

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 1 DECEMBER 2016

Present: Councillor Mrs Joy (Chairman) and Councillors Garten, Mrs Grigg, Mrs Hinder, McLoughlin, B Mortimer, Naghi, Newton, Mrs Robertson, J Sams and Springett

39. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Greer.

40. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

41. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

42. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

43. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

44. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

45. MINUTES OF THE MEETING HELD ON 29 SEPTEMBER 2016

RESOLVED: That the Minutes of the meeting held on 29 September 2016 be approved as a correct record and signed.

46. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 29 SEPTEMBER 2016

Minute 37 – Proposed Introduction of an Online Taxi Driver Knowledge Test

The Licensing Partnership Manager reminded Members that at the last meeting of the Committee, due to technical reasons, it had not been

possible to access the demonstration version of the online taxi driver knowledge test which was designed to provide a flavour of what the test, which was in development, might look like. The Licensing Partnership Manager then updated Members on the position with regard to the introduction of the online knowledge test. It was noted that:

- A link to the demonstration version of the online taxi driver knowledge test had been sent to Members after the last meeting of the Committee, and comments had been received from Members who had tried the test.
- The three authorities in the existing Licensing Partnership had different requirements for their new drivers. It was a service objective to seek where possible to streamline processes, provide a consistent and uniform approach and reduce costs. In this connection, it was the intention to remove the current requirements for each authority and move to an online knowledge test which a prospective driver would need to pass before being able to progress an application. Applicants would be able to sit the test at any partner authority and the system would recognise which authority they wished to apply to drive in and ask the appropriate questions for that authority. There would be generic questions where appropriate for all three authorities and specific questions for the authority in which they would be licensed to drive.
- The Licensing Partnership would purchase six tablets for testing purposes. Applicants would only be able to access the knowledge test; there would be no access to the internet, maps etc. Since the last meeting there had been two testing sessions with existing licensed taxi drivers at Maidstone and Sevenoaks to obtain their feedback and suggestions for improvement. The test had been positively received by the drivers and some of the questions might be reworded in response to comments made. It would be possible to incorporate additional test elements such as safeguarding awareness and disability awareness. It was hoped to move to the online testing in January.
- Shepway District Council was looking to commission a video to be used to provide training on safeguarding awareness. The Licensing Partnership Board would be asked to make a contribution towards the cost of the video.
- It was the intention to provide safeguarding awareness training for all existing licensed taxi drivers in the first instance and then for new ones. Drivers could not be made to undergo the training, but would be encouraged to do so. The training requirements would then be reviewed every three years.

RESOLVED: That the position with regard to the introduction of the online taxi driver knowledge test be noted.

47. TAXI RANK UPDATE REPORT

The Committee considered the report of the Head of Housing and Community Services updating the position with regard to taxi rank provision in the Borough taking into account the outcome of consultation to date and the likely impact of regeneration schemes around the area of Maidstone East railway station and other parts of the town, including the bottom of Gabriels Hill, and a proposed consultation on options relating to Hackney Carriage numbers. It was noted that the appointment of ranks at the most appropriate locations to meet demand and the removal of ranks that are no longer used would have a positive impact on the economic vitality of the town.

During the ensuing discussion reference was made to the air quality issues associated with taxi drivers leaving their engines running while queuing at the ranks. It was suggested that consideration be given to making it a requirement for new Hackney Carriage vehicles to have heaters independent of the engine. The Head of Housing and Community Services undertook to check the Hackney Carriage and Private Hire Licensing Policy and then report back to a future meeting as to how this issue might be taken forward having regard to (a) the need to consult the trade and (b) the emerging Low Emissions Strategy. Members were mindful that in consulting the trade it would be necessary to provide reasons to substantiate any proposals.

In response to a question, the Head of Housing and Community Services advised against taking steps to remove any ranks in advance of the proposed consultation on options relating to Hackney Carriage numbers and until the Maidstone East and other town centre regeneration schemes are at an advanced stage of planning.

RESOLVED: That the current situation regarding taxi rank provision be noted and that the Head of Housing and Community Services be requested to provide a further report following decisions on Hackney Carriage numbers and once the regeneration of Maidstone East and other parts of the town centre are at an advanced stage of planning.

48. HACKNEY CARRIAGE VEHICLES UNMET DEMAND SURVEY

The Committee considered the report of the Head of Housing and Community Services setting out the results of the Hackney Carriage Unmet Demand Survey carried out by Vector Transport Consultancy and outlining the options available to the Council. It was noted that:

- The survey had concluded that there was no significant unmet demand for Hackney Carriages in Maidstone at present, and no compelling need to increase the number of Hackney Carriage vehicle licences on the basis of public benefit.
- Best Practice Guidance issued by the Department for Transport in relation to Taxi and Private Hire Vehicle Licensing recommended that quantity restrictions should not be imposed.

- Whilst surveys commissioned by the Council in recent years had indicated that there was no significant unmet demand, there were requests from licensed drivers to obtain Hackney Carriage vehicles and they often stated that they were aggrieved that they were prevented from obtaining a Hackney Carriage vehicle licence due to the limit on numbers.
- The Hackney Carriage trade had stated that licensing more vehicles would affect their livelihoods, but case law stated that whilst this must be considered if it takes place, it was not in itself a justification for maintaining a limit.
- Maidstone was now thought to be one of less than a quarter of all local authorities which still restricted the number of Hackney Carriage vehicles. In most cases where quantity restrictions were imposed, vehicle licence plates commanded a premium, often thousands of pounds, which indicated that people wanted to enter the taxi market, but were prevented from doing so by the quantity restrictions.
- Where it was intended to delimit the number of licences available, a mechanism of quality control was normally introduced, and this was usually by specifying the type of vehicle that could be licensed as a Hackney Carriage vehicle. The standard in Maidstone was already very high and was limited to three types of vehicle: the TX, Mercedes Vito Taxi and the Peugeot E7 Taxi.
- The limit on Hackney Carriage vehicles currently stood at 48.
- In terms of the options available, the Council had the discretion to:
 - Maintain the current limit; or
 - Issue additional plates as it saw fit; or
 - Remove the numerical limit.

In response to questions, the Officers explained that:

- If the Council decided to deregulate and issue an unlimited number of licences, market forces would come into play to balance supply and demand. When Sevenoaks District Council removed quantity controls, concerns were expressed by the trade that there would be a risk of over-supply. In the event, the number of vehicles had increased from 191 to 199-209.
- There had been a limited response to the taxi trade consultation given the overall number of Hackney Carriage and Private Hire vehicle drivers.
- Issues of concern identified by the Mystery Shopper survey had been followed up and appropriate action had been taken.
- A standard formula was used to calculate the incidence of Significant Unmet Taxi Demand. However, given the projected housing growth in

the Borough, the potential impact on the demand for and supply of taxis could be included in any future consultation.

- Further information could be provided as to how other local authorities were dealing with the deregulation of taxi services. It was not good practice for unmet demand surveys to be paid for by the local taxi trade except through general revenues from licence fees. If the decision was taken to remove the limit on the number of Hackney Carriage vehicles, the trade could be asked to consider using the funds saved as a result of not having to undertake the unmet demand surveys in future to provide heaters in vehicles independent of the engine.
- Licensing Officers continued to carry out monthly evening inspections to ensure the law regarding Hackney Carriage and Private Hire vehicles was adhered to. This included checking for out of area operators. A penalty points system had been adopted which acted as a first step in ensuring compliance with licensing policy conditions. Points were accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. If a driver, proprietor or operator accumulated twelve or more points within a period of one year from the date they were imposed, he/she would then be brought before the Licensing Committee. An update could be provided on the number of drivers issued with points.
- The incidence of queuing at ranks around Maidstone was taken into account when calculating the Index of Significant Unmet Demand.
- The split between Hackney Carriage and Private Hire vehicles varied across the Partnership. In Maidstone there was a high proportion of Private Hire vehicles (250+ compared to 48 Hackney Carriage vehicles). There were various reasons for this, including the requirement for all Hackney Carriage vehicles to be wheelchair accessible and the urban/rural balance.
- For Private Hire vehicle drivers, the issue of new plates was seen as an opportunity to access the Hackney Carriage trade without the need to buy a "plated vehicle" or to pay to rent a "plated vehicle". All Hackney Carriage drivers surveyed felt that there was no need to issue new plates and that the current limit should be maintained in order to limit additional competition and dilution of earnings.

RESOLVED:

1. That the results of the Unmet Demand Survey carried out by Vector Transport Consultancy be noted.
2. That the Head of Housing and Community Services be instructed to undertake a 12 week consultation with stakeholders on the following three options for Hackney Carriage vehicle licences with a view to a report back to the Licensing Committee at the earliest opportunity to enable a recommendation to be made to the Communities, Housing and Environment Committee:

Maintain the current limit on Hackney Carriage numbers; or
Issue any number of additional vehicle licences as appropriate; or
Remove the limit on Hackney Carriage numbers.

49. DURATION OF MEETING

6.30 p.m. to 7.25 p.m.