

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Wednesday, 24 February 2016 at 9.30 am in the executive meeting room, floor 3 of the Guildhall, Portsmouth.

Present

Councillors Julie Swan (Chair)
Dave Ashmore
Jennie Brent
Margaret Foster
Paul Godier
Scott Harris
Stephen Hastings
David Tompkins

Also in attendance

Simon Potter, Service Manager, Adams Morey
David Watkins, Blue Lamp Trust
And approximately 70 private hire and hackney carriage drivers.

6. Apologies for Absence (AI 1)

Apologies for absence were received from Councillors Phil Smith, David Fuller, Gerald Vernon-Jackson, Lee Mason, Hannah Hockaday and Aiden Gray. Standing deputy Councillor Ken Ellcome was in attendance for Councillor Lee Mason. Apologies for absence were also received from standing deputies, Councillors Rob Wood and Lee Hunt.

7. Declarations of Members' Interests (AI 2)

Councillor David Tompkins declared an interest in agenda item 4 - Town Police Clauses Act 1847 and Part III, Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Matters - Draft Statement of Licensing Policy - in that he owns a language school in Portsmouth and would therefore abstain from the discussions on that particular issue.

8. Minutes of the previous meeting held on 15 January 2016 (AI 3)

RESOLVED that the minutes of the Licensing Policy Committee held on 15 January 2016 be agreed as a correct record and signed by the chair.

9. Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Matters - Draft statement of Licensing Policy (AI 4)

The Licensing Manager introduced the report and explained that the Licensing Committee in 2014 had instructed that the head of service "undertake a thorough

review of hackney carriage and private hire policy in respect of drivers, vehicles and private hire operators".

The draft policy has been subject to public consultation via "consultations" on the council website, with copies being distributed to all licensed private hire operators, recognised trade representatives and to all the 'big' fleet garages within the city and with copies being made available in the Licensing Service public reception area.

The principal licensing officer gave a presentation to the committee on the draft policy statement. Members were also shown CCTV footage, which had been taken from a forward facing camera installed in a hackney carriage vehicle involved in a car accident.

Deputations were heard from Viv Young (Taxi Trade rep), Carolyn Holmes (Hackney Carriage Proprietor), Bruce Hall (General Manager, Aquacars), Perry McMillan (Unite Union Southern Area Taxi Trade) and Chris Dixon (Hackney Carriage rep).

Viv Young included the following points in his representations:

- Have 40years experience in the taxi trade.
- Taxis are over-ranking. Request a survey is undertaken.
- Drivers sit on a rank for hours at a time.
- The minimum working wage is going up but taxi drivers earn less than that.
- Must retain quality and quantity in the trade.
- Fully support 3year licence for private hire drivers - good to have that option.
- Regarding the bulb kit, not practical. Police and bus drivers do not change their vehicle bulbs and are not expected to. Some drivers would just sell the kits.
- Regarding CCTV, not all drivers are technical. Would assume if the light is on the CCTV is working.
- Age of a driver should be decided on merit. I was 19years old when I joined the trade. Applicants should hold a driver licence for two years.
- Support driver standards.
- Geography standards, my eyes are always on the road not the sat nav. Good local knowledge is essential.
- Fully support disability/wheelchair training. Commend Aquacars who insist drivers are trained. Is there any funding available from Southern Tourist for this training?
- 120,000 motorway miles on a vehicle is better than 40,000 miles from driving around town for the vehicle.
- Vehicle age limit should remain at 8years. Should clamp down on persistent offenders not those drivers who look after their vehicles.
- Cost of installing CCTV for 31 days will be £700.
- Taxi ranks at the Kings, the new Tesco and Liquid and Envy need addressing, as does the temporary rank at The Hard.
- The council need to clamp down on illegal parking on taxi ranks.
- Rear loading wheelchair accessible vehicles are better for most Portsmouth streets. The vehicles are cheaper and smaller.
- The trade and council need to work together.

At this point in the proceedings the Licensing Manager clarified that the policy statement would be forwarded to neighbouring local authorities, the chair confirmed that she had agreed to write to the Licensing Committee chairs for the neighbouring local authorities asking them to consider the policy and Councillor Ken Ellcome, as the Cabinet Member for Traffic and Transportation, clarified that the issue of taxi ranks is ongoing and that trade reps are welcome to attend the Taxi Liaison Group meeting, taking place a week Friday with any suggestions.

Carolyn Holmes included the following points in her representations:

- Have been in the trade for over 40years and a trade rep for over 20 of them.
- Have never known it to be so quiet.
- The use of mobile phones over the last 10years has certainly affected the hackney carriage trade.
- The number of private hire drivers/vehicles have increased but not in line with the population of the city.
- The introduction of Uber and Andicars operating in the city have also had an impact on the hackney carriage trade.
- Driver standards are a good thing.
- The geography knowledge test needs to be tightened up.
- CCTV is good for both the driver and the travelling public.
- Livery - slight changes have crept in.
- First licensed vehicle under one year will be a huge financial burden on proprietors.
- Garages are making a profit on every car so can afford it unlike individuals.
- Vehicles over five years old will be subject to two tests. This is a good thing but also another financial burden.
- Change is a good thing but there are financial expectations for both private hire and hackney carriage.

Bruce Hall included the following points in his representations:

- There is an unmet demand for hackney carriage. A survey should be undertaken so the committee can make an informed decision/
- The age for drivers should be 21years.
- Three year vehicles are generally good, not one year. Do not have an issue with testing over 5-6year old vehicles.
- Speaking and understanding the English language is welcomed for drivers. Should be a minimum entry level for the trade.
- Aquacars require drivers to do the MiDAS training.
- Everyone needs to understand the needs of their passengers.
- Agree with CCTV in cars. 72 hours is not long enough and 31 days is too long. Insurance will be lowered if CCTV is fitted.
- Cardiff Council have asked for four cameras, two inside, one looking out the front and one looking out of the rear of the vehicle at a cost of £260.
- Cannot legally record conversations in the vehicle so you cannot pick up the start of the confrontation. Is it the driver or the customer?
- Everything is App based now with Uber so please bear in mind of anything you ask to be implemented and the costs.
- Want support from both sides.

Perry McMillan included the following points in his representations:

- If members agree to retain hackney carriage numbers then a survey must be undertaken.
- In Southampton the last survey was undertaken in 2015 and there was found to be no unmet demand. The evidence backs up what the drivers on the ranks had been saying. This is a city with cruise ships etc.
- There just isn't the work.
- There were too many cars ranking at Portsmouth&Southsea train station and we were asked to deal with that.
- CCTV now could cost up to £700. There were some issues with the heads of the cameras snapping when vehicles went over ramps.
- Taxi drivers are chatty. We want a tip!
- Be minded that this is people's livelihood and things should be phased in.
- The turnout today shows how important this is.

Chris Dixon included the following points in his representations:

- Fantastic turnout today.
- Vehicle age, one year is draconian, three years is tough but more acceptable.
- Test for 'fit and proper' - only want people who are fit and proper representing this city.
- CCTV is the way forward to protect the travelling public and the driver.
- The principle could be voted on today and the details discussed at a later date.
- Hackney carriage trade have not asked for a fare rise in six years because private hire is so competitive in the city.
- Portsmouth is one of the cheapest cities to travel in private hire.
- Please retain the hackney carriage numbers otherwise we will become extinct.
- You as a committee have a duty of care to do the right thing.
- We have to pay for the survey.
- Council must abide by the decision of any survey.
- Special thanks to Ross Lee for his hard work on this policy.

Councillor Swan wished to place on record the committee's thanks to Ross Lee for all this work on this policy.

Simon Potter, the Service Manager, from Adams Morey explained that 'bulb' failure is quite a common thing and carrying a bulb kit in the vehicle could make working much easier. Adams Morey are always willing to fit bulbs to get drivers back out working as quickly as possible. There is more and more pressure to make vehicles leaner and greener.

David Watkins from the Blue Lamp Trust ("BLT") explained that the trust was set up in 2010 between Hampshire Fire and Rescue Service and Hampshire Constabulary. The BLT is a lead supplier to local authorities, Havant being the first one the trust started with, of driver assessments for taxi licence applicants and existing drivers. The aim of the trust is to reduce risk and improve the standard of driving. The cost of an assessment is £87 which includes a de-brief session. Many drivers have a number of bad habits so the trust recommends having a driving lesson with a qualified instructor first. The money raised from the assessments is ploughed back into a scheme to secure the homes of persons aged over 60years.

Members' questions

Members sought clarification from the licensing manager on the use of prescription drugs, the geography test and the need to build in further questions into the test, the current language test, the phasing in of the use of CCTV in vehicles and the use of the audio function and the pros and cons of undertaking a survey.

Members agreed to the recommendations contained within the statement of licensing policy including the proposed final amendments as listed at appendix C to the report and the following additional amendments:

Chapter 4: Hackney Carriages - Demand and Quantity Control. The committee agreed to retain the existing numeric limit (234 vehicles) on the number of hackney carriage licensed to ply for hire within the City of Portsmouth and to instruct the head of service to identify a suitably qualified independent transport consultant to carry out a survey on the demand or otherwise for the services of hackney carriages within Portsmouth.

Chapter 8: The Test of "Fit and Proper" - 'minimum entry age limit to the trade of 21 with a requirement for applicants to have held a full driving licence for 2 years';

Chapter 10: Vehicle Specification Requirements: paragraph 4.4 - 'any newly licensed fully wheelchair accessible private hire or hackney carriage after 1 April 2016 may be licensed with either rear, side loading or both';

Chapter 11: Vehicle Testing Requirements: paragraph 8 - remove the reference to the need to carry a replacement bulb and fuse kit;

Chapter 12: Vehicle Age Limits - 'all private hire and hackney carriage vehicles presented for initial licensing shall be under 3 years of age on first licensing and may remain licensed until 8 years of age';

Chapter 13: CCTV Provision in Vehicles - paragraph 3 'to retain such data for a period of 31 days'; and paragraph 5 'that all licensed hackney carriage and private hire vehicles as appropriate be fitted with compliant CCTV cameras by 30 September 2017 and that any newly licensed private hire or hackney carriage vehicle from 1 April 2016 onwards be required to be fitted with compliant CCTV cameras with immediate effect'.

RESOLVED that:

- 1) The report and draft statement of licensing policy for the control, supervision and enforcement of the hackney carriage and private hire trades within the City of Portsmouth together with the scheme of delegations and relevant appendices be noted and approved by the Licensing Committee with effect from 1 April 2016.
- 2) That the policy be reviewed by the Licensing Committee every 3 years with the appropriate head of service authorised to make such minor typographical and other corrective administrative amendments from time to time as required.
- 3) Recommends to council the formal approval of the licensing policy for a 3 year period commencing 1 April 2016 and to seek approval for the Licensing

Committee to retain future responsibility for the control and administration of the policy.

The meeting concluded at 2.45 pm.

Signed by the chair, Councillor Julie Swan.