

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 8 May 2012

COUNCILLORS PRESENT: Councillors Malpas (Chairman) Capstick, Conroy, Eales, Nunn, Patel and Sargeant and Strachan.

OFFICERS: Mohammed Rahman (NBC Solicitor)
Mehboob Kassam (NBC Solicitor)

1. APOLOGIES

Apologies were received from Councillors Duncan, Ford and Wire DL.

2. MINUTES

The minutes of the meeting held on the 20th March 2012 were agreed and signed by the Chairman.

3. DEPUTATIONS / PUBLIC ADDRESSES

That Councillor Caswell, Messrs Hills, S Wilshire, K Wilshire, Maintsone, Ward, Russell and Shah be granted leave to address to Committee in respect of Item 6 – Hackney and Private Hire Age Limit and Engine Capacity and Associated Amendments.

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. HACKNEY AND PRIVATE HIRE AGE LIMIT AND ENGINE CAPACITY AND ASSOCIATED AMENDMENTS

The Chairman asked for papers to be circulated to Committee members, which had been sent to him via email and some of the other Councillors by Mr Bruere. The Chair commented that any documents or notes should not be sent direct to Committee Members, but should be sent to the appropriate licensing officers in future.

The Senior Licensing Officer submitted a report and explained that on the 27th September 2011, the Licensing Committee had agreed to consult on the feasibility on introducing age limits for Hackney Carriages and Private Hire Vehicles, to increase the engine capacity of Private Hire Vehicles (from 1400 cc to 1600cc) and associated exemptions. For clarification purposes, it was noted that Appendix 2, page 38, bullet point 4, should have read 'If an upper age limit of 12 years' and not 10 years as stated in the report.

The Committee had requested that all interested parties be given the opportunity to feedback any concerns or opinions to the Committee as part of the consultation period which had run from the 5th December 2011 to the 29th February 2012 - the key findings of which had been summarised in the Executive Summary of Appendix 2.

It was explained that over 1000 letters had been sent out by officers to the trade and a number of adverts placed in the Northampton Chronicle and Echo as part of the consultation including local radio broadcasts. It was noted that there had been a good response rate, which included over 900 comments, which had been submitted – attached at Appendix 3a

of the report. It was further noted that vehicle-testing reports from both the contracted MOT inspectors, for Hackney and Private Hire Vehicles, Jackson MOT Centre and NCS MOT Centre, had been obtained as part of the consultation. The Senior Licensing Officer read out the proposed recommendations as set out in the report.

The Chairman introduced Councillor Caswell as the former Chair of the Licensing Committee – who was the Chair at the meeting of the 27th September 2012 where Committee had resolved to proceed with the consultation.

Councillor Caswell addressed the Committee and encouraged continued work between the Licensing Department and the Taxi Trade. He commented that he wanted to see a good standard of Private Hire Vehicles and Hackney Carriages on the road and that were maintained to a high standard. He further commented that some drivers were themselves aggrieved by the standard and maintenance of some vehicles and wanted to see a well-presented fleet of Hackneys and Private Hire Vehicles in Northampton. He requested that the Committee continue to work together with Private Hire and Hackney carriage drivers.

Mr Hills (Secretary - Northampton Hackney Carriage Association) addressed the Committee and commented that he had been disappointed with the consultation and commented that he considered face-to-face meetings with those affected to have been more appropriate. He expressed concern that the current Council's policy, with regards to Hackney carriages, stipulated that the carriages must be less than 3 years old when licensed for the first time and commented that if this were to be removed, there would be an increase in the number of Hackney Carriages in Northampton and thus the standard amongst the trade would drop. He argued that the town centre already had excessive number of licensed vehicles and any further increase would have detrimental financial effects on the current drivers. He also stated that there should be a reduction in plate capping within Northampton.

Mr Bruere (Chair of the Northampton Hackney Drivers Association) – Stated that Mr Hill had covered everything he wished to say and wished to pass his right to speak up.

Mr S Wilshire addressed the Committee and commented that he considered the recommendations to be sensible. He reported that there had not been a fare increase for 4 years as there was a need to retain competition. He commented that it was not necessary for 6 monthly council tests to be carried out for new vehicles as they were all serviced and under warranty and largely the responsibility of the owner and would also encourage people to opt for new vehicles and thus reduce emissions and pollution. With regards to the current policy relating to the engine capacity of 1400 cc, Mr Wilshire argued that new vehicles and technological advances meant that the rule was unnecessary and a policy should be put in place to reduce the cc of engines as a means of encouraging people to opt for smaller, more efficient vehicles.

Mr K Wilshire (Chairman - Northampton Private Hire Association) addressed the Committee and commented that in recommendation 1 of the report, mention was made to 'penalties' being imposed on drivers whose vehicles were not maintained to high standards both internally and externally. He explained that the penalties had not been made known to the drivers and therefore urged the Committee not to agree to the recommendation until the trade had been consulted on the matter. He further commented that the Government were encouraging people to be more ecologically conscious with their choice of vehicles and therefore the Committee should decrease the current engine capacity policy limit from 1400 cc.

Mr Mainstone addressed the Committee and commented that if any further conditions were imposed on drivers, there would be a profound impact on trade and people would suffer severe financial hardship as a result. He commented that he was aware of a number of

drivers who were considering leaving the trade due to financial concerns. To address some of the financial issues, he suggested that a cap be placed on licensed vehicles.

In answer to a question, put forward by the Committee, Mr Mainstone commented that specifically the number of Hackney Carriage Licenses should be capped and not Private Hire vehicles.

Mr Ward addressed the Committee and commented that as long as Private Hire Vehicles were tested by an MOT centre there was no need for age limits to be introduced. He stated that the three-year age limit restricted newer vehicles and encouraged an older fleet because the inflated price of Hackneys due to the 3 year rule would mean that second hand Hackneys would push newer vehicles out of the price range of most. He also suggested that the stipulated engine capacity be deleted, as it was obsolete due to advances in technology.

Mr Russell addressed the Committee and commented that he wanted to convey the negative financial impacts that would be incurred as a result of placing more conditions on Licensed Vehicles. He commented that the Committee should wait for the outcome of the Law Commissions findings due later in the year. He stated that if the Committee felt it necessary to make a decision, that they accept all of the recommendations – apart from recommendation 1, as he expressed concerns about what ‘penalties’ drivers would face in relation to the condition of their vehicles.

Mr Shah addressed the Committee and stated that he was there in his capacity as a solicitor to represent a number of concerned drivers. He requested that the Committee follow the advice and opinions that had been given as part of the consultation process and argued that there was no justification for an Age Policy to be introduced. He stated that if the Committee did not follow the recommendations and advice collated, they could potentially leave the Council vulnerable to action such as a Judicial Review. He questioned the recommendation 1 and the penalties and commented that this had not been a consideration or proposal at the last meeting where the consultation process had been agreed and had been asked that clarification be given with regards to the aforementioned penalties. He urged Members to consider the recommendations very carefully before agreeing them especially before gaining clarification.

The Chairman thanked Councillor Caswell and the members of the public for their input in the meeting and having expressed their views.

The Committee discussed the recommendations and a number of Members expressed concern about the ‘penalty’ issue noted in recommendation 1 of the report. The Committee concurred the importance of working with the trade and it noted that whilst safety was of paramount importance, an awareness of financial implications that could be incurred by the drivers should also be given consideration. Members further discussed the advances in technology and gave consideration to green issues, and questioned whether or not it was necessary for a restriction to be in place on engine capacity as it could be considered as excessive and outdated.

RESOLVED:

1. That a working group be established in order to consult on potential changes to the conditions policy booklet for vehicles and penalties to be imposed with an aim to complete within 6 months and to be brought before the Committee. The working group to be made up of the following Members: - Councillors Malpas, Eales, Sargeant and Patel.
2. That there be no age limit imposed on Private Hire Vehicles and there be a removal

of age limits on Hackney Carriages, the latter to take effect after the working party agreed the conditions (as above).

3. That engine capacity restrictions be removed, to take effect after the working party agreed the conditions (as above) and after the working party has been completed and a conditions policy booklet has been bought back before the Committee.
4. That the current requirement for 2 MOT tests per year be maintained.
5. That newly registered vehicles at the DVLA that are subsequently licensed operate for a full 12 months without the requirement to be routinely tested following its initial plating to take effect after the working party agreed the conditions (as above).

7. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

The meeting concluded at 7.08pm