

AGENDA

GENERAL LICENSING COMMITTEE MEETING

Date: Tuesday, 27 January 2015
Time: 7.00 pm
Venue: Council Chamber - Swale House

Membership:

Councillors Lloyd Bowen, Mick Constable, Derek Conway, June Garrad, Lesley Ingham (Chairman), David Jones, Prescott (Vice-Chairman), Ben Stokes, Anita Walker, Tony Winckless and Steve Worrall.

Quorum = 4

	Pages
1. Apologies for Absence and Confirmation of Substitutes	
2. Minutes	
To approve the Minutes of the Meeting held on 9 July 2014 (Minute Nos. 134 – 138) as a correct record.	
3. Declarations of Interest	
Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.	
The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:	
(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.	
(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.	
Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any	

item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

4. Public Session

The Council operates a scheme of public speaking at meetings of the General Licensing Committee. Requests to speak at the meeting must be registered with Democratic Services by 4.30pm on Friday 23 January 2015 and must be related to an item on the agenda. Each speaker has a maximum of three minutes to speak.

Part B Reports for the General Licensing Committee to decide

5. Proposed minor changes to Local Conditions 1 - 4

To consider a few minor changes that are recommended to the Local Conditions to help maintain the quality of the service.

6. Fare Structure and Licence Fees 5 - 8

To consider information on the review of fares for hackney carriages and a slight change to the Drivers' Licence Fee to cover the cost of Driver and Vehicle Licensing Agency (DVLA) licence checks.

Issued on Monday, 19 January 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the General Licensing Committee, please visit www.swale.gov.uk

Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

General Licensing Committee		Agenda Item: 5
Meeting Date	27 January 2015	
Report Title	Proposed minor changes to Local Conditions	
Cabinet Member	Cllr Kenneth Pugh, Cabinet Member for Community Safety and Health	
SMT Lead	Brian Planner	
Head of Service	Brian Planner	
Lead Officer	Ian Mackenzie	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number: N/A	
Recommendations	<ol style="list-style-type: none">1. That the penalty points for the handheld use of a mobile phone while driving are increased from 3 to 6 penalty points.2. That a minimum size of a Top Sign of 400mm (16 inches) is included in the conditions.	

1 Purpose of Report and Executive Summary

- 1.1 As part of the ongoing review and management of the Hackney Carriage and Private Hire service there are a few minor changes that are recommended to the Local Conditions to help maintain the quality of the service.

2 Background

- 2.1 A number of revisions to the Licensing Policy and Local Conditions were considered and agreed at a meeting of this Committee in July 2014. Through applying the conditions there a few further amendments that are recommended to meet the changing needs and maintain the quality of the service. These proposed changes were discussed at the operators liaison meeting on 7th January.

3 Proposal

Review of Penalty Points

- 3.1 The Council has adopted a penalty points scheme as an effective means of applying the conditions at a local level. This acts as a first step in ensuring compliance with the conditions, and serves as an “early warning” system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of three years from the date they are imposed so that only points accumulated in, for example, a rolling 36 months period are taken into account. If a driver, proprietor or operator accumulates, for example, twelve or more points within a period of three years from the date they are imposed, he/she would then be brought before the Licensing Committee who would have a range of penalty options open to them, depending on the circumstances.
- 3.2 The penalty point system has worked well in helping to maintain standards with the Hackney Carriage Inspector being able to issue points for breaching the conditions and some drivers having accrued 12 or more points have come before the Licensing Committee.
- 3.3 A copy of the list of breaches and associated penalty points is attached as Appendix 1.
- 3.4 A particular breach that the Hackney Carriage Inspector is concerned happens too often is the handheld use of a mobile phone while driving. At present this breach would accrue 3 penalty points. To act as a further deterrent it is recommended that this breach is increased to 6 penalty points.

Top Signs

- 3.5 Under the current conditions the location of the top sign and the wording that it may contain are specified. However, the size of the top sign is not specified with the result that some are small and not easily viewed.
- 3.6 It is therefore proposed that a minimum size of 400mm (16 inches) is included in the conditions. The operators present at the liaison meeting considered this a sensible requirement.

4 Alternative Options

- 4.1 An alternative option would be to make no amendments to the existing conditions which could lead to problems with enforcement and ensuring a safe and effective Hackney Carriage and Private Hire service.

5 Consultation Undertaken or Proposed

5.1 Consultation has been undertaken with operators at a Liaison meeting held on 7th January 2014. In addition copies of this committee report are sent to all operators.

6 Implications

Issue	Implications
Corporate Plan	Contributes to the overall priority of making swale a better place.
Financial, Resource and Property	None identified at this stage.
Legal and Statutory	Any increase in the hackney carriage fare structure would need to be advertised in local newspapers for setting out the procedure and period for objections.
Crime and Disorder	No particular implications although the Hackney Carriage and Private Hire service supports the night time economy.
Sustainability	Hackney Carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report

- Appendix 1: Penalty Points Table.

8 Background Papers

None.

Appendix 1

BREACHES	PENALTY POINTS
Carrying more passengers than permitted by the vehicle licence	4
Code of Conduct	4
Display of flags and other promotional material	3
Failure to comply with the dress code	6
Failure to convey or assist with carrying luggage	3
Failure to display badge in such a position as is clearly visible	4
Failure to move up on a taxi rank (HC)	3
Failure to notify the Council of change of address within 7 days	2
Failure to set meter	3
False declaration on application/renewal of licence	6
Handheld use of mobile phone while driving	3
Illegally plying for hire	6
Interfering with a taximeter	6
Obstruction of authorised officer	3
Overcharging (HC)	4
Over ranking at a taxi rank (HC)	3
Refusal to carry passengers without reasonable excuse (HC)	4
Smoking or failing to prevent smoking in licensed vehicle If a passenger	6 3
Sounding horn while stationary	3
Unattended vehicle on taxi rank (HC)	2
Unnecessarily prolonged journey	4

(HC) Hackney Carriage only

All other offences will be dealt with according to the regulations

General Licensing Committee		Agenda Item: 6
Meeting Date	27 January 2015	
Report Title	Fare Structure and Licence Fees	
Cabinet Member	Cllr Kenneth Pugh, Cabinet Member for Community Safety and Health	
SMT Lead	Brian Planner	
Head of Service	Brian Planner	
Lead Officer	Ian Mackenzie	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number: N/A	
Recommendations	<ol style="list-style-type: none"> 1. That no changes are made to the current fare structure. 2. That the annual drivers licence fee is increased by £5 from £50 to £55 and that the three year licence is increased by £5 from £120 to £125. 	

1 Purpose of Report and Executive Summary

- 1.1 This report provides information on the review of fares for hackney carriages and recommends that no changes are made to the current fare structure. The report also recommends that there should be a slight change to the Drivers Licence Fee to cover the cost of DLVA licence checks.

2 Background

- 2.1 The Hackney Carriage and Private Hire Vehicles Committee has previously agreed that the fare structure and licence fee should be reviewed at six monthly intervals. The last increase in the fare structure was agreed by the Licensing Committee in July 2013 and came into effect at the beginning of October that year. The change applied at that time was to increase the flag fall by 10p to £2.80. No change was made to the fare structure or driver and vehicle licence fees when last reviewed in July 2014.

3 Proposals

- 3.1 A review of fares was considered at a recent liaison meeting with operators although only two operators attended this meeting.
- 3.2 As the rate of inflation over the past year has been low and the cost of fuel in particular has gone down it was felt by those present at the liaison meeting that there was no need to change the current fare structure. Some operating costs have increased which seem to be balanced out by reduced fuel costs and so the operators view seems realistic that there should be no change to the fare structure.
- 3.3 It is therefore recommended that there should be no change made to the current fare structure.
- 3.4 In general the current licence fees charged for vehicle and driver licensing are estimated to meet the operating costs in the coming year for the current processes and procedures. However, there are issues in relation to checks carried out on drivers DVLA which could increase costs.
- 3.5 An annual check is made on a drivers DVLA drivers licence to ensure that it is still valid and that it does not hold more than 6 penalty points as required by the Local Conditions. This requires drivers to bring the paper copy of the licence into the office so that it can be checked and validated. In the future it is understood that the paper section of the licence will be withdrawn leaving only the plastic card holding basic information.
- 3.6 It is possible to undertake a check of a drivers DVLA licence electronically through a subscription service. This ensures that the information is valid and up to date and avoids the need for drivers to attend the office. This would be the preferred method of checking licenses although there is a cost to this service of just over £5/check which could not be accommodated within the existing licensing income.
- 3.7 It is therefore proposed that the annual drivers licence fee is increased by £5 from £50 to £55 and that the three year licence is also increased by £5 from £120 to £125. Although within a 3 year licence there will still be a need to check annually it is considered that the additional costs could be covered within the fee charged.
- 3.8 This issue was discussed at the operators liaison meeting and those present thought that an additional £5 on a three year licence reasonable and that this might encourage a greater take up of the three year licence.

4 Alternative Options

- 4.1 The alternative would be to consider increasing or reducing fares. However, any increase would be detrimental to fare paying passengers as there are no

substantial identified increases in operating costs. Also overall company operating costs have not reduced significantly since the last review and to reduce fares would therefore have a detrimental impact on operator's ability to maintain a service.

5 Consultation Undertaken or Proposed

5.1 Consultation has been undertaken with operators at a Liaison meeting held on 7th January 2014. In addition copies of this committee report are sent to all operators.

6 Implications

Issue	Implications
Corporate Plan	Contributes to the overall priority of making swale a better place.
Financial, Resource and Property	The proposed increase in driver licence fees would keep the operation of the licensing service within budget.
Legal and Statutory	Any increase in the hackney carriage fare structure would need to be advertised in local newspapers for setting out the procedure and period for objections.
Crime and Disorder	No particular implications although the Hackney Carriage and Private Hire service supports the night time economy.
Sustainability	Hackney Carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

7.1 None.

8 Background Papers

None.

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