

REGULATION COMMITTEE

5th November 2008 at 6.00 p.m.

PRESENT: Councillor Ayub (Chair); Councillors Bailey, Mead, Rutstein, Singh, Smith and Worthing.

21 MINUTES (REF: 3.1)

Resolved: That the Minutes of the meeting of the Committee held on 24th September 2008 be approved as a correct record and the Chair be authorised to sign them.

22 PROPOSED CHANGES TO TAXI AND PRIVATE HIRE LICENSING CONDITIONS (REF: 8)

The Head of Environmental and Consumer Services and the Head of Legal Services sought the Committee's comments on the proposed consultation exercise with the local Taxi Trade, interested stakeholders and Members on a review of current policies, procedures and conditions relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

The Committee were informed that the Council had had a number of different policies, conditions and procedures that had evolved over a number of years, but owing to staffing issues, had failed in some areas to keep abreast of national developments in updating them. He added that an opportunity had arisen to review these policies, conditions and procedures in detail a revised document could be produced that encompassed a number of new ones.

He added that the Council had released an 'issues document' which highlighted the proposals to be considered between December 2007 and February 2008, of which 2800 drivers and operators were sent the documents with 335 responses. He went on to say that in the past, many respondents to consultations on Licensing issues had felt that the 'proposed document' being consulted on at the time had already been agreed by the Council and didn't appreciate the opportunity that had been available to them to comment on.

Also, Members of the Council had expressed a wish to be more involved in the production of a new consultation document, which provided details of some changes being sought. He added that following input by Members, the Licensing Service would then engage in further consultation with the trade and stakeholders.

A Member of the Committee commended the Report but suggested that the overriding consideration of all Hackney Carriage and Private Hire Drivers should be the protection of the Public and suggested that this should be the main priority of the Consultation.

A Member of the Committee raised concern that the proposed updated 'Knowledge Test' would include a Maths test.

The Principal Licensing Enforcement Officer replied that this would only be a simple test, for example giving the correct change to passengers.

A Member of the Committee commented that the verbal test should remain, as many Drivers might be better suited for this sort of test rather than a written test.

In respect of the environment and age of licensed vehicles, the Committee commented that emissions were more important than the age of vehicle.

Also the Licensing Service had suggested that each vehicle should be tested once a year for vehicles between new and 2 years of age, and twice a year for vehicles over 2 to 4 years of age, and 3 times a year for others. The Committee suggested that the age of vehicle should be increased to 4 years of age with one test per year, and then 3 tests for vehicles 5 years old and older.

A Member of the Committee suggested that under the Internal Decision Making Process that the term 'Council's discretion' should be changed to 'the Licensing Section's Discretion'.

The Solicitor for Legal Services advised the Committee that whilst the introduction of such a scheme for Private hire drivers could be introduced by way of licensing conditions, the consultation on the proposed penalty point scheme for Hackney Carriage drivers must have regards to the fact that such a scheme for Hackney carriage drivers would require such drivers to be regulated by byelaws. She added that there was no guarantee that the Secretary of State would confirm such byelaws, as some of the offences listed on the penalty point scheme were already covered by general law.

A Member of the Committee inquired if drivers supported the introduction of a vocational training course.

The Licensing Services Manager replied that the trade, unions and stakeholders welcomed the introduction on the BTEC Level 2 Award: Transporting Passengers by Taxi and Private Hire in general and the intention was to have the delivery of this designed specifically for Luton. He added that Barnfield College would be able to secure funding for 2 to 3 years under the 'Train to Gain' scheme for drivers, regardless of their qualifications. He went on to say that a pilot course for approximately 50 drivers would be trialled. The trade felt that by introducing a vocational qualification, drivers would feel recognised.

A Member of the Committee commented that the proposed dress code was too rigorous and should be left outside the Penalty Points System and rely on voluntary compliance.

Members of the Committee remarked that the wording 'fixed penalty notice' under refusal of applications needed to be more specific, as some fixed penalty notices were more severe than others.

A Member of the Committee enquired if provision had been made with the local driving test centres to facilitate additional Private Hire and Hackney Carriage Driver's tests as the Centre in Luton was already falling short of the Government targets.

The Principal Licensing Enforcement Officer replied that three local test centres had been proposed, which would provide additional resources to facilitate additional Private Hire and Hackney Carriage Driver's tests if required.

Resolved: (i) That the Report (REF: 8) be noted.

(ii) That the Comments made by the Regulation Committee in regard to the consultation be noted.

(iii) That the next phase of the consultation as outlined in the Report be approved.

23 DEMOLITION OF FOOTBRIDGE BETWEEN THE STATION AND BUTE STREET AND THE DIVERSION OF THE PUBLIC RIGHT OF WAY – UPDATE (REF: 9)

The Head of Engineering and Transportation updated the Committee on demolition of the footbridge between the Station and Bute Street, and changes to the design of the proposed diverted right of way following objections to the published order for the diversion approved by Regulation Committee at its meeting on 12th March 2008.

The Committee were informed that the diverted route had been made slightly shorter by minimising the 'dogleg' of the new route as it crossed Station Road and then entered the station car park south of Station Road. In order for this to be facilitated, the proposed stairway would be moved slightly to the west. The stairs would be widened as much as possible, whilst still being fitted between the existing bridge support and the lift. He added that the pedestrian crossing points on Station Road and Bute Street would be improved and would also have raised speed tables to further minimise any inconvenience to pedestrians.

A Member of the Committee inquired what objections had been received.

The Head of Engineering and Transportation replied that objections to the proposed demolition of the existing footbridge had ranged from issues of safety and inconvenience of the railway line between Luton and Dunstable. He added that it was felt that the benefits of demolishing the footbridge outweighed those highlighted in the objections. He went on to say that once a new Order had been published, the objectors would be written to asking if they wanted their existing objections re-instated or if they wanted to submit additional points.

Resolved: (i) That the publication of the Order approved by the Regulation Committee on 12th March 2008, be noted.

(ii) That the amendments to the proposed diversion of the Public Right of Way following objections received to the publication of the above order be approved.

(iii) That the Head of Legal Services be authorised to make and publish an order under Section 119 of the highways Act 1980 for an amended diversion of the Public Right of Way on the footbridge between the Station and Bute Street to a new ground-level right of way, and to refer the Order to the Secretary of State for confirmation in the event that objections or representations are received.

(iv) That the Order approved by the Regulation Committee on 12th March 2008 not be submitted to the Secretary of State for confirmation.

(Note: The meeting concluded at 7.20 p.m.)