



CANNOCK CHASE DISTRICT COUNCIL

HACKNEY CARRIAGE & PRIVATE HIRE LIAISON GROUP

Minutes of Meeting held at 12.00 pm on Wednesday 6th May 2015 Civic Centre, Beecroft Road, Cannock, Staffs. WS11 1BG

Members of the Liaison Group (Councillors)

Cllr Carl Bennett, Portfolio Leader for the Environment (Group Chair) *

Cllr Maureen Freeman, Vice Chair of Cannock Chase Council (Group Vice Chair)*

Members of the Liaison Group (Officers)

Steve Shilvock - CCDC *

David Prosser-Davies - CCDC *

Sean O'Meara - CCDC **

Jason Salter - CCDC *

Elected representative of the Hackney Carriage/Private Hire Trade

Terrance Hurley *

Steven Toy*

Kendal Tranter ***

Martin Hammond ***

Steven Holroyd **

Omar Ali (Observer) **

Samantha Payne **

Victor Simonczyk **

Patricia Taylor ***

(*) Present (**) Apology (***) Not present no apology

Minutes of the last meeting

Minutes of previous meeting on 17th February 2015 were agreed.

Matters arising

Cllr Bennett advised that there will be no *Any other Business* in future meetings unless a sudden emergency situation arose.

Vehicle accessibility

Steven Toy commented that he had found it had been constructive to work with officers on the accessibility issue.

Councillor Bennett thanked both officers and the Trade for their contributions at the task group meetings and advised that a draft Policy would be made available at the next meeting on Wednesday 5th August 2015 to be discussed and hopefully agree a final document.

Deregulation Act

David Prosser-Davies confirmed that the Act has now been published and comes into effect from 1st October 2015. There will be a requirement that driver licences be issued for a minimum of 3 years unless the Local Authority deem it appropriate to issue for a lesser period in the circumstances of a particular case.

Steven Toy commented that this is not currently clear, but should be when the Act is published.

David Prosser-Davies said that the Act is now published and you are able to see the wording of the Act. This states that driver licences will be issued for a minimum period of 3 years or a lesser period if the Local Authority specify.

Steven Toy commented that the driver(s) themselves could require a licence of less than 3 years; i.e. if they do not have means to pay or are unsure of their future plans.

David Prosser-Davies and Steve Shilvock both agreed to wait for Government guidance and the Local Authority can then ensure that the Policy and Conditions reflect the new Act.

Cllr Bennett said that there will be a discussion regarding de-regulation and further guidance is required. Cllr Bennett suggested that once guidance is available, the Liaison Group could discuss and become accustomed to the changes.

David Prosser-Davies stated that operator licences are already issued for 5 years as part of the recently revised Policy.

David Prosser-Davies mentioned that an area of the Act covered sub-contracting of private hire bookings, to other controlled areas (cross border contracting) which is now legal and questioned what implications may be encountered as a result of this. Concerns may be raised regarding public safety; i.e. a customer may have booked with one Company and another may arrive to collect them who are unknown to the Customer. We should be crystal clear on our approach and provide a guide for drivers and customers.

Jason Salter stated that Licensing Officers could also provide a report to the Licensing Authority who licensed the vehicle in question.

Steven Toy raised the point as to who would be held liable if there was any problem i.e. the taxi failed to pick up the fare – would this be the Company that took the original booking or the sub-contracted Company.

David Prosser-Davies said that the Act suggests that this would be the Company that took the original booking.

HC/PH driver training

David Prosser-Davies stated that a BTEC course is to be offered free of charge to all new drivers. The course will take place over a five week period and all new drivers have been written to and offered a place and requested to respond.

Steven Toy stated that the last course drivers completed was in 2009 and was a similar qualification.

David Prosser-Davies commented that is hoped that a refresher course will be offered to existing drivers which would incorporate safeguarding. The Licensing Authority is in discussion with Omar Ali regarding whether there will be a new qualification to cover safeguarding.

Steven Toy said that the Trade are happy and it would not be in the public interest to oppose a free of charge course.

1st Aid kits in licensed vehicles

Mr Simonczyk was not in attendance, Cllr Bennett stated that this item should be removed from the Agenda. Members unanimously agreed.

DVSA and other driving assessments

Steven Toy queried the definition of a 'new driver'. If a driver had previously been licensed, but then revoked due to a medical condition, subsequently recovered and wished to re-apply, would they be asked to complete a DVSA? There should be clarity as to the definition of 'new driver'.

David Prosser-Davies stated that a new driver would be looked at as an individual and classed on their own individual merit. If they could demonstrate that they had previously completed the DVSA test or IAM or equivalent, there may not be a requirement for them to undertake this again, unless a substantial period of time had elapsed since this was completed or their driving record was poor.

Steven Toy suggested that if they had a clear driving record, it should not be necessary for them to undertake a further DVSA test. Alternatively, if a new driver had previously been licensed, then for medical reasons had been revoked, but was now medically fit, there should be no requirement for them to undertake a DVSA test.

David Prosser-Davies stated that he had been in conversation with Staffordshire County Council with a view to them offering a course comparative to the DVSA test, which would potentially be faster, more comprehensive and less costly. This test would need to incorporate a pass/fail element. The question was asked whether a minimum time frame should be set for this test to be completed. The Licensing Authority are in the final stages of discussing this test and it is yet to be decided whether a test with Staffordshire County Council will be offered.

It was agreed by all that the discussion should go ahead.

Reasonable excuse for refusing to accept fare

Steven Toy commented that under the Town Police Clauses Act 1847 Section 53, taxi drivers were under obligation if approached, to take a fare. Clarity is required as to what constitutes a reasonable excuse ; i.e. if a customer approaches you holding an unwrapped kebab and you accept the fare, provided the customer wraps or disposes of the food, is it a reasonable excuse to refuse the fare if the Customer refuses to wrap or dispose of the kebab. What is viewed as reasonable?

Jason Salter suggested that you possibly would have a reasonable excuse if the customer refused to wrap or dispose of the kebab. There may also be a soiling charge issue.

Cllr Bennett asked Jason Salter roughly how many complaints the Licensing Unit received over the past year of taxis refusing fares.

Jason Salter said that the Licensing Unit had received complaints of this nature, but they were very infrequent.

During discussion it was agreed that a list of refusals could not be drawn up as the list could not be exhaustive. The refusal of a fare should be left to the discretion of the driver and then if a complaint was received by the Licensing Unit, it would be dealt with on the basis of Local Authority's Conditions and Policy.

Steven Toy advised that this topic was covered in the BTEC course in 2009.

Terry Hurley queried whether if you saw a customer at a rank, who you had previously had problems with; i.e. did not pay, would it be reasonable to refuse to take the fare? Agreed this would be a reasonable refusal.

Steven Toy stated that there was Case Law whereby a Judge ruled where a driver was being prosecuted for evicting a passenger, the Judge threw the case out of Court and the driver was not prosecuted.

David Prosser-Davies stated that an eye should be kept on public safety, where a person is incapable, the minimum step that should be taken is that the driver should notify someone of the evicted fare.

Terry Hurley asked whether you could request a fare on the outset of the journey rather than at the end. Mr Hurley commented that he had an experience over the last Bank Holiday Saturday whereby his fare refused to pay at the end of the journey as he had no funds to do so. He was going to report this matter to the Police.

David Prosser-Davies commented that he could see no reason a fee for a fare could not be taken at the outset of a journey, provided the fare was calculated correctly.

Any other business

Following a question from Mr Toy, Cllr Bennett referred him back to answers given under matters arising on Page 1.

Date of next meeting Wednesday 5th August 2015 at 11.00 am.

The meeting finished at 13.10 hrs.