap dealers with effect from 1 October 2013. Pending anticipated amendments to the Local Authorities (Functions and Responsibilities) Regulations 2000, the function had been deemed to fall to the Cabinet. It was proposed in the report to the Cabinet that the function should be delegated to officers and to the Licensing Sub-Committee. He explained that the scale of charges set out in paragraph 5.6 had been set on a cost-recovery basis. The present report had been put before the Committee for information only.

It was **RESOLVED** unanimously to note the report, the proposed fees and the Scrap Metal Dealers Policy provided in Appendix A.

The meeting ended at 1.52 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services