



LICENSING COMMITTEE

BURNLEY TOWN HALL

Thursday, 5th December 2013

PRESENT

MEMBERS

Councillor Ann Royle in the Chair.

Councillors Paul Campbell, Ida Carmichael, Jean Cunningham, Mathew Isherwood, Arif Khan, Tom Porter and Betsy Stringer.

OFFICERS

David Wilcock	-	Head of People Law and Regulation
David Talbot	-	Senior Solicitor
Karen Davies	-	Environmental Health and Licensing Manager
Peter Henderson	-	Principal Licensing Officer
Saima Afzaal	-	Assistant Democracy Officer
Ciara Leaver	-	Business Admin Apprentice

30. Apologies

Apologies for absence were received from Councillors Margaret Brindle, Jonathan Barker, John Fifield, Gary Frayling and Anne Kelly.

31. Minutes of the last meeting

The Minutes of the last meeting held on 28th November 2013, were confirmed as a true record and signed by the Chair.

32. Public Question Time

- Mr Charles Goodwill (representing Hackney Carriage Owners Association),
- Mr Ajay Chatterjee (Hackney Carriage Proprietor),
- Mr Mohammed Arif (representing Private Hire Association)
- Mr Charles Oakes (Chairman The Hackney Drivers Association Ltd) who also spoke on behalf of Mr Khalid Mahmood (Private Hire Operators) - attended the meeting and addressed the Committee under the Council's Right to Speak Policy on the agenda item relating to:-

Item 7- Amendments to Hackney Carriage Conditions of Fitness Policy (incorporating Age Limits for Hackney Vehicles)

33. Amendments to Hackney Carriage Conditions of Fitness Policy (incorporating Age Limits for Hackney Vehicles)

Members considered a report outlining amendments to the Council's Hackney Carriage Conditions of Fitness Policy and Hackney Carriage Age Limits Policy.

Peter Henderson reported that the current policy required that Hackney Carriages licenced in the Borough met the design criteria specified by the Metropolitan Conditions of Fitness (CoF). He indicated that these were determined by Transport for London (TfL), formerly the Public Carriage Office (PCO), which acted as the Licensing Authority for London taxis. This meant that entry on the hackney fleet in Burnley was restricted to just two vehicles, the traditional London Taxi TX vehicles and the Mercedes Vito Taxi.

He highlighted that when the manufacturer of the London TX taxi, Manganese Bronze went into administration, a Council decision was made to suspend the upper age limit for hackney carriages until such time as the policy could be reviewed.

He emphasised that the Council must take into consideration the case of R (Lunt and Another) v Liverpool City Council 2009 which sets a significant precedent in relation to provision for disabled users outlined in Appendix B.

As a result of this the Taxi Task Group identified this particular policy as a priority for review within the overarching strategic review that was underway. Over the past eight months Council officers had worked closely with elected Members and trade representatives to review the current policy. He gave a brief outline of the issues identified within the review and referred to Appendix A, outlining the proposed Hackney Carriage Conditions of Fitness Policy that had evolved from the discussions to determine an appropriate choice of vehicles suitable for use on the hackney fleet.

He also indicated that, whilst there was consensus from the trade representatives regarding the Conditions of Fitness policy, the vehicle age limits were not an issue that the trade could reach agreement on. He pointed to paragraph 16 and Appendix C of the report where the various positions of the trade were outlined.

Members made the following points: -

- Why was there a proposal for a vehicle inspection resulting in a fail due to only 2 major faults?
- How often did the Euro emission criteria change?

Peter Henderson advised that whilst one fault might be overlooked, 2 major

faults were believed to be indicative of poor maintenance. The Euro emission criteria were set by the European Union and changed at various intervals.

- Proposals for 3 years minimum age - was this due to any common ground.

Peter Henderson responded that there was no common ground regarding age limits but the proposal for 3 years, or 4 if euro emission criteria were met, extended current policy and made vehicles more affordable.

- Was there a possibility for the Council to undertake an unmet demand survey?

Peter Henderson advised that the last survey took place about 6 years ago with detailed consultation with the trade and Members of the public. Since the survey took place the vehicle numbers had evened out through market forces. He further added that applying restrictions would also go against Department for Transport best practice.

- What was the vehicle testing frequency?

Peter Henderson advised that vehicle testing took place every 4 or 6 months to renew licences and further spot testing was carried out for enforcement.

- Concerns were made in terms of deleting the 3 strikes policy and how would safety checks be carried out.

Peter Henderson advised that the 3 strikes policy was introduced to improve the condition of the fleet by removing vehicles that were consistently unsafe at formal tests. He added because pre-testing was now extensively used by applicants there were limited benefits to this policy.

Furthermore enforcement activity was now focussed on driver responsibility for vehicle condition, and that the 3 strikes policy was administratively complex, and so it was proposed to delete this provision for Policy.

A further robust discussion and exchange of views took place on current proposals to age limits, minimum age, quality of vehicles, maintenance standards, and proposals outlined in Appendix A.

Karen Davies reported that the current proposal would reduce the initial investment by permitting different types of vehicles on the fleet and effectively move the lower age limit up to 4 years which would allow well maintained vehicles to stay on the fleet beyond 10 years.

That the Licensing Committee recommends that Full Council:-

RESOLVED

- (1) Adopt as a Policy document, from 1st January 2014, The Burnley

Borough Council - Hackney Carriages: Conditions of Fitness (Appendix A), incorporating a revised age limits standard, and a new 'exceptional condition' criteria for vehicles above the 10 year age limit;

but with the first sentence of Appendix A Paragraph 3a amended so as to read "The vehicle must be less than 3 years old from date of first registration when it is first licenced, except where the vehicle meets the immediate previous Euro emission standard at condition 12a where the minimum age will be increased to **5** years old";

(2) Delete the 3 strikes Policy.