

LICENSING COMMITTEE

27 January 2014

10.00 - 10.45 am

Present: Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Brierley, Gawthrope, McPherson, Meftah, O'Reilly, Owers, Pippas and Saunders

Officers Present:

Environmental Health Manager – Commercial: Yvonne O'Donnell

Licensing & Enforcement Manager: Robert Osbourn

Solicitor: Carol Patton

Committee Manager: James Goddard

Others Present:

CCLT Ltd: Mr David Wratten

FOR THE INFORMATION OF THE COUNCIL

14/1/Lic Apologies for absence

Apologies were received from Councillors Boyce and Stuart.

14/2/Lic Declarations of Interest

No declarations of interest were made.

14/3/Lic Minutes of the previous meeting

The minutes of the meeting held on 7 October 2013 were approved as a correct record and signed by the Chair.

14/4/Lic Public Questions

A member of the public asked a question as set out below.

Mr Wratten raised the following points:

- i. Expressed concern that the taxi trade was not properly informed or consulted about the taxi test standard introduced in 2011, but not used to date. Taxi drivers were not aware of the document or its contents.

- ii. Having reviewed the document, Mr Wratten agreed with most of it. He and other taxi drivers took issue with the part on stone chips and scratches. Suggested the way it is worded will lead to a lot of taxis being taken off the road.
- iii. Asked Members to review the test criteria as it was not widely known. Mr Wratten had only been made aware of it after contact with the Licensing & Enforcement Manager.
- iv. Mr Wratten has been contacted by various taxi drivers who were concerned about the taxi test standard.

The Licensing & Enforcement Manager responded:

- i. The taxi test standard was adopted after a decision taken at Licensing Committee in October 2011.
- ii. The Council can impose criteria for taxi exteriors and interiors so long as they are not onerous.
- iii. Taxis must pass national visual and mechanical standards to meet the test criteria. Privately owned vehicles only had to pass mechanical standards.
- iv. The Council had not been as consistent as they should have been in enforcing taxi test standards over the last few years. This led to some taxis operating when they should not. More enforcement would occur in future. As general examples, ripped seats would make a vehicle unsuitable for hire and reward, whereas small scratches were unlikely to lead to test failure.
- v. Vehicles had not been failed but drivers advised of likely failure at a future test as a consequence of non-compliant defects.
- vi. The taxi test standard was published on the council website. The Licensing & Enforcement Manager has recently been made aware that it was unavailable; he undertook to ensure it is republished.
- vii. Undertook to liaise further with the taxi trade.

Mr Wratten raised the following supplementary points:

- i. Reiterated his request for dialogue with the Licensing & Enforcement Manager regarding taxi test standards as taxis could be taken off the road due to cumulative small scratches leading to test failure.
- ii. Took issue with the sudden decision to enforce standards.

The Licensing & Enforcement Manager responded:

- i. Reiterated the taxi test standard was clear and adopted a number of years ago.
- ii. Would seek to be reasonable when enforcing standards.
- iii. It was regrettable that standards had not been consistently enforced before now.
- iv. Undertook to liaise with taxi trade representatives.

Councillor Rosenstiel said that when the limit on taxi numbers had been removed, it was emphasised that the standard of taxis was to be raised. The Council expected taxis to look smart.

14/5/Lic Setting of Fees for Licensing Functions

The Committee received a report from the Licensing & Enforcement Manager.

The report advised the City Council is responsible for processing and issuing licences for a wide range of activities. At its meeting on 7 October 2013 Licensing Committee approved the basis for determining fees and instructed officers to report back, with a view to adopting the fees to be applied with effect from 1 April 2014.

The Committee received a representation from Mr Wratten.

The representation covered the following issues:

- i. Suggested most fees being charged were reasonable.
- ii. Expressed concern regarding the fee charged for administering transfers. Suggested that £40-£50 was more appropriate than £80.

The Environmental Health Manager responded:

- i. The transfer process took a lot of officer time to administer.
- ii. A cost breakdown was undertaken to evidence the fee charged was appropriate (circa £79, so rounded up to a £80 charge).

Councillor Rosenstiel said that the Council had little discretion to vary fees.

The Committee then debated the Officer's report.

Councillor Gawthrop sought clarification why fees were changing. Councillor Rosenstiel said this was a result of a Westminster Council court case. Fees now reflect costs to the authority. Some charges were outside of the Council's control ie set nationally.

Councillor Brierley asked if fees could be reduced. The Licensing & Enforcement Manager said the charges reflected good value for money for the service and assistance officers provide to drivers.

The Committee:

Resolved (by 6 votes to 0) to:

- i. Agree the level of fees from 1st April 2014 as set out in Appendix A of the Officer's report and then refer them for adoption by Full Council as part of the budget setting process.
- ii. Agree that fees shall be reviewed on an annual basis.
- iii. Advertise those levels, in accordance with taxi law.

14/6/Lic Card Payments for Hackney Carriage Journeys

The Committee received a report from the Licensing & Enforcement Manager.

The report advised the City Council is responsible for setting the maximum level of charges for journeys within the city taken in a Hackney Carriage.

A request had been received from Cambridge City Licensed Taxis (CCLT), one of the organisations which represent drivers of Hackney Carriages, for the Council to consider an amendment to the charges which would permit a surcharge to be added to fares where payment is made by means of a credit or debit card.

The Committee received a representation from Mr Wratten.

The representation covered the following issues:

- i. Asked Councillors to allow CCLT to charge a surcharge when processing credit cards, customer demand was growing for credit card facilities. Suggested 5% as the fee to be charged, this was lower than other operators.
- ii. CCLT were not able to charge a surcharge at present as they had a fare sheet.
- iii. Other operators such as Panther already applied a surcharge for card processing.

The Committee then debated the Officer's report.

The Committee made the following comments in response to the report:

- i. Organisations generally imposed a percentage surcharge of the total transaction for credit cards.
- ii. Debit cards generally imposed a set fee per transaction, businesses did not pass this onto customers.
- iii. The taxi trade had identifiable costs for processing credit cards; as well as offsetting factors not considered such as reduced risk of crime (theft of cash). Also there were staff time/resource implications for processing cash and debit card transactions as well as credit cards. The trade should be able to recover some but not all administration costs.
- iv. It would be reasonable for CCLT to charge a credit card surcharge to bring them into line with other taxi operators.

The Committee:

Resolved (unanimously):

- i. To allow a charge to be made for card payments for hackney carriage journeys.
- ii. The charge should be 5% per credit card transaction.
- iii. To undertake the required consultations, as set out in Section 4, before the charge may come into force.

14/7/Lic Medical Examinations for Taxi Drivers

The Committee received a report from the Licensing & Enforcement Manager.

The report advised that as part of the checks that the City Council undertakes to ensure that drivers of Hackney Carriages and Private Hire Vehicles are fit and proper people to be licensed, they must pass a medical examination from time to time.

The Officer's report reviewed the present arrangements for the undertaking of medical examinations and proposed an alternative arrangement.

In response to the Officer's report Councillors sought clarification if other C1 category drivers must also pass a medical examination from time to time.

In response to Members' questions the Licensing & Enforcement Manager and the Environmental Health Manager said the following:

- i. Two Clinical Commissioning Groups covered the Greater Cambridge area. They would act as central contact points for medical examinations.
- ii. Every taxi driver must undertake a health check:

- Before obtaining a licence.
 - Every 5 years between the ages of 45 – 65.
 - Annually post 65.
- iii. Options would be built into the consultation to cover cases where a GP could not be contacted for test/results.

Councillors requested a change to recommendation (iii) - 2.2b in the Officer's report. Councillor Saunders formally proposed to amend the following recommendation from the Officer's report (amendments shown as struck through text):

To report back to Licensing ~~Sub~~-Committee the results of the consultations, to enable a decision to be taken as to the future policy with regard to medical checks.

The Committee unanimously approved this amended recommendation.

The Committee:

Resolved (unanimously) to:

- i. Change the present arrangements for determining the medical fitness of taxi and private hire drivers
- ii. Instruct officers to consult with the taxi trade and the representatives of general practitioners about the proposed change.
- iii. Ask Officers to report back to Licensing Committee the results of the consultations, to enable a decision to be taken as to the future policy with regard to medical checks.

The meeting ended at 10.45 am

CHAIR