

LICENSING COMMITTEE

22 July 2014

Present:

Councillor Dawson (Chair)

Councillors Laws, Brimble, Clark, Crew, George, Fullam, Henson, Holland, Pearson and Shiel

Apologies:

Councillors Choules, Newby and Tippins

Also present:

Assistant Director Environment, Corporate Manager - Legal, Principal Licensing Officer, Environmental Health Manager, Solicitor and Democratic Services Officer (Committees) (HB)

15 **Declarations of Interest**

No declarations of interest were made by Members.

16 **Taxi Forum**

RESOLVED that Committee Members advise Democratic Services if they wish to serve on the Taxi Forum.

17 **Reforming the Law of Taxi and Private Hire Services - Law Commission Report**

The Principal Licensing Officer presented the report advising Members of the outcome of the Law Commission findings in relation to modernising the taxi and private hire services. A large number of issues needed to be addressed and the major matters affecting the trade locally were set out in the report. The most significant issues in relation to Exeter taxi licensing were as follows:-

- The interchange of wording between taxis, hackney carriages and private hire is to be removed. Instead vehicles that can be flagged down will be taxis and those that must be pre-booked will be Private Hire Services (PH), the commonly used term of Private Hire Operator is to go and the term Dispatcher used to replace it.
- A common national standard for all Private Hire vehicles, drivers and dispatchers will be introduced. Secondary legislation will be put in place to set the minimum standards for all councils.
- The standards set for taxis services will also be set on a mandatory basis, but additional conditions may be added by the Licensing Authority.

- Private hire companies will not be permitted to use the word taxi or any other word resembling taxi on any vehicle, on any dispatching office or in any advertisement for the Private Hire services on offer.
- Quantity restrictions will be permitted but on a different footing to that currently in place. The old “unmet demand” test is to go as it is considered inappropriate and it is likely to be replaced with public interest test combined with a requirement to review three yearly and to consult widely on the proposal to maintain limits. Additionally, a proposal is contained in the recommendations which will allow for the premiums attached to plates in restricted authority areas to be retained except in authorities where de-limiting occurs, even if restriction is re-introduced at a later date.
- Among the most radical of proposed changes, is the introduction of a new tier of appeal. The proposal is to have a standardised appeal process for all forms of licence and, irrespective of whether the decision being challenged is a refusal of an application for a licence, a suspension or revocation. In simple terms, all initial decisions should be at officer level with the first appeal to the committee to reconsider the decisions and a second appeal to the magistrates Courts and a further right to appeal to the Crown Court after that.
- The term “plying for hire” in relation to private hire services is to be removed as it had become almost impossible to establish if a person who is in the car had pre-booked or had used modern technology to show the vehicle had been booked there and then. Instead, all bookings for private hire services must be made through a dispatcher who will be required to keep records in a prescribed form.

Because of Parliamentary timescales and the 2015 General Election, any legislation dealing with the Law Commission’s findings was not likely to come into force before October 2015.

RESOLVED that the content of the report and supporting documents be noted.

18 **Policy Tool of Restricting the Number of Taxi Licences**

The Assistant Director Environment presented the report advising Members that Exeter City Council was required to decide whether it wished to:-

- (1) Maintain the current policy of taxi restriction, and agree the commissioning of a survey report to:-
 - a. ascertain the level of any unmet demand for taxis;
 - b. determine whether any unmet demand is significant;
 - c. determine what would be an optimum quantity level to robustly meet that unmet demand over the next 3 years; and
 - d. quantify the public benefit and dis-benefit deriving from the operation of a policy of quantity restriction at that optimum level

or

- (2) Enter into consultation with the public, trade and other stakeholders to consider whether to remove the policy of taxi restriction in a managed way, and enhancing the quality controls for taxis to improve standards further and prevent any potential negative impact from de-restriction.

Exeter's current policy of restriction required a survey of unmet demand, at least every three years, the last survey having been carried out in March 2010, with an interim top-up survey in March 2011, reported to this Committee in September 2011.

Since 1987, when the Council's limit was set at 38 taxis. Nonetheless, there had been an average growth of taxi plates of around one per year, to the current figure of 66, the growth being both from the result of successful challenges by applicants to the courts and the Committee determining exceptions to its policy of restriction.

It was the view of the Assistant Director Environment that from a systems thinking approach, there was a great deal of failure demand and wasted work associated with dealing with and hearing applications for taxi plates, their refusal, and defending challenges. The May 2014 Law Commission report on 'Taxi and Private Hire Services', recommended that the justification for a policy of restriction should not rest on demonstrating no significant unmet demand but, instead, should rest on a test of public benefit.

Most local licensing authorities did not impose quantity restrictions and both the Department of Transport and Office of Fair Trading were critical of taxi restriction for not benefiting the travelling public. Experience elsewhere demonstrated that concerns relating to de-restriction could be adequately addressed with appropriately managed controls. Recent examples of de-restriction (e.g. Bristol, Cardiff, Cambridge and Sheffield) had seen only very small increases in the overall taxi and PHV combined fleet. Higher quality controls had acted as a proxy restriction elsewhere (e.g. London and Ipswich), but could act to visibly enhance the quality of the taxi fleet, for example, by introducing requirements for a distinctive colour scheme and livery, wheelchair accessibility, low emission vehicles and in-cab CCTV.

Another option was to adopt a policy of managed growth in taxi numbers, incrementally increasing numbers year by year, but this would still require an affirming survey to be commissioned and still open to challenge; therefore this option had been discounted.

Members were supportive of the second option of consulting on whether to remove the policy of restriction. A Member felt that the current practice was anti-competitive and stated that there were strong vested interests which were opposed to change. He felt that drivers without plates who relied on plate holders for jobs were at a disadvantage and referred to the loss of control by the Council on the granting of a licence which had, in the past, led to the sale on to another party. Other Members agreed that consultation was required for all options to be considered,

Responding to Members' queries, the Assistant Director advised that testing public benefit would be based on prescribed standards to be applied nationally. In addition, enhanced quality controls would be phased, to come into effect immediately for new applicants, but with an appropriate timescale to be set for existing plate holders, including the end of the life of the vehicle.

Members voted unanimously in support of the second option.

RESOLVED that consultation be entered into with the public, trade and other stakeholders with a view to considering whether to remove the policy of taxi restriction in a managed way, and enhancing the quality controls for taxis to improve standards further and prevent any potential negative impact from de-restriction and a report brought back to a later Licensing Committee for a decision.

19 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

TOWN POLICE CLAUSES ACT 1847

20 **Application for a Hackney Carriage Vehicle Licence (Mr SA)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr SA be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

21 **Application for a Hackney Carriage Vehicle Licence (Mr AB)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr AB be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

22 **Application for a Hackney Carriage Vehicle Licence (Mr DD)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr DD be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

23 **Application for a Hackney Carriage Vehicle Licence (Mr DP)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr DP be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

24 **Application for a Hackney Carriage Vehicle Licence (Mr SR)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr SR be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

25 **Application for a Hackney Carriage Vehicle Licence (Mr MS)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr MS be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

26 **Application for a Hackney Carriage Vehicle Licence (Mr NS)**

RESOLVED that the application for the issue of a Hackney Carriage Vehicle Licence to Mr NS be deferred pending the outcome of the public consultation on taxi policy referred to in Min. No. 18 above.

The meeting commenced at 5.30 pm and closed at 6.45 pm

Chair