



NOTES OF THE HACKNEY CARRIAGE & PRIVATE HIRE TRADE MEETING

HELD ON THE 1st NOVEMBER 2006

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PRESENT:

From the Council - Cllr Mrs Mair Manuel, Cllr Mrs Jasmine Chesters, Cllr Roy Lucas, Trevor Blatchford (Assistant Solicitor), Mark Curgenvin (Licensing Manager), Phil Fitzsimons (Licensing Officer) & Jane Hughes (Licensing Administrator).

From the Trade – Colin Foreman, Marilyn Foreman, Bob Lethbridge, Eric Payne (Transport & General Workers Union), Mike Dewberry, Nick Dewberry, Phillipa Shone, Gay Lushington-Murray, Carol Wallis, Phillip Payne, Sally Henry, Michael Henry, John Nash, Phil Jones, Peter Ellis, Carol Ellis, Mark Kerr, Dave Young, Gordon Guest, Chris Pert & Keith Britland.

The meeting was opened by Cllr Manuel who advised of the house rules and confirmed that the spokesperson for the Transport & General Workers Union would be Mr Eric Payne and for the North Devon Taxi & Private Hire Association would be Mrs Gay Lushington-Murray.

APOLOGIES

Apologies were noted from Cllr Mrs Julia Clarke & Cllr Joe Tucker.

MINUTES OF THE LAST MEETING, 22ND AUGUST 2005

The minutes were agreed, although Gay L-Murray stated that she asked for the paperwork concerning the 1999 Unmet Demand Survey at the meeting but this had not been recorded. Cllr Manuel stated that she couldn't recall the request being made personally and asked the drivers present at this meeting, whether those who had been present at the last one could remember. No one could confirm that the request had been made.

MATTERS ARISING

Working Hours – T.Blatchford advised that the Road Transport (Working Time) Regulations 2005 state the maximum working week should be no more than 60 hours per week with an average of 48 hours per week over a 17-week period being applicable.

M.Dewberry asked if this applied to both employed and self-employed persons.

T.Blatchford confirmed that this applied to everyone.

E.Payne said that he can check with his unions legal department and suggested that we also contact David Farmer at the Department for Transport. **M.Curgenvin to look into this.**

C.Foreman confirmed the 17-week ruling but believes that you can choose to opt out of this by signing a waiver.

G.L-Murray asked if this is correct how would it be monitored & enforced?

T.Blatchford replied that a breach of this Act is an offence but inspectors appointed by the Secretary of State for Transport, not the Local Authority, enforce it.

P.Payne asked if this is guidance from Europe or our Government's regulations?

T.Blatchford confirmed that the regulations that came into force in 2005 were introduced by the UK Government.

P.Payne commented that these sort of regulations should be available to everyone and how do the trade know what regulations apply to them?

M.Curgenvin stated that these regulations are not our own and that we are only giving advice following last years meeting.

Cllr Lucas asked M.Curgenvin if links to the relevant websites could be included on our website? **M.Curgenvin agreed these could be looked into.**

Planning – At the last trade meeting Cllr Manuel promised that a member of the Planning Department would be asked to attend a Licensing Committee meeting to discuss the issue of taxi drivers working from home. In October 2005 Steve Pitcher, Executive Director attended the Licensing Committee on behalf of the Planning Department and confirmed that Planning and Licensing are two completely separate entities and that that neither affects the other. The Licensing Department can issue a licence for a Hackney/Private Hire vehicle without any planning consent being in place.

M.Kerr then asked if he were to come to the Council to ask to plate 5 vehicles would the Licensing department do it?

M.Curgenvin replied that yes it would if the applications were properly made and reiterated that Planning is completely separate to Licensing.

C.Wallis then added that the next thing to happen would be that someone would probably make a complaint to the Planning Department and he would receive a visit from a Planning Officer who would ask questions about how the business was run.

M.Curgenvin said that he would ask Planning if they could provide some guidance notes to put on the Licensing website.

Data Protection – The issue of sharing information with other departments was raised at the last meeting. All application forms will include a fair obtaining statement in the coming months.

P.Ellis asked if the Council had disclosed vehicle details such as MOT particulars to a third party such as Department for Works & Pension?

M.Curgenvan said yes, and that if requests for information regarding vehicles or drivers are received from a third party they are first referred to Dave Collins the Council's Data Protection officer. Mr Collins ensures that the requests were for genuine purposes, made correctly under legislation and that only the right information was disclosed.

ANNUAL REPORT

The Annual Report presented by Mark Curgenvan is attached at Appendix A and should be read in conjunction with the following points, which were raised during the presentation: -

TAXI DRIVER BODIES

Cllr Manuel wished to point out that the Council still welcomed direct communication with drivers that are not members of either the Association or the Union.

TAXI RANKS

M.Curgenvan pointed out that the D.C.C Road Traffic Control Orders mentioned had been advertised and the last day for representations was today.

Cllr Manuel urged the room to respond to these orders today.

M.Curgenvan also advised that the Traffic Warden service is shortly to pass to D.C.C from the Police and could possibly be privatised afterwards.

Cllr Manuel suggested that if it was helpful the Licensing Committee could invite D.C.C to come to a Licensing Committee meeting to discuss the way forward once the changes had taken place.

G.L-Murray added that she did not feel the proposed Cross Street & Butchers Row Ranks would be suitable and could NDDC ask for more rank space before the warden change took place?

VEHICLE NUMBERS

Mike Dewberry referred to the DFT Best Practice Guidance and stated that money has already been given for a survey in the overpayment of licence fees for the last 5 years. So he would officially like to ask for a new survey to be carried out to look at the current vehicle numbers.

M.Curgenvan gave an undertaking that the authority will look at the Council's policy regarding numbers in the coming months.

TAXI RANKS & BUS LANES

M.Curgenvan wished to point out that in addition to the recent work on Taxi Ranks in Barnstaple he has also made representation to D.C.C regarding rank provision in the development of the Ilfracombe Bus Station. However, he had been told that decisions regarding its development had been deferred, as further information

was required before the Executive Committee made any decision in regard to it.

BTEC QUALIFICATION

M.Dewberry asked if the Council recognise the BTEC certificate as part of the qualification to become a new driver.

M.Curgenvan replied that at the moment the Council was not insisting on this qualification due to the cost implications to drivers.

P.Fitzsimons added that the DFT Best Practice Guidance did encourage drivers to obtain one of the nationally recognised vocational qualifications for the Taxi & Private Hire trades.

Cllr Manuel commented that the information the Council had from the college was that there was no more funding available for this course.

G.L-Murray stated that there was still 100% funding available although the number of vacant places left were limited to a possible dozen.

Cllr Chesters said that that Council had been appalled by the cost of the BTEC course and if funding was available then the trade should take advantage while they could.

G.L-Murray asked if a decision had been made as to whether BTEC qualified drivers needed to watch the DDA DVD?

M.Curgenvan advised that Licensing Committee would need to make that decision and it will be taken to the next Licensing Committee.

E.Payne was concerned that the BTEC course was a way for private companies to make money.

M.Dewberry also commented that doing a BTEC course did not make up for the years of experience that many of the trade had anyway, which was generally acknowledged and agreed.

VALUE FOR MONEY/BENCHMARKING

D.Young commented that it has only really been in the last 12/18 months that the Council has taken an interest as far as taxis were concerned and yet the trade had been paying licence fees to the Council for years.

Cllr Manuel accepted what was said but added that the Council now had a number of staff, who had their interest in mind, whereas this hadn't been the case in the past and we were trying to move forward.

M.Curgenvan added that it had taken a long time to get where we were now, especially because of the frustration of having to implement the Licensing Act 2003 first before we could seriously look at Taxis. Also, that the present staff could not be held responsible for what had happened in the past, which was why there was so much more positive interest, engagement and movement now.

LAW CHANGE/UPDATE

M.Curgenvan advised that the Act regarding smoking in public was to come into effect in July 2007 and that the Licensing Team would communicate how these changes would affect the trade as soon as it was able.

Vehicle Specifications would need to be reviewed again in light of the new Best Practice Guidance from the DfT.

Disability Discrimination Act - From the end of 2006 the law would apply as equally to public transport as it did now for publicly accessible buildings. The new law would not affect vehicles at this time, but it did have implications for drivers. All those present were urged to take note.

CALENDAR CONTROL METERS

M.Curgenvan explained that the delay in making CCM compulsory was due to the current fare tariff structure not fitting to the meter.

P.Payne asked why the meter was required at all?

E.Payne answered on behalf of the Licensing Authority, stating it was because of fraud, which was an issue that should concern all and not just the Council.

M.Dewberry commented that if all the trade worked to the same tariff there would be no problems.

P.Payne felt that there should be a first on first off rule, which would also stop some of the problems.

Cllr Manuel asked for a working party to be set up so that the trade & the officers could work together to find a resolution to the issue of the tariff and the meters.

SPOILING CHARGES

M.Curgenvan advised that a review of the spoiling charges had shown that we were below those of other authorities. Also, that research into charges made by valet service companies had highlighted that an increase in the tariff appeared justifiable and would need to go before the Licensing Committee as part of the next Fare Tariff review in March 2007.

ILLEGAL PARKING ON RANKS

G.L-Murray stated that illegal parking on the rank at night was a problem because there was no back up available, there were no traffic wardens and the Police did not want to know.

Cllr Lucas asked if it was possible for Mark to write to the Police and ask for their help with this matter.

Cllr Manuel confirmed that the Council would try to help.

M.Curgenvan advised that Police in Ilfracombe had recently issued 17 fixed penalty notices to owners of private cars that were parked on the Taxi Ranks.

REQUEST FOR ANOTHER LICENSING OFFICER

M.Curgenven noted that North Devon Taxi & Private Hire Association had requested another Licensing Officer, and that whilst it was a welcomed idea there was no surplus income to allow for this. However, M.Curgenven described how Exmouth had employed Taxi Marshals with funding, accessible through the Devon based Drug and Alcohol Action Team and he would investigate the possibility of obtaining similar funding from our local Crime & Disorder Reduction Partnership, Safer Northdevon.

E.Payne advised that in Bath Taxi Marshals slowed down the ingress & egress of the vehicles and was not very successful.

G.Guest commented that signs on the ranks would help.

M.Curgenven advised that D.C.C would be organising the general signs and marking for the new ranks and that NDDC would look at this at the same time.

NUMBER OF LICENCES

In addition to what had already been discussed in the annual report M.Curgenven advised that as a 'First Phase Authority' the requirement for all new vehicles to be wheel chair accessible did not need to be met until 2010. However it would be a measure that could be considered earlier than the current deadline as a possible way to control the number of new plates issued.

M.Kerr asked T.Blatchford to reply in writing to his previous request that the law states when you get to a certain number the Local Authority can stop issuing licences.

M.Curgenven replied that this was not the case, confirmed by T.Blatchford and it was a local decision of the Council.

E.Payne added that the Licensing Office was there for the benefit of the public as well as the Taxi Trade and that the Council could effectively do what it wants in their interest and decisions would not necessarily always be in the favour of the Taxi trade.

C.Wallis asked when were the public last asked what they thought/ M.Curgenven agreed that was what he intends to do in due course.

The issue of numbers, ranks, vehicle specifications, fare tariff and any other matter effecting the trade were not just issues for the trade but also for other responsible authorities and the public. Any decisions now more than ever, needed to involve all interested parties not just those with a particular vested interest.

Cllr Chesters asked the question when you pick up from the taxi rank was it generally for a local fare or a long distance one?

M.Kerr replied that it was generally local.

LICENSING REFUNDS – SURVEY

G.L-Murray stated that an extra £30.00 was added to the Hackney Vehicle Licence fee in 1999, the survey was done but the fee was not reduced.

M.Curgenvan replied by saying that GLM had made a Freedom of Information request regarding this, which had been replied to. Whilst sympathetic, a refund was not a straightforward option especially when current income levels did not cover actual costs. Instead M.Curgenvan was looking forward rather than backward and was leading the way in Devon in regard to a 'Value for Money' assessment with the other Devon Authorities and further afield. That assessment he hopes would reveal other 'more justifiable' opportunities, such as to fix fees for a given period, discount existing fees or offer other ways of reducing 'Licensing' costs to drivers.

Cllr Manuel advised that the fees needed to be balanced.

M.Curgenvan also said that three-year licences were another possibility.

A.O.B

M.Kerr asked if the Council would consider subsidising CCTV?

M.Curgenvan said that the issue of CCTV and driver safety needed to be looked into.

M.Dewberry stated that there was an inability for the Licensing Officers to be able to enforce the taxi rules & regulations – such as licensing an untaxed vehicle and could this please be addressed.

C.Wallis also added the overloading of vehicles as an example.

M.Curgenvan said it could be just as frustrating to us as it was to them when it came to enforcement and the current law was not always helpful and long overdue for review. The two situations referred to by M.Dewberry and C.Wallis were clear examples of this and referred to the fact that more enforcement and successful prosecution action was being taken now than at any time in the past.

Cllr Manuel closed the meeting by thanking everyone for their time and inviting them to have a look at the maps showing the new road layouts and proposed road orders previously discussed and if at all possible to make representations today. She advised that there would be another trade meeting next year prior to the November review of the policy.

Meeting Ended