

Public Document Pack

Date of meeting	Tuesday, 4th September, 2012
Time	7.00 pm
Venue	Civic Offices, Merral Street, Newcastle Under Lyme, Staffordshire ST5 2AG
Contact	Julia Cleary 01782 742227

Public Protection Committee

AGENDA

PART 1– OPEN AGENDA

- 1 Apologies for absence**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in this agenda.
- 3 MINUTES OF PREVIOUS MEETING (Pages 1 - 4)**
To consider the minutes of the previous meeting held on 6th August 2012.
- 4 Law Commission Consultation on Reforming the Law of Taxi and Private Hire Services (Pages 5 - 8)**
To consider the minutes of the previous meeting held on 6th August 2012.
- 5 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100(B)4 of the Local Government Act.

Members: Councillors Allport, Bailey, Hailstones, Mrs Hailstones, Mrs Heesom, Kearon, Matthews, Miss Olszewski (Vice-Chair), Olzewski (Chair), Robinson, Miss Walklate, Welsh and Mrs Williams

‘Members of the Council: If you identify any personal training / development requirements from the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Committee Clerk at the close of the meeting’

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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PUBLIC PROTECTION COMMITTEE

Monday 6 August 2012

Present:- Councillor M Olszewski – in the Chair

Councillors Allport, Bailey, Mrs Hailstones, Hailstones, Kearon, Matthews, Robinson, Welsh and Mrs Williams

Also in attendance – Mrs T Jones, Mr A Davies and Mr Ulhaq representing the Hackney Carriage Drivers' Association.

1. APOLOGIES

Apologies for absence were received from Councillors Mrs Heesom and Miss S Olszewski.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF PREVIOUS MEETING

Resolved:- That the minutes of the meeting of this committee held on 28 May 2012 be approved as a correct record.

4. DOG CONTROL ORDERS

Consideration was given to a report seeking approval for public consultation on proposals to make new Dog Control Orders relating to fouling, Dogs and Leads and Dog Exclusions.

It was indicated that consultation would help to simplify and refresh existing dog controls, give residents an opportunity to influence which controls were adopted and where they should be applied.

Members agreed that dog fouling was a particular problem with specific mention being made of Apedale Country Park where large numbers of dogs were walked by dog minders/walkers.

It was agreed that the consultation document should remind dog owners to act responsibly and that in the absence of dog waste bins dog waste could be disposed of in normal waste bins.

Details of the proposed orders were attached as an appendix to the officer's report with the areas affected.

Resolved:- (a) That the proposed controls be supported.

(b) That approval be given to the proposed public consultation process to be commenced in accordance with the Dog Control Orders (Procedures) Regulations 2006.

5. HACKNEY CARRIAGE LICENCE HOLDERS' SURVEY

Consideration was given to a further report advising the Committee of the outcome of consultations with the Council's Hackney Carriage Licence Holders in relation to a Hackney Carriage Unmet Demand Survey which would be required if the numbers of Hackney Carriage Licences were to continue to be restricted. The Council's current Hackney Carriage Unmet Demand survey was due to expire on December 2012.

The options available to the Council that had been sent out in the consultation letter were as follows:-

- Option 1 The Council commission an unmet demand survey and meet the full cost of the survey. (*There were 34 responses to this option.*)
- Option 2 The Council commission an unmet demand survey and meet half of the cost of the survey. The other half of the cost to be met by the Hackney Carriage Trade. (*There were no responses to option 2.*)
- Option 3 The Council commission an unmet demand survey and the full cost of that survey be met by the Hackney Carriage trade. (*There was 1 response to this option.*)
- Option 4 That no unmet demand survey be commissioned and by doing so the current restriction on the number of Hackney Carriage licences be removed. (*There were no responses to option 4.*)

Representatives of the Trade indicated a willingness to contribute towards the cost of a survey although the actual amount would first have to be discussed and agreed with all Hackney Carriage Drivers Licence holders and the Licensing Authority.

Having considered the report of 28 May 2012, the DFT guidance and the results of the consultation it was considered that a further Unmet Demand Survey could not be justified.

However, they also expressed the opinion that there was no justification to support option 4 thereby making more Hackney Carriage Drivers Licences available.

Resolved:- That no Unmet Demand Survey be commissioned, as detailed in Option 4 above, and the current restriction on the number of Hackney Carriage Licences be removed as at December 2012.

6. VEHICLE SIGNAGE AND CONDITIONS

Reference was made to the Committee's discussion on this matter at its meeting on 28 May 2012 and consideration given to a further report regarding the adequacy of the Council's current signage policy for private hire vehicles and recommending that changes be made.

The officers expressed the view that any condition relating to signage on Private Hire Vehicles should have been attached to the Private Hire Vehicle Licence and, if approved, the condition should be removed from the operator's licence.

For the guidance of Members, details of the amended condition (number 14) was set out in the officer's report for approval together with details of the options available to the Committee.

Resolved:- (a) That, subject to consultation with Private Hire Vehicle Licence Holders, condition 14 be removed from Private Hire Operators Licences and instead be attached to Private Hire Vehicle Licences in the following amended form:-

The holder of a Private Hire Vehicle licence shall ensure that door signs are displayed on their Private Hire vehicles, and that the signs comply with the following:-

The sign shall measure at least 590mm x 220mm and shall be adhesive in type and shall exhibit the following:-

- (i) The words “PRIVATE HIRE PRE BOOKED JOURNEYS ONLY” in lettering measuring at least 20mm and no more than 30mm.
- (ii) The name of the Operator under whose licence the vehicle is operated, and the first three figures if the telephone number of that Operator in lettering measuring at least 30mm and no more than 70mm high.
- (iii) The final four figures of the telephone number of that Operator in lettering measuring at least 70mm and no more than 110mm high.

(b) That a further report be submitted to a future meeting of this Committee.

7. EXCLUSION OF THE PUBLIC

Resolved:- That the public be excluded from the meeting during consideration of the following item because it is likely there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

8. PRIVATE HIRE DRIVERS' LICENCES

- (i) Driver A

Driver A had applied for a Private Hire Driver's licence.

In this application, the applicants CRB disclosure and driving licence revealed 2 convictions for drink driving offences, the first one being in 2002 and the second in 2007.

Having regard to the Council's guidelines relating to the relevance of convictions, the Committee considered Driver A's suitability to hold a Private Hire Driver's Licence.

Resolved:- That the application for a Private Hire Driver's Licence submitted by Driver A be refused.

- (ii) Driver B

Driver B had applied for a Private Hire Driver's Licence.

The applicants CRB disclosure revealed that he had been convicted for failing to provide a specimen for analysis (being in charge of a motor vehicle) for which he was fined and disqualified from driving for 24 months.

Having regard to the Council's guidelines relating to the relevance of convictions, the Committee considered Driver B's suitability to hold a Private Hire Driver's Licence.

Resolved:- That the application for a Private Hire Driver's Licence submitted by Driver B be refused.

(iii) Driver C

The Committee considered a report outlining the outcome of prosecution instigated by the Council against Driver C and the details surrounding his currently suspended Private Hire Driver Licence which related to misconduct to a passenger and taking bookings from that passenger without an Operator's Licence and also previous convictions relating to violence and dishonesty.

Resolved:- That the suspended Private Hire Driver Licence relating to Driver C be revoked.

M OLSZEWSKI
Chair

Law Commissions Consultation on Reforming the Law of Taxi and Private Hire Services

Submitted by: Head of Central Services

Purpose

To inform the Committee of the views of their officers concerning the Law Commissions Consultation on Reforming the Law of Taxi and Private Hire Services.

1. **Background**

1.1 The Law Commission are currently consulting Local Authorities about reviewing Private Hire and Hackney Carriages.

The Terms of Reference are as follows:

To review the law relating to the regulation of Taxis and Private Hire Vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on business.

The process for consultation requires the Council to study the Consultation Document and make a response to the Law Commission by 10th September 2012.

Your officers have studied the document and have concluded that the following responses reflect the views of your officers.

Provisional Proposal (PP) (1) Agree – as it maintains a competitive market and provides choice for the public.

PP (2) Agree – it would be illogical to differentiate between various parts of the Country.

PP (3) Maintain that only motor cars (and at a later date stretch limousines subject to appropriate conditions and regulations) be restricted to the regime.

Question (Q) (4) Yes – as there are and would be set standards i.e. medicals and passing a driving test.

PP (5) Agree.

PP (6) – That the current situation be maintained and that stagecoaches are not included with the exclusions.

PP (7) – We accept that stretch limousines and novelty vehicles can be licensed – however, guidance should be issued to whoever licences them. Stretch limousines should be licensed at local level but novelty vehicles should be licensed by the Traffic Commissioner.

PP (8) – The proposal be agreed to and maintain the current position.

PP (9) – This should not be included in the regulation. Local authorities should not be involved.

PP (10) – Whatever the Secretary of State determines is OK. He should be able to make decisions i.e. national exclusions.

PP (11) – These vehicles should be included in the licensing regime as they regularly carry members of the public.

PP (12) – It is considered there are no merits in re-introducing the contract exemption.

PP (13) – It was agreed that engaging with the public should not be limited to streets.

Q (14) – Your officers had no views to this question.

PP (15) – The proposal was agreeable, in that anything that assists in enforcement and the concept of plying for hire should be put on a statutory footing in order to facilitate enforcement.

PP (16) – Agreed the proposal in that the critical factor regarding pre-booking is the method of engagement not the speed.

Q (17) – We see the advantages of adopting the Scottish definition but have concerns about the definition of a Public Place and consider that this should be tightened up with regards to “should not be limited to streets”.

PP (18) – Compellability should be retained.

PP (19) – Yes – pre booking should continue to be the only method.

PP (20) – Disagree with the proposal and feel that the status quo should remain – reason – there would inevitably be enforcement issues arising.

PP (21) – Agree the Secretary of State and Government Ministers should have the power.

PP (22) – Disagree – the term hackney carriage should remain.

Q (23) – No, private hire should not use the words taxi or cab – there should be no customer confusion, if the journey has not been pre-booked the driver should refuse.

PP (24) – Yes there should be national safety requirements.

PP (25) – Yes standards should be a minimum provided that local authorities maintain the ability to add additional higher standards.

PP (26) – Yes national safety standards should be mandatory.

PP (27) – Agree to national safety standards – but quality standards should be set at local level e.g. topographical test for drivers.

Q (28) – Yes and yes; however there should be national minimum standards relating to signage.

Q (29) – Problems would occur when national safety standards are implemented and have a financial cost to the proprietors.

Q (30) – Guidance should be sought from the H.S.E. or any other appropriate body. There may be differences between Hackney Carriages and Private Hire and both should be risk assessed.

PP (31) – Yes, but at a local level retain the power to add to any minimum conditions.

PP (32) – Yes, subject to Statutory Consultation.

Q (33) – By consultation with the proprietors of Hackney Carriages and Private Hire Vehicles and vehicle manufacturers, secondly there should be a requirement to refer to a technical advisory panel.

PP (34) – Yes, local authorities should retain the power.

Q (35) – No, there should be no statutory limit to set local taxi standards.

Q (36) – Yes, local authorities should retain the power to impose individual conditions.

Q (37) – It is best left to local arrangements.

PP (38) – Yes, authorities should have the option.

PP (39) – Yes, authorities should have the option to create or remove taxi zones within their area.

Q (40) – Yes with reservation – it would be useful, however it may present possible enforcement problems.

PP (41) – Agree that operators should not be restricted within a locality, however they should continue to only use vehicles and drivers licensed by the same authority that issued the Operators licence.

PP (42) – Agree no requirement needed.

PP (43) – Agree.

Q (44) – No.

Q (45) – Either of the options would be agreeable providing that the local authority retained the ability to exercise its discretion in individual circumstances.

PP (46) – Agree the proposal.

Q (47) – In relation to insurance cover standards should be in primary legislation.

PP (48) – Yes, should be retained as mandatory.

Q (49) – No – operator licensing should not be extended.

PP (50) – No – there should be no extension of the definition of operators.

Q (51) – Yes.

PP (52) – Yes – if acting outside its controlled district.

Q (53) – Yes – records should be kept.

PP (54) – Agreed.

Q (55) – Unable to think of any problems.

Q (56) – No – market fees would dictate and manage sustainable growth.

Q (57) – Yes – 1) may be impractical; 2) good idea.

Q (58) – No lower fees.

Q (59) – By allowing a longer life of the licence and dedicated rank space.

PP (60) – It has been noted not to introduce national quota's – however, it is felt that in order to promote wheelchair accessible vehicles that in Newcastle's case this could be overcome by deregulation and the conditions of issuing licences.

PP (61) – Yes, agree to the proposal.

PP (62) – Logically yes; practically there may be problems as information inside the vehicle.

Q (63) – Again logically yes, however it may prove difficult to enforce.

Q (64) – Yes.

Q (65) – This question has no relevance for Newcastle.

Q (66) – It would be reasonable to have the power to impound vehicles, however the practicality of doing so may prove difficult.

Q (67) – The use of fixed penalties would be a useful tool in the local authorities armoury so long as primary legislation enabled it.

PP (68) – Yes, officers should have the power.

Q (69) – Yes – by legislation.

PP (70) – Agree to the proposal.

PP (71) – No – disagree.

PP (72) – Consideration should be given to setting up special tribunals who would have a greater knowledge of the legislation, the local conditions and policies.

Q (73) – Following on from the previous answer, logically the next step would be to appeal to the Magistrate's Court.

Issues.

There are no issues in this report

Proposal :- That your officers responses to the Consultation document be adopted together with any amendments proposed at the meeting and the comments to be forwarded to the Law Commission.