

**LICENSING AND REGULATORY COMMITTEE SPOKESPERSONS
WITH REPRESENTATIVES OF THE HACKNEY CARRIAGE AND
PRIVATE HIRE TRADE**

**MEETING HELD AT THE SOUTHPORT TOWN HALL
ON TUESDAY 27TH JANUARY, 2009**

PRESENT: Councillor Griffiths (in the Chair)
Councillor Mahon

OFFICERS: Ms. R. Appleby, Legal and Administrative Services
Mr. A. Naisbitt, Trading Standards Manager
Mr. J. Thompson, Principal Licensing and
Enforcement Officer

Representing the South Sefton Hackney Carriage Drivers Association
(SSHCD)

Mr. Richard Jarman

Representing the North Sefton Hackney Carriage Association (NSHCA)

Mr. T. Crabtree
Mr. D. Dale (Substitute/observer)

Representing the North West Taxi Association (NWT)

Mr. P. Bridson (Substitute)

Representing Delta Merseyside Limited

Mr. P. McLaughlin

Representing Sefton Private Hire Fleet Operators Association (SPHFOA)

Mr. M. Sanders

Representing Blueline Taxis

Mr. C. Carr

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hands, Councillor Dodd, Mr. J. Bridson, (North West Taxi Association - NWT), Mr. J. Murrison and Mr E. Davies (Southport Station Taxi Association – SSTA) and Mr. S. Johnston (Technical Services).

The Chair welcomed everyone to the meeting, in particular new members, Mr Richard Jarman, replacing Mr. Luke McCormick as representative of

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the SSHCDA and Mr. David Dale, replacing Mr. Mark Gregson as substitute representative for NSHCA. He also welcomed Mr. Peter Bridson, in attendance on behalf of Mr. Joe Bridson (NWTa).

Sympathies were extended to Mr. Murrison (SSTA), who had tendered apologies due the death of his father-in-law. Best wishes were also sent to Mr. Davies who had been unable to attend as Mr. Murrison's substitute because his father had been taken into hospital.

2. MINUTES

RESOLVED:

That the Minutes of the meeting held on 28 January 2008 be confirmed as a correct record.

3. DECLARATIONS OF INTEREST

The following declaration of interest was received:

		<u>Interest</u>	<u>Action</u>
Mr. A. Naisbitt, Trading Standards Manager	Minute No.4 Chair of Stakeholder Meetings.	Prejudicial because of his role as Chair at Stakeholder Meetings	Left the room and took no part in the consideration of this item.

4. CHAIR OF STAKEHOLDER MEETINGS

The SSTA representative had requested that this matter be considered by Members, because of concern about the Trading Standards Manager's apparently conflicting position in respect of his dual role as Trading Standards Manager and as Chair of the Hackney Carriage and Private Hire Trade Stakeholders Working Group(s).

The Committee Administrator indicated that because he was unable to attend the meeting the SSTA representative had requested that this item be deferred to a future meeting.

Councillor Griffiths ruled that the matter should not be deferred because the next meeting between the Stakeholders and the Licensing and Regulatory Committee Spokespersons would not be until January 2010.

Councillor Griffiths referred to Minute No. 37 of the Licensing and Regulatory Committee held on 24 February 2003 and Minute No. 61 (1) of 31 March 2008, reminding members that Mr. Naisbitt's position as Chair of the Hackney Carriage and Private Hire Stakeholder was consistent with Council Policy; that the purpose of the Trade Working Groups was to ensure effective liaison between the trades and the Council; that the Environmental Protection Director was responsible for determining the agendas for the Working Groups and that he had delegated the duty of serving as Chair on the Hackney Carriage and Private Hire Stakeholder Working Groups to the Trading Standards Manager (Mr. Naisbitt). As such, any complaints about his chairmanship of the Hackney Carriage and Private Hire Stakeholder Working Groups should be treated as a Corporate Complaint and directed in writing to the Environmental Protection Director.

The NSHCA representative reiterated the SSTA representative's concern about Mr. Naisbitt's conflicting position; whilst other members commended him for his hard work and commitment in championing the Hackney Carriage and Private Hire Trade, and addressing many issues which had previously remained unresolved.

RESOLVED:

That in accordance with Council Policy, Hackney Carriage and Private Hire Stakeholders be advised to submit any complaints about the Chair of the Hackney Carriage and Private Hire Stakeholders Working Group as a Corporate Complaint, in written form, with detailed reasoning, to the Environmental Protection Director.

**5. CANCELLED MEETINGS / AGENDA ITEMS NOT INCLUDED ON
AGENDAS**

The NSHCA and SSTA had both raised the matter of cancelled meetings and non-inclusion of requested agenda items on Stakeholder Meeting Agendas, alleging that items requested for inclusion on the agendas had been vetoed by Mr. Naisbitt and then such meetings cancelled due to lack of business.

The NSHCA representative indicated that although he had been very impressed with a number of initiatives put into place by Mr. Naisbitt, for example, Test Purchasing, he was concerned that other matters had been left unresolved because they had not been included on meeting agendas and/or due to cancellation of meetings. For example, the issue of roof lights on taxis which he indicated had remained unresolved for 6 months.

Mr. Naisbitt indicated that in 2007/2008 meetings had been scheduled as follows:

5 Meetings in 2008: -

(1) 28 January 2008

Meeting with elected Members went ahead chaired by Councillor Ibbs.

(2) 11 March 2008

Meeting went ahead chaired by Mr. Naisbitt.

(3) 10 June 2008

Meeting cancelled due to a dispute by some trade representatives over completion of the new stakeholder membership forms. The dispute took approximately 2 months to resolve and concluded with a meeting between Councillor Griffiths, Chair of the Licensing and Regulatory Committee, Mrs. S. Cain, Sefton Council's Legal Advisor, Mr. Crabtree (NSHCA) and Mr. Naisbitt. Therefore, the 10 June meeting effectively merged into the Autumn meeting on 2 September 2008.

(4) 2 September 2008

Meeting went ahead chaired by Mr. Naisbitt.

(5) 2 December 2008

Meeting was cancelled due to lack of 'Borough wide' business. Only the NSHCA and the SSTA representatives had submitted agenda items.

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Mr. Naisbitt indicated that before cancelling the meeting he had met personally with the NSHCA representative and his colleague to talk through the issues, which related primarily to the NSHCA, following which the NSHCA representative had acknowledged that a trade meeting was not required for issues that primarily related to his organisation.

Mr. Naisbitt had responded personally to the SSTA representative advising that one issue was a corporate complaint and should be forwarded to Mr Thompson, Principal Licensing and Enforcement Officer for action. The second issue regarding Taxi Marshals did not come under the remit of the Environmental Protection Director and therefore should be raised with the Community Safety Manager; and the third matter in relation to Mr. Naisbitt's position as Chair of the Hackney Carriage and Private Hire Stakeholder Working Group Meetings, should be raised with the Environmental Protection Director as a Corporate Complaint.

5 Meetings in 2007: -

(1) 26 January 2007

Meeting with elected Members went ahead chaired by Councillor Hands.

(2) 17 April 2007

Meeting went ahead chaired by Mr. Naisbitt.

(3) 24 July 2007

Meeting cancelled due to submission of only two agenda items.

(4) 21 August 2007

Meeting of Hackney Carriage and Private Hire Stakeholders working Group had been inquorate and could not go ahead because none of the Private Hire Representatives were in attendance.

(5) 20 November 2007

Meeting went ahead chaired by Mr. Naisbitt.

Discussion took place and Stakeholders expressed a shared frustration at meetings being cancelled apparently on the 'whim' of the Trading Standards Manager when agenda items had been submitted by trade representatives.

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The NSHCA representative indicated that items he had submitted had been at the request of his membership for whom the trade meetings were important because they provided opportunities for airing issues and concerns in a formal setting.

Mr Naisbitt indicated that he was always mindful of the needs of the Trade and gave careful consideration on whether or not to cancel meetings. He re-emphasised the point that the purpose of the Trade meetings was to raise trade-wide issues with the Environmental Protection Department with respect to the Licensing Portfolio, and not to deal with individual issues relating to a single organisation. Mr. Naisbitt also reminded members that the Stakeholder meetings were not the forum for discussing traffic management issues which came under the remit of the Technical Services Director. Also, the protocol for holding trade meetings had been determined by the Licensing and Regulatory Committee, for which the agenda was at the discretion of the Environmental Protection Director.

The SSHCA representative suggested that as traffic management issues were relevant to the trade it made sense that they be considered at Hackney Carriage and Private Hire Stakeholder meetings.

In response, Mr. Naisbitt advised that Mr. Steve Johnston, Team Leader, Traffic Services was invited to Trade meetings and attended to provide updates on issues such as provision of taxi ranks when necessary.

Mr. Naisbitt reiterated that the stakeholder meetings were for discussion of matters relating to the licensing portfolio and the remit of the meetings had been clarified at the Joint Hackney Carriage and Private Hire Trade Working Group Meeting held on 2 September 2008 (Minute No. 8 – Remit of Stakeholder Groups – How the Trade can Further Points of contention with non aligned services); that the items relating to Traffic Regulation Orders e.g. hackney ranks, parking, etc; planning issues and taxi marshalling should be referred to the relevant Area Committee and/or Council Department and that Police issues should be reported to the Police.

As agreed at the Joint Hackney Carriage and Private Hire Trade Working Group meeting on 2 September 2008, Mr Naisbitt indicated that the Environmental Protection Director had consulted with the Assistant Technical Services Director – Transportation and Development about meeting with the Hackney Carriage and Private Hire Trade and had been advised as follows:

'Ranks - A policy was established a few years ago which clearly sets out the actions to be taken in considering a new hackney rank in that any application made by an official trade body is then communicated to all parts of the trade to seek their views before a report is made to the relevant Area Committee. I feel that if such requests are then also being discussed in separate trade meetings then this would compromise this process which is seen as clear and fair. The need for this approach

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coming about in order to overcome previous complaints regarding ensuring all elements of the trade are fully consulted on proposals.

Enforcement - If trade representatives have issues with enforcement at particular locations then these can be communicated to Parking Services at any time. There should be no need to wait for a meeting to raise these issues.

Major Events - No doubt this is as a result of The Open which is unlikely to return to Birkdale for approximately 10 years. The issues that arose have been recorded in the notes of the Traffic Group Review Meeting held in August 2008, and we will involve the Trade through your Licensing Team when planning for future events. The majority of other events in the Borough are regular events with established arrangements for the trade. If any new events of significance are proposed then we could hold specific meetings with the trades.

In addition, as Area Transport Strategies are reviewed and developed, the trade will be fully consulted, and this process can include meetings as required.

Whilst welcoming comments from the various elements of the trade I see little benefit from holding regular meetings'.

Further discussion took place and finally, it was suggested that the Chair of the Licensing and Regulatory Committee should be consulted to give impartial consideration to agenda items submitted by stakeholders and to give final authorisation to any cancellation of Joint Hackney Carriage and Private Hire Working Groups meetings.

RESOLVED:

That the Chair of the Licensing and Regulatory Committee be consulted and give final agreement to the cancellation of Joint Hackney Carriage and Private Hire Working Groups meetings.

6. TARIFF 2 FARE STRUCTURE CHANGES

The committee considered the proposal for a restructure in the hackney carriage / private hire fare, requested by the NSHCA, the NWTa and the SSTA.

It was suggested that fares be increased to Tariff 2 between the hours of 05.00 a.m. and 06.00 a.m.

The NWTa representative had stated in a letter attached as an annex to the agenda, that in most areas of employment unsociable night-time hours were subject to higher rates of pay and the extension would mean that Tariff 2 would be operated in the accepted unsociable 'band'.

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Mr. Thompson, Principal Licensing and Enforcement Officer reminded the Committee that the Council had only recently changed the hackney carriage fare tariffs (ref. Minute No. 12 of the meeting of the Licensing and Regulatory Committee held on 4 August 2008), when petrol prices had been at their peak. Since then, petrol prices had dropped from £1.40 to £0.80 pence per litre.

Some Stakeholders expressed concern that a raise in fares between 05.00 am and 06.00 a.m. would have a negative impact on working people, who use cabs to get to and from work at this time, but who in the present economic climate might themselves be hard pressed to pay the increased fares and resort to using an alternative form of public transport.

The Chair indicated that the Licensing and Regulatory Committee would require unanimous support by the trade for any tariff changes.

RESOLVED: That

- (1) the Principal Licensing and Enforcement Officer undertake a postal survey of hackney carriage trade to ascertain support for the proposal of an increase to Tariff 2 between the hours of 5.00 a.m. and 6.00 a.m.; and
- (2) subject to consensus by the Trade, the Principal Licensing and Enforcement Officer submit a report to Licensing and Regulatory Committee proposing the increase indicated in (1) above.

**7. NATIONAL VOCATIONAL QUALIFICATION (NVQ) /
VOCATIONALLY RELATED QUALIFICATION (VRQ) - 'FUNDING
AND GRANDFATHER RIGHTS'**

The Committee considered requests from the NSHCA and the SSTA for clarification about drivers receiving funding to undertake the National Vocational Qualification (NVQ) / Vocationally Related Qualification (VRQ); together with a request that drivers who had worked continuously in the hackney carriage / private hire trade for a given number of years (e.g. 10 or more) be given exemption from having to undertake vocational training.

Mr. Thompson fervently disputed the suggestion that funding for training was unavailable for some drivers, stating that to date he had received no evidence to suggest otherwise. He stressed that 'Train to Gain' in association with both the Hugh Baird College in Bootle and Southport College, offered funded vocational training to hackney carriage and private hire drivers and that should any association / driver be refused funding they should contact himself and/or Tony Norbury, Training Co-ordinator (Train to Gain / Merseylearn) immediately, to enable them to investigate / resolve the matter.

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In respect of 'Grandfather Rights' providing exemption from training for long-term drivers, the Chair reminded stakeholders that this was not the case and referred them to the resolution of the Licensing and Regulatory Committee held on 27 October 2008 - Minute No. 26 – Review of Hackney Carriage and Private Hire Licensing Conditions, and that 'Grandfather Rights provided a period of 5 years lead-in period for long-term drivers before being required to complete the training. Mr. Thompson indicated that he was presently liaising with the course providers to investigate if the national qualification framework would allow drivers' prior experience to be taken into account (Prior Experiential Learning) which would allow exemption from relevant course modules.

Discussion took place and a number of differing views and comments were offered:

- Providing training for hackney carriage and private hire trade gives the opportunity for the trade to demonstrate its professional competence.
- The qualification is a good idea, but some drivers might be nervous about going back to college later on in life, especially drivers with literacy problems.
- Attendance at college provided drivers not just with the opportunity to increase their knowledge, but also, through meeting other drivers, to exchange skills, share ideas.
- Concern that potential new recruits might be deterred from joining the trade if they had to wait to undertake a qualification prior to being able to commence working.
- Mr. Thompson stressed that colleges were geared up to meet demand and reduce waiting times and that tutors were experienced in helping students who might be anxious about attending college for various reasons.

RESOLVED: That

- (1) applicants experiencing problems obtaining funding to undertake the VRQ and NVQ in Transporting Passengers by Taxi and Private Hire, be required to contact the Principal Licensing and Enforcement Officer with written evidence of this;
- (2) on receipt of written evidence indicated in (1) above, the Principal Licensing and Enforcement Officer investigate instances where funding was not forthcoming and if unresolved report such instances to the Licensing and Regulatory Committee; and
- (3) the Principal Licensing and Enforcement Officer investigate the incorporation of Prior Experiential Learning for experienced

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hackney carriage and private hire drivers undertaking the VRQ and NVQ in Transporting Passengers by Taxi and Private Hire.

8. AIRPORT TRANSPORT COMPANIES

The NSHCA had requested that this item be considered because of concern that Airport Transport Companies were not subject to the same checks as Hackney Carriage and Private Hire vehicles.

Attached as an annex to the agenda was an article from Private Hire Monthly (January 2009) which also expressed concern about this issue.

The Principal Licensing and Enforcement Officer explained there were two licensing systems which could use cars for hire and reward

1. Local Authority was responsible for policing the hackney carriage and private hire trade, concentrating on the fitness of drivers, the safety of the vehicles and the accuracy of private hire operator records. Such vehicles were hired per car and not on a passenger 'per head' charging basis.
2. The Public Service Vehicle (PSV) or bus regime which covered cars charged at separate fares 'per head', all of which journeys should exceed 15 miles in distance or be registered as a local route. This regime was policed by the Vehicle and Operator Services Agency (VOSA) on behalf of the Traffic Commissioners and concentrated on vehicle maintenance records and the financial standing of the operator. Mr. Thompson indicated that drivers of PSV's were not required to undertake Criminal Records Bureau (CRB) checks or Driver Vehicle Licensing Authority (DVLA) checks and groups such as the National Association of Licensing and Enforcement Officers (NALEO) had raised this matter with the Department of Transport on a number of occasions.

RESOLVED:

That the NSHCA representative be requested to address concerns about Public Service Vehicle licensing directly with the North West Traffic Commissioners based in Leeds.

9. SECOND SOUTHPORT TESTING STATION

The NSHCA expressed concern that there was only one garage licensed to provide MOT testing for Hackney Carriage and Private Hire vehicles in the Southport area.

Mr. Naisbitt indicated that the Principal Licensing and Enforcement Officer would be reviewing the provision of Testing Stations across Sefton (with

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particular regard to Southport). However, he did emphasise that the department had no control over which garages came forward to offer licensed vehicle testing and that a report would be submitted to Licensing and Regulatory Committee in December 2009.

RESOLVED: That

- (1) The Principal Licensing and Enforcement Officer review the provision of additional licensed vehicle testing stations in Sefton, with particular emphasis on the Southport area; and
- (2) a report on (1) above be submitted to the Licensing and Regulatory Committee in December 2009.

10. REVISIONS TO DRIVER HANDBOOK

The NSHCA had requested that the Licensing and Regulatory Committee give consideration to the monitoring and review of the Driver Handbook, expressing concern that revisions suggested by their association had not been incorporated into the handbook.

The Trading Standards Manager indicated that although it was not possible to alter the hard copy of the handbook, any expansions to the guidance were provided on the Council's website, in which respect, the Handbook was a 'living document'.

Discussion took place and it was agreed that the Handbook should be subject to review on an annual basis by the Hackney Carriage and Private Hire Trade Stakeholder Working Group, with ultimate sanction by the Licensing and Regulatory Committee. Mr. Thompson was congratulated on his hard work and commitment in producing the thoroughly comprehensive Driver's Handbook in full consultation with the Trade, which often held conflicting views on the contents of the handbook.

RESOLVED: That

- (1) the Driver Handbook be subject to annual review by the Licensing and Regulatory Committee; and
- (2) Congratulations be extended to Mr. Thompson, Principal Licensing and Enforcement Officer for his hard work and commitment in producing the Driver Handbook under often challenging circumstances.

11. COMPLAINTS AND ENQUIRIES TO THE ENFORCEMENT TEAM

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The NSHCA had requested clarification on the procedure and turnaround period on questions and complaints to the Enforcement Team.

Mr. Thompson indicated that the published response time from an initial contact with the department was 5 working days, following which the turnaround on a specific issue would be influenced by the complexity of the matter in question. However, general issues were typically resolved within 21 days.

Mr. Naisbitt explained that with respect to a potential criminal investigation, the matters were usually completed within three months. However, the difficulty with many of the allegations made by the trade was the lack of substantive evidence and the reluctance to follow-up complaints with witness statements.

RESOLVED: That

- (1) Stakeholders be requested to inform members of their associations that hearsay allegations about offences by other drivers could not be investigated by the Enforcement Team; and
- (2) Stakeholders be requested to inform members of their associations that complaints about other drivers must be substantiated with accurate statements to enable the Enforcement Team to effectively act on allegations.