

NORTHUMBERLAND COUNTY COUNCIL
LICENSING AND REGULATORY COMMITTEE

At a meeting of the **Licensing and Regulatory Committee** held in
Committee Room 1 on **20 December 2017** at **1:30 pm**

PRESENT

Councillor J I Hutchinson
(Chair in the Chair)

COUNCILLORS

T Cessford
B Crosby
R M Gibson

G Roughead
C Seymour
K Stow

ALSO PRESENT

J Riddle - Cabinet Member for Planning, Housing & Resilience
G Hill

OFFICERS IN ATTENDANCE

J Brown
T Hardy
N Masson
K Norris
D Sayer

Workshop Manager, Stakeford Depot
Licensing Manager
Principal Solicitor
Democratic Services Officer
Business Compliance & Public Safety Manager

ALSO IN ATTENDANCE

Mr G Richardson

Berwick Taxi Association

07. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Nisbet, Parry, Pattison, Purvis, Richards and Sharp.

Ch.'s Initials.....

08. MINUTES

RESOLVED that the minutes of the meeting of the Licensing and Regulatory Committee held on Wednesday 25 October 2017, as circulated, be confirmed as a true record and signed by the Chair.

09. SUB-COMMITTEE MINUTES

RESOLVED that the minutes of the sub-committees held on the following dates be received for information:-

- (a) 30 October 2017
- (b) 13 November 2017

10. REPORTS OF THE CHIEF FIRE OFFICER

10.1 Hackney Carriage & Private Hire Licensing Policy Test and Inspection of Vehicles

The above report provided Members with further information relating to testing and inspection of Hackney Carriage and Private Hire Vehicles particularly relating to the Berwick area. (A copy of the report is filed with the signed Minutes.)

The Business Compliance & Public Safety Manager referred to the meeting of the Licensing and Regulatory Committee on 25 October when Members had requested further information in order to allow full consideration as to whether the Council should amend its hackney carriage and private hire licensing policy with regard to the testing of vehicles in the Berwick area. A number of questions were raised, officers had researched the answers in various ways and believed that all issues had been covered.

He highlighted some key points, details of which were provided in paragraphs 4 to 13 of the report and referred to the table at paragraph 14 which showed details in relation to taxi testing from 1 October 2017 to 7 December 2017.

Mr G Richardson was in attendance representing Berwick Taxi Association. He addressed the Committee and his comments included the following points:

- The Taxi Association did not feel there was any need to develop a new testing station in Berwick but suggested that a private testing station, designated by the Council, would work well with the stipulation that the testing station would contact the Council when a vehicle failed. This would take into account the lack of communication and address the issue that testers could not suspend a vehicle licence.

- With regard to a tester travelling to Berwick, that would not be convenient to operators as it would limit the days on which a vehicle could be tested and would incur travelling expenses for the mechanic.
- Testers in Berwick were equally qualified to those who worked in Council depots.
- The option to use a single testing station could also be implemented in other zones. There were 3 testing stations located in Stakeford, Alnwick and Hexham so only 3 more would be needed.
- There could be a centralised testing station in each licensing district which would help the situation.

Mr Richardson then said his vehicle had been tested in Alnwick, he had been told that it had passed but afterwards he had discovered, on the Government's website, that it had initially failed, the problem had been rectified, and then it had passed. He had not been given a certificate to say it had failed and pointed out that this would have affected percentage figures.

Members then asked questions and the following information was provided:

- If a vehicle failed its MOT, Council officers could suspend the licence. Mechanics could be trained and could fail the vehicle but could not legally remove the licence.
- In the past there had been issues with some of the garages which had tested vehicles in Berwick.
- There were now 3 testing stations where staff were employed by the Council.
- There had been a 2 year interim since changes to the policy were proposed, consultation had been carried out and there had been very little response.
- It was acknowledged that there were 88 vehicles in Berwick which required testing and that they had to travel, however, there had to be consistency and vehicles in other areas also had to travel.
- One of the main priorities was the safety of vehicles - what evidence was there regarding the improvement of standards since the introduction of the new policy? In response John Brown, Workshop Manager, Stakeford Depot stated that the difference had been significant not just with MOTs but with compliance issues, however, due to time constraints figures had not yet been compiled.
- Fire extinguishers had a 3 year life span so why were they required to be replaced every year? In response Mr Brown replied that it was a requirement under Fire Regulations.
- On a point of clarification it was confirmed that a vehicle must be tested to the Council's required standard and if it did not the licence would be removed. However, issues with test station would only become apparent after testing and unless complaints were made on the day of testing it was difficult to access..
- Would the viability of present testing stations be affected by having satellite stations? The Chair stated that, on balance, it would be negative.

Discussion took place about the safety of vehicles being the key issue and the better the testing station, the better the taxi service would be. Mr Richardson said it was very easy for a vehicle to fail and gave an example of how, unknowingly, a driver had broken a spring on the way to the test centre in Alnwick.

With the permission of the Chair, Councillor Hill spoke and queried if, before garages in Berwick had been dismissed, any conversations had taken place with the owners. After it had been confirmed that conversations had taken place, Councillor Hill questioned why, if one garage had been found to be acceptable, they had all been dismissed? In response it was stated that there could have been a conflict of interest if taxis were tested in their own garage.

Further discussion ensued. It was stated that the main issue was the taxi compliance test and it was queried if there was any way there could be a legal loophole to consider employing someone to test vehicles for, say, 3 hours per month. The Solicitor stated that it would need to be a Council employee to have delegated power to suspend licences. In such a situation it would need to be an agency employee but any action would need to be done through a scheme of delegation, which may be an issue for agency workers or contractors but this could be checked.

In response to comments about inspectors not using their powers to enforce compliance, the Chair stated that a licence would be suspended if there was a safety issue.

A member requested that some officers meet with some garage owners in Berwick to see if anything could be worked out. In response it was stated that plans had been on-going for two years and it was only now that complaints had been made.

After further discussion, Councillor Roughead proposed that the committee consider carrying out a procurement process in the Castle Morpeth, Blyth and Tynedale areas and bring it back to committee in 6 months for a final decision. The motion was seconded by Councillor Seymour.

The Cabinet Member for Planning, Housing & Resilience said there had been a transition period which had now passed. This was a short term, compromise situation which was always going to be in-house. He added that the Administration had more budget cuts to find and if vehicles were allowed to be tested in other garages it would be taking income away from Council garages.

The Business Compliance & Public Safety Manager stated that, geographically, Stakeford was in a good location for Blyth, Ashington, Cramlington and Morpeth based taxis so a procurement process would not be needed for those areas.

The Solicitor asked for further detail on Councillor Roughead's motion as officers would need a clear direction on what was to be done in the next 6 months. In response Councillor Roughead stated that officers would liaise

with garage owners and, as contracts would be issued, garage staff would not need to be paid.

Upon being put to the vote 2 members were in favour of the motion and 5 against. The motion therefore fell.

Councillor Gibson proposed that the Policy remain unchanged, as set out, which was seconded by Councillor Stow.

Upon being put to the vote 5 members were in favour of the motion and 1 against with 1 abstention.

RESOLVED that the Hackney Carriage and Private Hire Licensing Policy remain unchanged.

CHAIR:

DATE: