

Licensing Committee18 May 2009
10.00am – 11.30am

Present: Cllrs Benstead, Blencowe, Boyce, Dixon, Hart, Liddle, McGovern, Rosenstiel, Shah (Alt), Smith, Stuart, and Wright

FOR THE INFORMATION OF THE COUNCIL**09/Lic/1 Minutes**

The minutes of the meeting held on 16 June 2008 were confirmed as a correct record and signed by the Chair.

09/Lic/2 Apologies

Cllr Upstone (Cllr Shah attended as alternate)

09/Lic/3 Declarations of Interest

None

09/Lic/4 Licensing Subcommittee Taxi Regulatory Hearings Procedure

The City Council as the licensing regulatory authority for Hackney Carriages and Private Hire Vehicles within the City of Cambridge had the responsibility to determine a number of matters within its jurisdiction. The relevant legislation required that in certain circumstances the authority must hold a hearing. It was considered good practice that a hearings procedure be followed and that parties of such a hearing were advised in advance of the procedure to be followed at the hearing.

The report by the officers set out a standardised hearings procedure for taxi regulatory matters by the Licensing Sub-committee for adoption by the Licensing Committee.

Members considered the proposed procedure in detail and the officers responded to comments and questions. In discussion members suggested the following amendments to the procedure shown in Appendix A to the report:

Paragraph 23 – Add: The driver or his/her representative may ask relevant questions of the members.

Paragraph 28 – Add: The Legal Adviser will report any legal advice given to members to the driver and his/her representative.

Paragraph 29 – Add: The Sub-Committee will reconvene.

The Committee noted, in relation to paragraph 15, that members of a Sub-Committee would have to Declare an Interest if they were themselves drivers or connected with the trade.

Agreed that the procedure appended to the report be followed at all hearings of taxi regulatory matters, subject to the amendments outlined above, the final wording of which be delegated to the Chair and the Labour Spokesperson (Cllr Benstead) to resolve.

[A copy of the final Hearing Procedure following consultation with the Chair and the Labour Spokesperson is attached as an appendix to these minutes]

09/Lic/5 Driver Testing – Adoption Of The Driving Standards Agency (DSA) Driving Test For Private Hire And Hackney Carriage Drivers And Change To The Knowledge Test Requirements

Mr R Nemer the proprietor of Camcab and Mr R Miller, representing Mr Nemer, were present. Mr Nemer had made a submission to the Committee and Mr Miller spoke to the submission, outlining the case made.

The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 created a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage drivers. In carrying out this function, the Licensing Authority had a duty to ensure that the service to the public was accessible and safe.

The City Council currently provided in-house driver testing conducted by a person qualified to Police Class 1 permit standards. New applicants were required to undertake this test, but were exempted if they were holders of Public Carriage Vehicle, Heavy Goods Vehicle driving licences or held an Institute of Advanced Motorist Certificate.

In order to maintain high driving standards, it was proposed to replace the current in-house system and exemptions, with one nationally recognised test for all applicants, provided by The Driving Standards Agency (DSA) and specifically designed for Private Hire and Hackney Carriage drivers.

Applicants were also required to sit a local knowledge test, set by the Council. They were currently permitted four attempts in one year at passing the knowledge test. It was proposed that in future, these be undertaken within a six-month period.

Officers had consulted with the trade through the taxi trade newsletter, which had been sent to 737 individual licence holders. Recipients were given 28 days to respond, with the cut off date for receipt of comments by 30 April 2009. An article had appeared in the Cambridge News on 2 April 2009. One response has been received from Camcab and was attached as Appendix B to the report.

It had not been possible to include the wheelchair assessment element for all new drivers as it required the test to be taken in a wheelchair enabled vehicle. A multi-purpose assessment was currently being developed by the DSA and members were invited to consider this as a future alternative.

The officers responded to comments and questions from members. Issues covered in discussion included:

- The delegation to the Head of Environmental Services outlined in paragraph 3.5 and in recommendation 2.4 was unclear.
- The staffing implications had not been raised with Cllr Rosentiel as the relevant Executive Councillor.
- The taxi trade in Cambridge did not operate in isolation but was affected by licenced operators from neighbouring authorities.
- The cost of the knowledge and driving tests.
- The recommendation to reduce the time limit within which the four permitted attempts at the knowledge test could be undertaken seemed unnecessarily prescriptive.
- The substantive difference and transferability between the DSA and the other tests referred to.
- The use of the Customer Services Centre to deal with applicants.
- The likelihood of additional operators being attracted to the City as a result of the changes.
- The status of applications currently in progress and how they would be dealt with.
- The extent of the consultation carried out with the trade.
- The requirement for a review of these arrangements after 12 months of operation.
- The need to deal with the inclusion of the wheelchair assessment for all new drivers to take the test in a wheelchair enabled vehicle.

A proposal to withdraw recommendation 2.4 in the report, as set out below, was carried, by 9 votes to 0:

That delegated authority be given to the Head of Environmental Services to determine whether a test should be undertaken in circumstances where there are serious concerns as to the fitness of an existing driver to hold a licence and that each case should be considered on its individual merits.

A proposal that the report and the recommendations be withdrawn and a complete review be undertaken, taking into account the comments of the public, was lost, by 7 votes to 3.

A proposal that recommendation 2.3 (that the new requirement be brought into effect from 1 June 2009) be applied to new applications only was agreed unopposed.

A proposal to withdraw recommendation 2.5 (that the four permitted attempts at the knowledge test be undertaken within a six-month period, previously 12 months) was carried by 6 votes to 3.

A proposal to include an additional recommendation to review the operation of the new driver testing process in 12 months time was agreed unopposed.

Agreed (by 8 votes to 4)

1. To replace the existing in-house driver testing arrangements with a requirement that an appropriate formal driving qualification be undertaken and obtained for all new applicants for Private Hire and Hackney Carriage driver's badges and for cases where there are serious concerns as to the fitness of an existing driver to hold a licence due to driving problems.
2. That the appropriate qualification will be the DSA driver's assessment for Private Hire and Hackney Carriages, or future equivalent.
3. That the new requirement be brought into effect for new applications from 1 June 2009.
4. To review the operation of the new driver testing process in 12 months time.