

Minutes

Licensing Committee

9th April 2008



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	T McArdle	Yes
J C Collar	Yes	A M Meyer	Apologies
J G J Elliott	Yes	Mrs J A Pell	Yes
J H G Finbow	Yes	D E A Rice	Yes
Mrs S A Howell	Yes	A F Shelton	Yes
P J Hughes	No	F Swallow	Yes
E R Lynch	Yes	Vacancy	
M Lynch	Yes		

Councillor Keith Bigden

At the commencement of the meeting, Councillors, Officers and members of the public stood for a minute's silence in memory of Councillor Keith Bigden, Ward Councillor for Hatfield Peverel and a Member of the Licensing Committee, who had passed away on 2nd April 2008. Mr A Smith, Chairman of Braintree District Taxi Association, wished to have the Association's expressions of condolence to Councillor Bigden's family and friends recorded.

35 **DECLARATIONS OF INTERESTS**

INFORMATION: There were no interests declared.

36 **MINUTES**

DECISION: That the minutes of the meeting of the Licensing Committee held on 13th February 2008 be approved as a correct record and signed by the Chairman.

37 **QUESTION TIME**

There were no questions asked or statements made.

38 **DRESS CODE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

INFORMATION: Members were reminded that at the October 2007 Licensing Committee meeting, Members supported a proposal to introduce a dress code for all licensed drivers, subject to consultation with the trade association. The results of the consultation had been presented to the Committee on 13th February 2008. After considering the representations from the trade, Members had agreed not to adopt a prescriptive dress code, but to establish a minimum standard of dress.

Members were advised that the imposition of a dress code as a condition of a hackney carriage licence would require an amendment to the byelaws, which would

then create a criminal offence. This was not a proportionate action and it was considered that it would be more appropriate to adopt a dress code that would sit alongside the licence conditions and the byelaws. Non-observance of the dress code would result in the issue of penalty points.

DECISION: **That it be Recommended to Council** that the following dress code for hackney carriage and private hire drivers be adopted as guidance:-

‘Braintree District Council is committed to encouraging the professional image of the hackney carriage and private hire trade. The Council considers therefore, that drivers should conform to minimum standards of dress, as set out below, in order to raise and maintain the profile of the licensed trade.

The Council does not impose such standards by way of conditions to any licence. It is expected however that such standards will be maintained at all times.

All drivers are required to dress smartly and to maintain a clean and tidy appearance. Clothing should not be dirty, ripped, snagged or holed or contain words or graphics that are offensive or suggestive. The torso, the tops of arms and the top half of the legs should be covered.’

39 **PENALTY POINTS SCHEME FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND OPERATORS**

INFORMATION: At the Licensing Committee meeting on 10th October 2007 Members had endorsed, in principle, the introduction of a penalty points scheme for Hackney Carriage and Private Hire Drivers and Operators, subject to consultation with the ‘taxi’ trade. In considering the responses to the consultation at their meeting held on 13th February 2008, Members were advised that the purpose of the scheme was to assist and support the Council’s Officers administratively and that it would not replace, or be in addition to, existing statutory requirements.

Members were advised that the penalty points scheme had been amended to take account of the constructive views put forward following consultation and the revised scheme was attached to the Agenda report. The Committee noted that the scheme had no legal standing as such, but that it would improve the Council’s enforcement role and act as a written warning system regulating the behaviour of drivers, owners and operators on a day to day basis and giving them the opportunity to remedy a problem without the need for the Council to revoke, or suspend a licence. An accumulation of points could lead to more formal action, although it was not anticipated that this would occur.

DECISION: **That it be Recommended to Council** that

1. The Penalty Points Scheme, as outlined in the report attached to the Agenda, be endorsed for adoption by Officers as indicated in the report and the Head of Law and Governance authorised to make changes to the Constitution that are necessary, or consequent to give effect to this decision.
2. Any appeal against the issue of points be determined by a Panel comprising the Chairman of the Licensing Committee, the Licensing Officer and a representative from Law and Governance.

3. In the event of any omissions, new legislation, or additional conditions being introduced, the Licensing Officer in consultation with the Chairman of the Licensing Committee, be authorised to introduce such additional items to the existing list of offences.

40 **WHEELCHAIR ACCESSIBLE 'TAXIS'**

INFORMATION: The Licensing Officer advised Members that the Government had revised the timescale, which required 'taxis' to be accessible to wheelchair users from 2010, following the submission of views by groups representing people with disabilities. It was understood that a broader definition of 'disabled access' was to be considered and this would be subject to consultation in the Summer.

DECISION: That the verbal report be noted.

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - LIVERY

INFORMATION: Members were reminded that at previous meetings, the Licensing Committee had considered introducing changes to the livery of hackney carriage and private hire vehicles requiring the display of licence details on the side of the vehicle. It was hoped that this would provide reassurance to the public, especially at night, that the vehicle they were entering was licensed and that it was the one they had requested. This requirement had been adopted by the majority of Essex District Councils and it provided many benefits.

Despite the previous discussions, the new livery had not been introduced and Members were asked to confirm whether they wished to pursue this.

DECISION: That the introduction of revised livery for hackney carriage and private hire vehicles be supported and a report submitted to a future meeting of the Licensing Committee on the options available.

The meeting commenced at 7.15pm and closed at 7.47pm.

M J BANTHORPE
(Chairman)