

## **Minutes of the Licensing Committee held on 21<sup>st</sup> September 2011 from 6.00 p.m. to 7.38 p.m.**

**Present:** Chris Hersey (Chairman)  
Mims Davies (Vice-Chairman)

David Dorking\*  
Kathy Dumbovic\*  
Richard Goddard  
Ginny Heard

Chris Hersey  
Bruce Forbes  
Jacqui Landriani  
Gordon Marples  
Gary Marsh

Bob Mainstone  
John O'Brien  
Peter Reed  
Robert Salisbury  
Emily White\*

\* Absent.

**Also In Attendance:** Ian Millership from Mouchel.

### **3. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4**

The Committee noted that no substitutes had been appointed in accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

### **4. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Dorking, Dumbovic and White.

### **5. DECLARATION OF INTERESTS**

No Declarations of Interest were made.

### **6. MINUTES**

The Minutes of the meetings of the Committee held on 8<sup>th</sup> March and 18<sup>th</sup> May 2011 be approved as a correct record and signed by the Chairman.

### **7. PRESENTATION OF HACKNEY CARRIAGE DEMAND SURVEY**

Yvonne Leddy, Business Unit Leader, introduced the report and informed Members that a survey had been commissioned to establish whether there is a significant unmet demand for hackney carriages in Mid Sussex. She added that local authorities which, like Mid Sussex, restrict the number of hackney carriage licences, are required to carry out an unmet demand survey every three years under Section 16 of the 1985 Transport Act.

The Business Unit Leader introduced Ian Millership from Mouchel, who had undertaken the Unmet Demand Survey. He then took Members through his presentation and outlined the findings of the survey, which indicated that the District is well served by hackney carriages.

The Chairman thanked Mr. Millership for his presentation and invited questions from Members.

One Member asked whether livery on vehicles had been mentioned to licence holders. Mr. Millership said that, from his discussions with the trade, licence holders may be prepared to consider this idea.

The Member referred to the number of licensed Hackney Vehicles and asked whether, with drivers doing longer hours, and the competition being high, if 154 licensed vehicles is sustainable. Mr. Millership said that it is becoming more and more difficult.

One Member asked about the criteria for wheelchair accessible vehicles and the Licensing Officer confirmed that some vehicles can carry more than one wheelchair, he added that there is no requirement in law to carry more than one wheelchair at a time.

## **RESOLVED**

That:-

- (1) a report be brought before this Committee by March 2012 setting out the actions required to address the recommendations contained in the survey report; and
- (2) an Unmet Demand Survey be carried out in three years' time and the Policy be reviewed.

## **RESOLVED TO RECOMMEND (to the Cabinet Member for Health and Community)**

That the Council continues its policy to limit the number of licensed Hackney Vehicles at 154 based on the results of the survey.

## **8. DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

The Committee received a report on the Draft Hackney Carriage and Private Hire Licensing Policy.

Lynne Standing, Head of Housing, Environmental Health and Building Control introduced the report. She explained that the trade had already been advised of the main changes proposed in the policy. Following comments by this Committee the draft Policy will be amended accordingly and then go out for consultation. She added that the trade will have the opportunity to comment again. Following consultation the Policy will then be reviewed by the Better Services Advisory Group.

The Committee considered the proposed changes, as follows:-

### Proposal A - Introducing a Livery in the District

The idea of two tone taxi's was touched on. The Licensing Officer informed the Committee that two tone makes it easier for a person hailing a taxi to spot the difference between that and an ordinary vehicle, but would result in additional cost to the hackney carriage drivers.

One Member understood why livery was being introduced, but this would have a financial impact on the hackney carriage drivers. He considered this to be a bridge too far for the viability of their business.

Another Member welcomed the idea of two tone vehicles, but thought this to be a step too far. He would support the idea of white vehicles and expressed his concern about the additional costs of two tone vehicles.

One Member sought clarification that this proposal would be introduced over a five year period and, in the meantime, the Mid Sussex logo would be fitted. The Licensing Officer confirmed that this is the case.

The Committee endorsed Proposal A, and it was agreed that a livery be introduced in the district over the next five years.

#### Proposals B and C: Age Restriction on Vehicles and the Introduction of Additional Testing for Vehicles Over 3 Years of Age Twice a Year

The original proposal was for an age restriction of seven years on vehicles and involved additional testing for vehicles over three years old. The trade had indicated that an age restriction was less important than the condition of vehicles and suggested no age restriction, but vehicle fitness tests every four months for vehicles over two years of age. The compromise put before members was a suggested age limit of 10 years, with an exception made for vehicles in mint condition, and vehicle fitness tests every four months for vehicles over two years.

The Chairman said the term “mint condition” was difficult to tie down and he would prefer an absolute age restriction.

One Member expressed his concern that the case for the proposed number of vehicle inspections is not made, and asked whether there are a significant number of vehicles failing the tests. The Licensing Officer confirmed that vehicles are found in poor condition between current tests and that this recommendation had been made by the trade.

The Licensing Officer explained the current system to the meeting. A Member asked whether the current system is working and asked whether it is fit for purpose. The Licensing Officer confirmed that some drivers do reduce vehicle maintenance due to the financial climate.

Some Members expressed their concern at the additional cost to licensed vehicle holders. Other Members pointed out that this suggestion had been made by the trade, not the Council.

Councillor Marsh proposed that an upper age limit of ten years restriction, maximum, be imposed. This suggestion was supported by another Member.

The Solicitor to the Council suggested, that vehicles over three years should have two tests a year, as per the original proposal, and that vehicles over seven years should have three tests a year. In both cases these tests would be in addition to the annual MOT, although one of the tests could be done at the same time as the MOT. This was supported by the Committee.

The Licensing Officer pointed out that the Council also requires an annual vehicle fitness test on vehicles which have done more than 6,000 miles, and proposed that in future such tests should be required when the vehicle had done 10,000 miles. This will need to be spelt out in the new policy.

In summary it was agreed that the following would be included in the draft consultation policy:

- An upper age limit of 10 years for licensed vehicles, with no exception for those in mint condition
- New vehicles with up to 10,000 miles to be checked by licensing officer
- All vehicles over one year to have an annual MOT (legal requirement)
- That vehicles over two years, or that are under two years but have done 10,000 miles, be required to have an annual vehicle fitness test and MOT
- That vehicles of between three – six years inclusive have two vehicle tests a year and an annual MOT
- That vehicles of seven to 10 years have three vehicle fitness tests a year and annual MOT
- That all such vehicle fitness tests are in addition to any MOT required, though they can be done at the same time

This proposal, as amended, was agreed by the Committee.

Proposal D: A new Condition Requiring all Drivers to have Evidence of Insurance in the Car at all Times.

This proposal was agreed by the Committee.

Proposal E: New Condition on Private Hire Drivers to Restrict Drivers from Parking near Taxi Ranks, Stations or Appearing to “Rank Up” on the Street

This proposal was agreed by the Committee.

Proposal F: Customer Charter

In response to a question from a Member the Licensing Officer clarified that the licence holder must hold a full UK driving licence for 12 months.

This proposal was agreed by the Committee.

**RESOLVED**

That:-

- (1) the changes discussed at the meeting to the proposed amendments (Proposals A to F) contained in the Draft Policy for the Licensing of Hackney Carriage and Private Hire Vehicles be made before it is issued for public consultation; and
- (2) minor typographical amendments, discussed at the meeting, be made to Appendices 2, 3, 5 and 6 before it is issued for public consultation.

**9. CONSIDERATION OF WORK PROGRAMME**

The Committee received their Work Programme for 2012/13.

The Committee noted that a report would be presented to their 7<sup>th</sup> December meeting on Trade Fare Increases. For the 10<sup>th</sup> January 2012 meeting, reports would be presented on a Points System for Various Misdemeanours. A review of Door Collection Licences would also be submitted to that meeting.

In response to a question from a Member as to why the Draft Hackney Carriage and Private Hire Licensing Policy is not brought back to this Committee for consideration after the consultation exercise has taken place, the Solicitor to the Council advised that the policy is considered by one of the policy advisory groups, and the decision is taken by the relevant Cabinet Member, as it is not the function of the Licensing Committee to deal with final decisions on policy matters.

## **RESOLVED**

That:-

- (1) the Committee Work Programme be noted; and
- (2) items on Trade Fare increases; a Point System for Various Misdemeanours and a Review of Door Collection Licences be added to the 7<sup>th</sup> December 2011 and 10<sup>th</sup> January 2012 meetings respectively.

Chairman.