

Minutes of the meeting Taxi Forum

Thursday 8th October at 2.30pm

Chairman: Councillor Morris (CM)

Officers in attendance: Adam Ward (AW) – Senior Licensing Practitioner, Simon Teesdale(ST) – Team Leader Licensing, Neil Allen (NA) – Regulatory Compliance Manager, Liz Hodgkinson (LH)– Licensing Practitioner, Jason Agar (JA)– Senior Licensing Practitioner (Enforcement),

Representatives: Peter Kirkham (PK)– Hackney Carriage Association (HCA), Joe Weldon(JW) - Hackney Carriage Association and fellow members, Sadiq Noyan (SN) Private Hire Association (PHA) and fellow members.

Other: Councillor David Lewis, MK News

1.0 Introduction

CM opened the meeting at 2.37pm and welcomed all for coming. It was confirmed that today's meeting was a public meeting.

2.0 Apologies

None

3.0 Minutes

Minutes agreed for last meeting.

Actions: Suggestion of PH operating as HC at Silverstone. ST confirmed that there were a number of issues to doing this in MK. Issues regarding plate/paper part of licence. There appear to be problems with bylaws/conditions; no meters in vehicles and issues over the cap on HC vehicles. Insurance doesn't always cover for public hire and would be required. The Council could not see how this could be done legally.

Action: Pink Punters rank, thorough review of vehicles parking at Pink Punters (Ranking), legal have the report. The report has been sent for independent Barrister opinion. Report back to all involved.

Action: Integrated Passenger Transport Unit (IPTU) have met with CM, The IPTU is coming back into MKC and communication should now be improved.

4.0 Fee's & Charges

5.0

ST stated that charges and fees have not increased since 2008 work loads have significantly increased and there are now 6 officers in the enforcement team. Legislation allows the cost of enforcement to be taken from income of operators and vehicles but not drivers.

The process for making changes is complicated as it involves two committees and public consultation. The initial report has already been taken through the Regulatory Sub Committee (RSC).

The consultation will start at the beginning of December, and objections should be submitted through the correct channels. It will be advertised in the local press and in Civic Offices.

Q: PHA -Private Hire plating cheaper around the country

A: ST - Due to the number of issues facing the licensing section and enforcement officers cost – this cost is offset against the vehicle plating. Fees & charges will come back to committee next year when full enforcement can be broken down.

and

Q: Do enforcement officers get bonus for finding problems suspending?

A: No bonus – salary paid

CM stated that when enforcement action decreases due to no problems cost should go down. But at present there is enforcement that is occurring and on the one hand the trade ask for enforcement on the other they ask for no enforcement. Issues of enforcement – CM is not here to defend officers but to protect the public safety.

are

Q: Why are we doing so much enforcement when vehicles checked every 4/6months?

A: Still finding issues.

on

Q: Standards of vehicles is high, why are officers so strict scratches.

A: It is important that vehicles are of the relevant standard.

6.0 Update on Policy

Taxi Licensing Policy has been under a continuous review for 12months. The policy has been under consultation for this entire period. Taxi drivers, proprietors and operators have been consulted through the entire process and encouraged to respond and provide thoughts.

It has been through RSC in September and is due to go to full Council. Public Safety and Public safe guarding are the Council's priorities.

Better distinction between PH & HC.

Plate exempt vehicles – there is a tighter process for applying for the exemption and exemptions will only be applied for vehicles with legitimate business needs Vehicles over 10years old and failing consecutive tests could be refused

PH can be either side or rear loading wheelchair accessible vehicle (WAV)

1st Jan 2016 – Dual badges. Easier to apply and could save money

1st Jan 2016 – new drivers need to do advanced taxi test

1st Jan 2016 – existing driver complete the test within 6months of renewal.

1st Jan 2018 – all drivers must have completed the test

1st Jan 2017 – DVSA wheelchair accessible vehicle

1st Jan 2017 – introduction of duplicate badge for dash board

Newsletter monthly

Bleak Hall reception

First aid kit and fire extinguisher in all vehicles

Dual badge is for DRIVERS not vehicles

HCA - Concern – why do existing licence drivers have to take assessment?

AW - MKC want all their drivers to do the test to meet the same standards. This test is carried out in a number of neighbouring authorities and a number of drivers licensed by the Council have done this test but it is not recognised yet by us.

HCA – The concern of the trade was that new drivers should do the DVSA test as they are driving vehicles that they aren't used to.

AW – it is important that the Council can support the trade over the out of town vehicles by promoting a standardised high level of driver. By creating the rule for new drivers only we would end up with a two tier system which would damage the long term identity of the trade.

AW – The Policy has been under consultation for over a year. The trade made the suggestion to the Council which was also considered at Committee in July for Officers to look at. The Trade have stated that they suggested the test but now only if it is for new drivers, There has been ample time for the views of the trade. When it involves a cost or inconvenience to a driver currently licensed it is a bad idea but when it involves a cost or inconvenience to restrict someone entering the trade it is a good idea. There has to be a level playing field for all.

Trade member: - believes that current drivers should not have to complete the assessment, due to their experience.

JA: Confirmed there are still complaints of bad driving.

AW: Where do we draw the line on experience – is a person who passed the test yesterday as experienced as someone driving for 10 years? What level of experience should exempt someone from the test. This could not be done fairly other than applying it too all.

CM suggested in response to a question that the trade could conduct a survey at their own time as to whether existing drivers want to do a DSA check?

HCA - Concern over the 10 year age policy, why not just if fails 2 tests.
CM - Agreed that 2 failures should mean the vehicle is looked at – we will look into this further.

TRADE: Tinted windows – quarter windows in boot area not covering passenger seats – is this, public safety issue? Can the Council look at this?

AW – the trade can make a request for the Council to look into this issue.

Dual badges – can 1 just be applied for?

AW – Yes, One badge which covers hackney and private hire.

Passenger transport? One badge or same system

AW – passenger transport are a separate entity.

Trade: Problems around KFC, Harvester, Casino with yellow plates.
South Northants – when other vehicle is pulled over, there are issues over who conducts investigation. Their resources are much lower than ours so progress can be slow.

PHA: What are enforcement officers allowed to check?

JA: MOT part to the check i.e. lights, water onto windscreen (Sec68)
Issues regarding MKC conditions (Sec60)

6.0 CCTV

AW: The use of CCTV to down to individual drivers. Council think it is a good idea good idea and encourage the trade to have it but not a requirement. MKC would like more views and feedback from the trade to establish the pros/cons.

7.0 Deregulation Act 2015

JA: Act came in October 1 2015. This allows sub-contracting between Operators in different licenced districts. Rules on Operators only despatching the same vehicles licenced by the same authority and driven by drivers licensed by the same authority remain.

8.0 Issues raised by the Private Hire Association for Discussion

8.1) Badge to be made smaller

AW – This is being looked at the but there is a significant amount of information that the Council needs to get onto the badge so a guarantee of a credit card sized badge cannot be given and we also need to ensure it can be read easily by the public.

Actions: Drivers unhappy with enforcement officers' actions and behaviour. Also unhappy with how their complaints have been dealt with previously. An appropriate check is acceptable by trade but not harassment.

MKC has a complaints procedure and if anyone has a complaint about any of the officers then MKC will investigate. The Forum cannot be used to make allegations about individuals.

Cllr Morris apologised and left the meeting and passed the Chairman's role to Neil Allen

8.2) Vehicle standards.

AW confirmed that some of the issues had been covered in respect of enforcement of vehicles and the views of the PHA were noted. AW confirmed that the standards are the same and enforced equally across PH and HC.

8.3) Designated PHV pick up points.

ST clarified the issue that the PHA were raising and SN confirmed the difficulties in parking at places like McDonalds and on the HC rank there. ST confirmed that PH vehicles are treated like any other vehicle and can pick up and drop off where it is legal to do so. The Council could not give PH vehicles permission to pick up and drop off illegally and in contravention of road traffic legislation enforced by the Highways agency.

Cllr Mckpake spoke about how PHV are the same as any other vehicle and need to comply with parking restrictions.

Issues raised by Hackney Carriage Association (HCA)

1. Booking of vehicles through smart phone apps.

AW confirmed that the Policy had been amended to make clear that electronic devices can be used as can any other means to make provision for the invitation and acceptance of booking.

PK asked whether the records Operators had to keep were the same. AW confirmed that whether it's through an App, telephone, walk in etc. the records must be kept. JA confirmed that there was an ongoing project to confirm compliance with Operator records-.

2. Update on out of Town vehicles.

JA confirmed that enforcement action was happening but the legal position was that MKC could not take ~~some~~ all of the action that the trade was requesting.

Drivers from the HCA asked why the Council did not allow HC to work as PHV's in other areas. AW explained the predominant use policy. JA confirmed that Hackney Carriages could undertake private hire work under Section 67 but only in accordance with the predominant use policy.

3. PK raised the issue that the national insurance bureau had told him that each council could enforce the insurance requirements of drivers working out of town. JA commented that this was not a straight forward matter and the Council could only take action for no insurance (Section 143 RTA 1988) if the driver has been firstly convicted under Section 45 (Town Police Clauses Act 1847) of driving a hackney carriage vehicle without the appropriate licence.

PK requested that HC should not display private hire operator signs and stated it was contrary to the advertising conditions. The expense of HC was usually a shock to customers and resulted in drivers being abused and assaulted.

ST suggested that it is important that customers can look for their PH vehicle if pre-booked and the operator sends a HC instead of a PH. ST noted the difference in fees and that HC were more expensive. PK confirmed HC have always been more expensive.

JA was not aware of a vehicle impersonating a HC and if PK had photographs of it he was invited to provide them to JA.

4. Rear Loading

PK confirmed that he was representing Mark Steers who had raised the issue.

AW confirmed the reasons that HC were not considered suitable to have the requirement of WAV loading changed as being due to the tight conditions on a ramp and the mix of protected rights.

AW confirmed he would check the rights of rear-loading HCs as he believes they could be swapped for the same type.

PK suggested that all vehicles should be able to swap and the saloon HC with protected rights were entitled to swap up. AW asked if PK had a copy of the court decision and PK said he would provide it.

5. Hackney roof signs not complying

ST confirmed that the correct vehicle tests were being carried out and signage was compliance. PK disagreed and would provide photos. ST confirmed that the Council would look at this request from the HCA and ensure that hackney vehicles which do not comply are dealt with appropriately. .

6. Update on pink punters.

JA provided an answer earlier on the agenda. KW asked further questions and JA confirmed that the matter was subject to Counsel advice but so far there was no evidence of drivers accepting fares that

were not pre-booked on which the Council could act following a number of test purchase operations completed.

7. Fire extinguishers/first aid

PK was not happy that the conditions had reverted back following his and other members of the trades suggestion that the requirements were not necessary. Officers commented that the condition had been re-introduced to improve public safety and also to be consistent with the current Transport Policy which had been raised by the Taxi Trade.

8. Changes to be brought to the Forum before committee

PK wanted the forum to be aware of changes to fees and conditions before they went to committee.

ST confirmed that this depends on the timetable of the forum and committees and that, in any event, the documents were published in advance of the Regulatory committee meeting and were publicly available..

9. Current plate granting process

AW confirmed that the council process was to now only issue a plate with the paper licence after a pass vehicle test.

SN of the PHA asked if the paper licence could be given with the plate.

AW confirmed that the Council process was to now only issue a plate with the paper licence after a vehicle test.

Cllr Mcpake inserted a new agenda item about asking the trade to plan in advance of the next bowl events etc. as certain areas like Clarke Road were blocked off. JA explained the difficulties.

Cllr Mcpake stated that she was simply asking for the trade to bear this in mind and plan ahead.

HC driver raised the issue of the age of vehicles for first registration. He requested that older vehicle be allowed to be registered because they were cheaper. NA suggested that he raise the issues as a deputation to the next Regulatory Committee meeting In December 2015.

ST confirmed that this would be looked at but no guarantee.

9.0 Date of next meeting: 20th January 2016 2.30pm