

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 19 March 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Capstick, Duncan, Eales, Ford, Patel, Sargeant and Wire DL

1. APOLOGIES

An apology for absence was received from Councillor Strachan.

2. MINUTES

Part one of the minutes of the meeting held on 11 February 2013 were confirmed by the Committee and signed by the Chair as a true record.

Part 2 of the minutes of the meeting held on 11 February 2013, which related to confidential information on items 11 and 12 were deferred for consideration at the next meeting in order to ensure that all members had received them.

3. DEPUTATIONS / PUBLIC ADDRESSES

Mr Jonathan Hills and Mr Paul Bruere were granted leave to address the Committee in respect of Item 6 Review of Hackney and Private Hire Fees.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. REVIEW OF HACKNEY AND PRIVATE HIRE FEES

The Senior Licensing Officer presented a report concerning the review of Hackney and Private Hire fees. The Committee had agreed to undertake consultation at its meeting on 11 December 2012. At that time it was agreed that the fees be increased as set out in the officer's report with effect from 1 April 2013, subject to consideration of any representations which might be received to the proposals.

The Senior Licensing Officer stated that one objection to the proposed increases had been received from a taxi operator. The Senior Licensing Officer had responded to the comments in the objection, which had subsequently been withdrawn. The objection, response and notice of withdrawal were appended to the officer's report and the formal objection period had passed.

Mr J Hills (Secretary of the Northampton Hackney Carriage Drivers Association) addressed the Committee. He stated that he and his colleagues had not been consulted over the proposed fee increases. He wished to make an objection to the proposals as he felt that the Licensing Team did not offer a satisfactory and efficient service. He stated that they were not providing value for money and increased fees would be unnecessary if the service were more efficient.

Mr Hills stated that he believed that the service was inefficient because the following issues were not being addressed:-

1. Flagging- He stated that there were 1,000 flagged journeys taken every week. These were effectively uninsured journeys. He considered that this problem was not effectively dealt with by the Licensing team.
2. Unrealistic priorities- He stated that there was too much emphasis put on spot checks on the condition of vehicles.
3. The train station renovation which would only provide 12 spaces for over 100 cabs which are currently based there.

In response to a question from a Member he stated that the costs of fuel had increased over the past year from being around 8% of costs to being almost a quarter of costs. He was very concerned at the amount of trade that was being lost to flagging and felt that there was insufficient action taken when incidents were reported.

Mr Bruere, (Chairman of the Northampton Hackney Carriage Drivers Association) addressed the Committee and stated that he considered that the drivers were not receiving value for money. He stated that all the drivers received in return for their fees were plastic badges and carriage plates. He considered that the Licensing Team did not place sufficient emphasis on enforcement action with regard to flagging offences. He also felt that the number of VSA checks had been excessive with 21 in the past year.

In response to a question from a Member he emphasised that he was not in favour of de-regulation but felt that the priorities of the Licensing Team were incorrect. He stated that there was an over emphasis on the physical condition of the vehicles and not enough on working with the drivers.

Officers responded to Members' comments and questions, as summarised below:

- The original report on the proposal to increase Hackney and Private Hire fees had been considered by Committee on 11th December 2012.
- Consultation on the proposals had been carried out via a range of different media.
- The December report had included a detailed costs breakdown.
- Driver representatives had been present and addressed the December meeting.

RESOLVED:

That with effect from 1 April 2013 the Hackney and Private Hire fees be revised as set out at Appendix A to the officer's report.

7. SAFETY AWARENESS COURSE

The Senior Licensing Officer presented a report informing the Committee of the proposed introduction of the Safety Awareness Course for Private Hire Drivers who have been acting illegally, as an alternative to prosecution. Licensing Enforcement Officers had been operating a pilot scheme for Private Hire Drivers plying for trade and this had proved very successful, with drivers attending the courses giving positive feedback. The Committee was recommended to formally adopt the course as an alternative to prosecution, which would bring the Council in line with other agencies, such as the Police, which offered education courses, such as speed awareness.

It was noted that any further offences of flagging by a Private Hire Driver following

attendance on the course might be referred for prosecution and brought to Committee for consideration of the revocation of the Private Hire Licence.

Members expressed concern that there seemed to be very long delays in taking action when drivers were caught "flagging". Members asked whether there was any alternative action that could be taken. The Senior Licensing Officer advised the Committee that due to the number of court closures it could take up to 12 months before a case is heard by a court. Licensing Authority powers to revoke licences do not extend to cases which have not been heard and convictions achieved.

NOTE:- At this point a member of the public who had previously addressed the Committee on item 6 interrupted and asked to be allowed to speak on item 7. The Chair denied the request and advised that he should have indicated his wish to speak at the start of the meeting. He warned him not to further disrupt the meeting.

The disruption from the public gallery continued and the Chair decided to adjourn the meeting at 6.30pm as it was not possible to hear the advice that the Senior Licensing Officer was giving to the meeting. The public who were causing this disruption left the gallery.

The Chair reconvened the meeting at 6.34pm.

The Senior Licensing Officer invited members of the Committee, and the press to attend one of the proposed courses. He advised the Committee that the course would contain graphic images of drivers who had been assaulted after picking up unauthorised fares.

The Senior Licensing Officer emphasised that drivers would need to accept that they were guilty before being allowed to choose the alternative sanction of attending the course.

The Committee considered the fees that could be charged for the course. They were reminded that the fees were not a fine, and that regulations stated that the fees should be set at a level which would cover the actual running costs of the course.

The Committee also considered that members of the trade should be given an opportunity to put forward their views on the proposal.

RESOLVED:

- 1) That the introduction of the Safety Awareness Course and a phased process of discipline/punishment for Private Hire Drivers (PHD) who breach conditions and legislation in relation to plying for hire be deferred. The matter to be considered at the 30th April 2013 meeting of the Committee, and in the meantime officers be authorised to establish a potential fee for the course.
- 2) Trade representatives be invited to the meeting on 30th April 2013.

The meeting concluded at 6:50 pm