

Minutes of Previous Meeting

REGULATORY PANEL

WEDNESDAY 3 SEPTEMBER 2014 AT 2.00 PM

PRESENT: Councillor Bell (Chairman), Councillors Betton (from 2.10pm), Bowman S, Cape, Ms Franklin, Mrs Parsons, Scarborough (until 3.10pm), Mrs Stevenson, Mrs Warwick and Wilson.

ALSO

PRESENT: Mr Crouch, Liquid Designs

OFFICERS: Principal Lawyer
Licensing Manager
Licensing Officer

RP.14/14 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Layden and Morton.

RP.15/14 DECLARATION OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

RP.16/14 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 25 June 2014 and 30 July 2014 be agreed as a correct record of the meetings and signed by the Chairman.

RP.17/14 HACKNEY CARRIAGE FARES REVIEW

The Licensing Officer submitted the annual Hackney Carriage Fares Review (GD.41/14).

The Licensing Officer outlined the history of the annual review and the relevant legislation. She explained that the Council's Financial Services had produced the changes in the RPI to the identified criteria for transport costs since the last increase. The changes had been multiplied by the 'weighting' agreed with the taxi associations previously and an overall increase of 2.56% in transport costs had been identified. The two main costs were fuel and labour and although fuel prices had continued to fall, wages had increased for the first time.

An increase of 15p on the flagfall would achieve an overall increase of 2.83% on the benchmark 2 mile journey. Waiting time had not been increased since 2008 and it was recommended that it be increased from the current 20p for 51.3secs (£14.04p per hour) to 25p for 1min (1£15 per hour).

The Licensing Officer added that should the recommended increase be approved Carlisle would rank 4th highest of the 6 Cumbria Councils for the benchmark 2 mile journey.

If no objections were received, or subsequently withdrawn by the closing date of 19 September 2014, the proposed new tariff would apply from 6 October 2014. Any

objections would be heard by the Panel on 8 October 2014 and the tariff would come into force, with or without modification, on 13 October 2014.

RESOLVED –1) That the Tariff One flagfall be increased by 15p from £2.70 to £2.85 for the minimum distance of 0.7 mile and that the waiting time be increased from 20p to 25p per minute;

2) If no objections are received, or are subsequently withdrawn by the closing date of 19 September 2014, the new tariff will apply from 6 October 2014; any objections would be heard by the Regulatory Panel on 8 October 2014 and the table of fares would come in to force, with or without modification, on 13 October 2014.

RP.18/14 REQUEST TO REVIEW THE COUNCIL'S ADVERTISING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES CONSOLIDATED GUIDELINES

The Licensing Officer submitted a request which had been received by an advertising company and a licensed Operator to amend the Council's advertising consolidated guidelines for interior advertising within licensing vehicles (GD.39/14)

Members of the Panel had been invited to view a demonstration of a headrest screen in a Radio Taxi vehicle prior to the Panel meeting at 1.45pm outside the Civic Centre. Mr Crouch, Liquid Design, was in attendance and demonstrated the headrest to the Panel.

The Licensing Officer reported that a request had been received from Liquid Design; a Carlisle based company who wished, in partnership with Radio Taxis, to install small advertising headrest screens into Hackney and Private Hire saloons for a trial period. The screens would offer visual advertising with no audio; they would be tamper proof and have no functions or buttons to distract the passenger. A maximum of two screens per vehicle was proposed, situated within the front seat headrests of saloon vehicles, although this could be extended to three in people carrier type vehicles if required. The headrest screens could be switched off manually by the driver should a passenger request it.

The existing Consolidated Guidelines in respect of advertising on Hackney Carriage and Private Hire vehicles had been brought into force in November 2000 and have since been amended on a number of occasions. Advertising within a vehicle was limited to being placed in 'London Style black cabs' on the base of the two lift up seats. Advertising was not permitted on any other interior surface in any other vehicle.

The Licensing Officer added that audio systems were not approved for the purpose of advertising; only scheduled public radio broadcasts and CD's etc were allowed to be transmitted to the passenger compartment but must be of a standard acceptable to the Broadcasting Standard Council and the Radio Authority for broadcasting to all age groups.

When the Panel took the decision in 2000 Members felt that fare paying passengers paid a premium rate to be conveyed, and, as a captive audience, being subjected to excessive or intrusive advertising was not considered either necessary or appropriate to the service being offered and any proposals to introduce new advertising concepts would be viewed against that policy principle.

RESOLVED – 1) That the proposal to include visual screen (non-audio) equipment fitted into headrests of Radio Taxis vehicles be approved for a trial period of three months.

2) That the feedback from the trial be reported to a future meeting of the Regulatory Panel for consideration before a decision is taken whether or not to amend the Advertising on Licensed Hackney Carriage and Private Hire Vehicles Consolidated Guidelines.

RP.19/14 STREET COLLECTIONS 2015

The Licensing Manager submitted report GD.36/14 which outlined proposed changes to the approval process of the street collection applications.

The Licensing Manager reminded the Panel that applications for street collections had traditionally been referred to the Panel for determination in November each year due to the large volume of applications received. The Council had previously received around 40 applications per year and the Panel decided about 12 would be appropriate. Officers had delegated powers to grant 'one off' collections where the collection was ancillary to the main event and there could be a further 50 applications of this type throughout the year.

In recent years charities had found more lucrative and sustainable methods of raising money as the number of volunteer collectors had reduced. Direct debit collectors were frequently seen throughout the city centre and they were exempt from street collection legislation. The Licensing Officer added that although the Licensing team had no legal control over such fund raisers they had a good working relationship with them and could usually ensure their collections did not overlap.

As a result of the changes in the charities fund themselves only three applications were received last year for collections in 2014 and so far only one had been received for 2015.

Officers were recommending that the Panel allowed Officers to use their delegated powers to determine street collection applications in the future.

In response to a question the Licensing Manager explained that the Panel would receive notification of the Street Collections approved by officers via a Council Officer Decision Notice.

RESOLVED – That Officers use their delegated powers to determine street collection applications.

RP.20/14 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.21/14 APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE
(Public and Press excluded by virtue of Paragraph 1)

The Licensing Officer submitted report GD.37/14 regarding an application for a licence to drive a Hackney Carriage.

The Applicant and his representative were in attendance at the meeting.

The Principle Lawyer outlined the procedure the Panel would follow. The Applicant confirmed that he had received and read the Licensing Officer's report.

The Licensing Officer outlined the Applicant's licensing history and gave a detailed report of a recent case for which the Applicant was found not guilty. The report included a copy of the Licensing Manager's interview with the Applicant and copies of the Police record of the interviews held with the Applicant.

The Applicant had submitted an application for a new licence to drive a Hackney Carriage and in view of the recent case he wished to establish if the Panel would, in principle, grant him a licence should he pass all required checks, as the financial cost of doing so was high for someone who was unemployed. The Applicant had completed and paid for his Disclosure and Barring application as well as his Driver's application at a cost of £108, but had yet to have a Doctors medical which could cost between £100 and £150.

The Applicant's representative reminded the Panel of the Applicant's history with the Council and the circumstances in which he had arrived at the Panel. He outlined the Applicant's current financial and personal situation and the effect the incident had had on the Applicant.

Panel Members clarified some points with the Licensing Officer and the Applicant's representative.

The Licensing Officer outlined the relevant Legislation and outlined the options open to the Panel.

The Applicant's representative summed up the Applicant's case.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – (1) That the application for a Hackney Carriage Drivers Licence be refused.

(2) That it be noted that the Applicant was informed of the reasons for the decision and that he had a right of appeal both of which would be confirmed in writing.

(The meeting ended at 3.10pm)