

REGULATORY PANEL

WEDNESDAY 14 SEPTEMBER 2011 AT 2.00PM

PRESENT: Councillor Morton (Chairman), Councillors Bowman S (as substitute for Cllr Layden), Cape, Ms Franklin, Mrs Parsons, Scarborough (as substitute for Cllr Wilson), Stothard (as substitute for Cllr Bell) Tootle, Mrs Vasey, Mrs Warwick and Whalen.

RP.61/11 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bell, Layden, Mrs Robson and Wilson.

RP.62/11 DECLARATIONS OF INTEREST

Councillor Mrs Vasey declared a personal interest in accordance with the Council's Code of Conduct in respect of A.1 Hackney Carriage Fares Review. Her interest related to the fact that her son in law was a taxi driver.

RP.63/11 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meeting held on 6 July 2011 and 10 August 2011 be agreed as a correct record of the meetings and signed by the Chairman.

RP.64/10 HACKNEY CARRIAGE FARES REVIEW

The Licensing Officer submitted the annual Hackney Carriage Fares Review (GD.54/11).

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 5.93% in transport costs had been identified. She added that inflation overall had risen by 5%.

The Licensing Officer reported that a survey of all hackney carriage proprietors had been carried out to find out if they felt that an increase in the tariff was warranted and if so, how did they want any increase apportioned. The results of the survey were:

No increase	36 votes	17%
30p on flagfall	50 votes	24%
20p on flagfall	19 votes	9%

10p on flagfall	5 votes	3%
Mileage increase	27 votes	13%
Did not reply	104votes	34%

As a result of the survey it was proposed that an increase of 3-4% be introduced on both short and long journeys. If the flagfall was increased by 20p to £2.70 and the incremental 'clicks' were reduced from 176yards to 170 yards the fare for a 2 mile journey would rise by 3.9% and the fare for a 10 mile journey would rise by 3.8%.

The Licensing Officer explained how Carlisle compared to other Districts in the County for a 2 mile journey and added that if the 20p increase on flagfall was granted, Carlisle would be ranked second highest of the 6 Cumbria Councils

She outlined the recommendations as set out in the report and informed the Panel of the implementation dates.

In response to Members questions the Licensing Manager explained that the legislation allowed Local Authorities to state what they expected in terms of the condition of the fleet. One condition imposed by the City Council, which assisted in ensuring the City's fleet was of a higher standard, was the age limit on vehicles. He felt that the drivers in Carlisle maintained their vehicles to a high standard and that the proposed increase was justified. He informed the Panel that Barrow City Council had not increased their tariff since 2008 and would be reviewing it in the near future.

A Member commented that although the tariff increase was necessary the Panel were aware of the effect on the general public.

RESOLVED –1) That the flagfall be increased by 20p from £2.50 to £2.70 for the first 0.7 of a mile and to decrease the 20p increments from 176 yards to 170 yards;

2) If no objections are received, or are subsequently withdrawn by the closing date of 30 September 2011, the new tariff will apply from 6 October 2011; any objections would be heard by the Regulatory Panel on 19 October 2011 and the table of fares would come in to force, with or without modification, on 24 October 2011.

RP.65/11 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

**RP.66/11 HACKNEY CARRIAGE DRIVER/PRIVATE HIRE DRIVER –
ALLEGED OFFENCE**

(Public and Press excluded by virtue of Paragraph 1)

The Licensing Officer presented Report GD.53/11 regarding an application for Hackney Carriage Driver Licence.

The Applicant, JDJ, and SM, the applicant's representative, were in attendance at the meeting.

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

The Licensing Officer reminded the Panel of the driver's licensing history and previous convictions. The Panel had, at their meeting on 21 January 2009, revoked the Applicant's previous Hackney Carriage driver's licence for failure to maintain his Hackney Carriage in a good mechanical and roadworthy condition. The Applicant had appealed the decision and the decision had been upheld. It had been approximately 2 years and 8 months since his previous licence was revoked and 8 months since he had been unable to drive a Hackney Carriage following the refusal of the Administrative Court to allow further appeal.

The Applicant's representative then addressed the Panel on behalf of the Applicant. He outlined the Applicant's personal circumstances and acknowledged the Applicant's previous revocation; he reminded the Panel that the Applicant had received no complaints during his time as a driver. He informed the Panel that the Applicant would be driving someone else's vehicle and would not be driving his own vehicle.

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

RESOLVED – That, having given detailed consideration to the matter and taking into account the Applicant's testimony, the Panel agreed to grant the Applicant, JDJ, a Hackney Carriage Drivers Licence.

The Panel reminded JDJ that he had a duty of responsibility to ensure that any vehicle he drove was in a safe and good condition.

RP.67/11 HACKNEY CARRIAGE DRIVER – FURTHER CONVICTION

(Public and Press excluded by virtue of Paragraph 1)

The Licensing Officer presented Report GD.51/11 regarding a licensed Hackney Carriage Driver who had received a speeding conviction since his last renewal.

The Driver, SLB, was in attendance at the meeting.

The Assistant Solicitor outlined the procedure the Panel would follow. The Applicant confirmed that he had received and read the Licensing Manager's report. The Assistant Solicitor advised the Applicant that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer reminded the Panel of the driver's licensing history and previous convictions. She outlined the most recent conviction which the Driver failed to declare on his Statutory Declaration which formed part of his renewal application. This was an offence under the Perjury Act.

The Driver addressed the Panel and explained the circumstances regarding the conviction and informed the Panel that he had been driving his own private car at the time of the conviction. He also gave an explanation why he had not added the conviction to the Statutory Declaration.

The Licensing Officer clarified that a Fixed Penalty Notice was a conviction and highlighted part 3 of the Statutory Declaration which included Fixed Penalty Notices.

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

RESOLVED – That, having given detailed consideration to the matter and taking into account the Applicant's testimony and public safety, the Panel agreed to issue the Driver, SLB, with a verbal warning.

RP.68/11 LATE APPLICATION TO RENEW A HACKNEY CARRIAGE LICENCE

(Public and Press excluded by virtue of Paragraphs 1, 2 & 3)

The Licensing Manager presented Report GD.52/11 regarding a late application to renew a Hackney Carriage Licence.

The Applicant, DD, was in attendance at the meeting.

The Assistant Solicitor outlined the procedure the Panel would follow. The Applicant confirmed that she had received and read the Licensing Manager's report. The Assistant Solicitor advised the Applicant that she had a right to be represented but she indicated that she did not wish to be so represented.

The Licensing Manager reminded the Panel of the driver's licensing history and the City Council's procedure for the renewal of Hackney Carriage Drivers Licences. He informed the Panel of a legal precedent following the case of Exeter City Council v Sandle. The decision of the High Court was that a late application of 2 or 3 days should only be processed where the applicant could show very good reasons for the delay. A late application of more than 3 days should only be processed in exceptional circumstance. He informed the Panel that their decision would be whether DD's reason for the late renewal was exceptional or not.

The Licensing Manager outlined the application and how the Licensing Office and the Panel had dealt with previous similar occurrences. He also informed the Panel of the implications if they refused the application.

The Applicant, DD, asked the Licensing Manager to read out a letter which she had prepared for the Panel. The letter explained DD's circumstances and gave a detailed explanation for her late renewal.

The Licensing Manager reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

RESOLVED – That, having given detailed consideration to the matter and taking into account the Applicant's testimony, the Panel agreed that the Applicant's reasons for a late renewal were exceptional and agreed to renew the Applicant, DD's, Hackney Carriage Licence.

(The meeting ended at 3.18pm)