

***Licensing
Scrutiny Review***

***Report of Findings and
Recommendations***

***Scrutiny Committee
2003***

1. Background to the Review

- 1.1 The Scrutiny Committee of Tonbridge and Malling Borough Council has undertaken a review of its Licensing functions. The review was scoped at a meeting of Committee in February 2003 and was discussed in detail at its meeting in March 2003.
- 1.2 It was agreed that the review would focus primarily on the issue of taxi licensing. The introduction of the Licensing Bill is likely to lead to major changes in responsibilities for public entertainments licensing. It was therefore felt inappropriate to carry out a review of this area pending the implementation of such changes. As a result, the review sought to concentrate on the following issues related to the licensing of taxi services:
 - administrative procedures related to the taxi licensing function
 - the locations and use of taxi ranks
 - the level of enforcement undertaken
 - liaison arrangements with drivers and taxi companies
 - the scope for closer working with neighbouring authorities
 - publicity and promotion.
- 1.3 Prior to the review meeting, a group of Members attended a vehicle Vehicle Compliance (“MOT”) test at one of the Council’s approved testing stations, Brands Hatch Morgan, Borough Green. Its purpose was to see at first hand what was included in the check and to meet those involved in the process.
- 1.4 At the review meeting, a report and supplementary information from the Chief Solicitor was presented. This included the results of a consultation exercise with local drivers and taxi operators who submitted a wide variety of views and comments to assist the review process. Some drivers were also present at the review meeting itself.
- 1.5 Three external participants took part in the review as follows:

Chris Webb – Medway Council
Melvyn Wood – Tunbridge Wells Borough Council
Alan Coles – Taxi Driver
- 1.6 The external participants were able to provide details of how taxi licensing was carried out in their own authorities and to address the issue of a more consistent approach towards procedures and administration. Mr Coles outlined a number of concerns and comments, a summary of which is attached as Appendix A.

2. Review Conclusions

2.1 Full details of the review are contained in the relevant Scrutiny Committee and Cabinet agenda papers. The purpose of this report is to set out the key issues, conclusions and recommendations resulting from the review. The review considered a wide range of issues relating to taxi licensing. Each issue is dealt with separately below and a series of recommendations arising from the review is contained at the end of this report.

(a) Future Demand for Taxi Services

2.2 The review heard of concerns amongst drivers that too many licences were being issued in the Borough resulting in greater competition for business. A number of drivers were suffering from reduced income as a result. A wide range of suggestions were made regarding possible ways to reduce the number of drivers which were considered by the review.

2.3 The Chief Solicitor reported that it was not easily possible to limit the number of licences which were granted. The number of 'private hire' vehicles (ie those that could not ply for trade in the Borough and depended for business on pre-bookings) could not be limited in any way. However, it was possible to limit the number of Hackney vehicles (ie those that were able to ply for trade eg at taxi ranks) operating in the area. To do this would require a survey of demand to be undertaken to ensure that there was no unmet need for public taxi services and therefore would justify a limit being placed on the number of such vehicles. Medway Council reported that a restriction on vehicles had been imposed some years ago but had now been lifted. However, significant growth in the number of vehicles was now creating pressure for a limit to be re-introduced. Tunbridge Wells Borough Council currently operates a limit of 100 hackney vehicles.

2.4 It was acknowledged that the level of concern expressed by drivers as part of the review warranted further consideration. As a first step, it was agreed that the Council's Licensing and Appeals Committee should be asked to undertake a survey of taxi demand in the Borough with a view to determining whether any future limit on the number of hackney vehicles should be introduced and to consider whether the cost of the survey should be reflected in the licence fees.

(b) Taxi Ranks

2.5 Taxi ranks are provided in a number of locations around the Borough to provide convenient points for the public to access taxi services. The two main ranks in Tonbridge serve the Railway Station. At this location, there are two rank spaces at the front of the station operated by Network Rail and the main rank is located on Waterloo Road to the south of the Station. The review heard that there were major difficulties with the

operation of these ranks. Drivers and Members of the Committee drew attention to:

- dangers at the front of the Station caused by conflicts between turning vehicles, the taxi rank, kiss and ride and pedestrians
- the lack of direct visibility of the main taxi rank from the Station and the lack of signage
- the lack of any customer shelter point in Waterloo Road
- the need for additional spaces in the Waterloo Road rank
- inappropriate driver behaviour by those queuing at the rank.

2.6 It was agreed that a major review of the operation of the ranks was required to improve facilities for the public. It was reported that KCC were investigating options to improve the Station forecourt area. The removal of the rank on the station forecourt could facilitate improvements to local safety for station users and the provision of further spaces provided at Waterloo Road should be investigated along with enhanced signage and customer facilities such as a shelter. Improving operation of queuing at the rank and the behaviour of drivers generally depended upon greater levels of enforcement being undertaken. This is dealt with below.

2.7 The review also heard of suggestions for additional ranks around the Borough, including the need for more or extended ranks to be provided eg to serve Sainsbury in Tonbridge and at West Malling in the High Street. There is also scope for Network Rail to extend the capacity of their private rank outside West Malling railway station. There was also a need for better enforcement of illegal parking in taxi ranks, which deny the public a proper opportunity to pick up a taxi when one is required. It was agreed that the Licensing and Appeals Committee should be invited to carry a Borough-wide review of taxi ranks around the Borough in liaison with operators to address such issues and to ensure that were provided in places accessible to the public.

(d) Vehicle Testing Arrangements

2.8 Taxi vehicles were subject to a six monthly Vehicle Compliance test, which replaced the requirement to have an MOT and which covered aspects of future road worthiness of the vehicle and whether the vehicle was in appropriate condition fit for taxi use. For vehicles fitted with meters, this included a test of their meters. Proprietors were required to pay a fee of £60 for each test. Tests were available at three nominated garages around the Borough. Tunbridge Wells operated a similar approach but currently charged £25 per test although it was acknowledged that this would need to rise to around £50 in the near future. All tests in Tunbridge Wells were undertaken by one garage. At Medway, tests were undertaken by their own garage and the costs included in the license fee.

- 2.9 Members observed such a test being undertaken on a private hire vehicle. It was agreed that the test included appropriate level of checks and was comprehensive in its scope. The review heard of proprietor concerns related to the annual costs of such checks (£120), why such extensive checks were required for newer vehicles, and the need for a wider choice of garages to be made available. Members of the review acknowledged that these checks were a legal requirement for vehicles of all ages and considered that the checks were necessary and appropriate to protect the public, for example, the inclusion of fire extinguishers and first aid kits in all taxis was regarded as essential.
- 2.10 It was suggested that there was a case to reduce the amount of testing undertaken, for example, to require a Vehicle Compliance test every 12 months and an “MOT” only (at reduced cost) every six months. However, this will require a change to the legal framework in which the Council operates and would be subject to the approval of the Vehicle Inspectorate. Medway and Tunbridge Wells operate under a different legal framework and require different levels of testing according to the age of the vehicle.
- 2.11 As a result, it was agreed that further discussions with neighbouring authorities should be undertaken to evaluate the need to adjust the testing arrangements in place in Tonbridge and Malling with a view to achieving more consistency in approach and if possible, to reduce the financial burden on proprietors.
- 2.12 With regard to the number of garages participating in the scheme, it was reported that current contractual arrangements with the three garages had some 21 months still to run. In addition, the Council were dependent upon garages themselves wishing to take on this testing role and to date, the three were the only ones who had applied for this role and were suitable for the task. The three garages did cover most of the Borough. It was therefore agreed to retain current arrangements for the time being but that, on termination of the current contract period, efforts should be made to attract further garages into the scheme.

(e) Levels of Enforcement and Administrative Support

- 2.13 A number of concerns were expressed about safety and security related to taxi services. It was alleged that a number of unlicensed drivers were operating within the Borough. In addition, some drivers were aware of poor driver behaviour at taxi ranks, for example. Both Medway and Tunbridge Wells Councils referred to the considerable amount of enforcement activity they undertook. Medway Council, in particular, undertook regular enforcement at all ranks together with targeted enforcement exercises jointly with other agencies such as the Police and the DVLA.

- 2.14 Whilst individual complaints referred to the Council are always investigated, resources did not allow pro-active enforcement. There was thus a clear desire for additional enforcement to be undertaken in the Borough both to protect the public and to ensure that properly licensed drivers, proprietors and operators were not being penalised. It was agreed that, as licence holders had to pay fees and charges, it was a valid expectation that their livelihoods should be protected by proper enforcement by the Council of the law.
- 2.15 The review revealed that proprietors and operators were failing to report changes in the drivers they used to the Council as required by law and, in consequence, the Council's records on this subject were frequently out of date. This can only be achieved by operators and proprietors being more effective in reporting changes but it also required additional Council resources to enforce that this is done and to carry out spot checks. In addition, a number of drivers reported difficulties in contacting the Council's licensing section to discuss matters related to their licences.
- 2.16 It was concluded that a review of the current level of resources within the licensing section was required. The review revealed a clear need for additional enforcement and administrative resources to be provided to cope with additional demands related, in particular, to taxi licensing. For example, the planned introduction of a fixed penalty system for minor contraventions had not been implemented due to a lack of staff resources. In addition, the likely additional pressures on licensing staff that may arise when provisions of the Licensing Bill are enacted will also require to be anticipated in a review of staffing for the Section. It was agreed that Cabinet should be recommended to undertake such a review.

(f) Joint Working

- 2.17 Taxi drivers and firms operated from various locations in the Borough. In general terms, the Borough boundaries were largely irrelevant for operators. Tonbridge operators tended to work in the Sevenoaks/Tonbridge/Tunbridge Wells markets whilst those to the north of the Borough had stronger links with Maidstone and the Medway Towns. Some were aware of inconsistencies in approach between the Borough Council and our neighbouring local authorities which led to confusion and difficulties in interpretation.
- 2.18 Although not part of the licensing review, concerns were expressed about the levels of fares applying within the Borough which were now low compared to some other neighbouring areas. This, in itself, has led to difficulties when operators from outside of the Borough pick up fares from within and then charge higher rates (although this is illegal).

- 2.19 A further area for review was the Borough Council's approach to the requirement for drivers to have medical examinations. The Borough Council uses a doctor trained specifically in vocational driving examinations. Drivers expressed a preference for medical checks to be undertaken by their own GPs. Both Medway and Tunbridge Wells accept such GP checks, although the DVLA is considering regulations to require examinations only to be carried out by an appropriately qualified person.
- 2.20 It was reported that work was already underway within West Kent to develop consistency in approach with regard to taxi licensing matters. It was agreed that this approach should be further developed and could be extended to investigate matters such as fare structures and licensing requirements, fees and charges such as plate exemption fees, and arrangements for medical checks.

(g) Liaison and Publicity

- 2.21 It was reported that more could be done by the Council and others to promote taxi services as part of the public transport framework and improve the information available to the public. It was agreed that the Council should give consideration to the undertaking of a publicity campaign to ensure the public are aware of local taxi services such as those companies and drivers who could offer cars with disabled facilities and which could provide lady drivers. There was also a need to provide a means for the public to feed back complaints and concerns to the Council so that these might be investigated. Such a campaign could include information at taxi ranks, printed information leaflets and dedicated pages on the Council's website.
- 2.22 A number of drivers, proprietors and operators had been involved in the review. However, there was no overall representative body for taxi operators in the Borough. Given the geographical differences, it was unlikely that one such body would be able to represent all local interests. Both Medway and Tunbridge Wells Councils had been able to develop regular liaison arrangements with drivers and operators and both reported that on-going dialogue was beneficial to both sides. A requirement of any liaison was that drivers should be involved in decision making which affected them
- 2.23 It was acknowledged that there was a need for closer liaison between the Council and taxi drivers/companies over licensing arrangements. However, the implementation of any new arrangement would very much depend on there being sufficient numbers of drivers willing to come forward as area representatives. It was agreed therefore that the Council should invite the formation of area groups for different areas of the Borough to provide a basis for additional consultation and discussions with the Borough Council. In addition, if representative bodies could be formed, there was scope for including representation on

the Council's Public Transport Liaison Group to recognise the role that taxis play in providing wider transport services in the Borough.

3. Recommendations

3.1 It is recommended to the Licensing and Appeals Committee that :

1. a survey of demand for taxi services in the Borough be undertaken to evaluate any need to reduce or limit the number of hackney vehicles in the future.
2. a review of the layout of the Waterloo Road taxi rank be undertaken with a view to providing enhanced visibility from the Station, additional rank spaces, better signage, and the provision of customer shelter. The review should include liaison with Network Rail to investigate the removal of the rank spaces in front of the station to reduce congestion and improve safety both for pedestrians and drivers.
3. in liaison with taxi drivers and companies, a review be undertaken of the operation of other taxi ranks in the Borough including any need for enhanced signage and customer facilities at existing ranks, the need for further ranks to be provided, and the level of enforcement of illegal parking within existing ranks.
4. current arrangements for taxi vehicle testing should be re-evaluated, in particular to assess the option of a full Compliance Test being required every twelve months and a MOT test every six months, and further discussions with neighbouring authorities be undertaken to ensure any changes can be consistently applied.
5. on-going liaison with neighbouring authorities be further developed to ensure consistency of approach towards taxi licensing matters, in particular, the appropriateness of local taxi fares and other fees and charges for drivers such as plate exemption.
6. current arrangements for the undertaking of tests by three nominated garages across the Borough should be retained for the time being but subject to further review at the end of the current contract period to seek an increase in the number of participating garages.
7. drivers and taxi companies be invited to form local representative groups for different areas of the Borough to provide a basis for additional consultation and discussions with the Borough Council.
8. licensed drivers and especially operators be invited to work with the Borough Council to improve licensing records and inspection to enable the Council to undertake more effective enforcement against unlicensed operators.

3.2 It is recommended to Cabinet that:

1. urgent consideration be given to the provision of additional officer resources for the Licensing Section to undertake the following:
 - to improve administration of the service including regular liaison with drivers/operators to ensure accurate and up to date licensing information is maintained and to ensure that drivers are able to contact the Borough Council when required
 - to provide additional enforcement activity to protect the public and licensed drivers from illegal operators including the tagging of equipment carried by drivers
 - to implement the fixed penalty regime
 - to respond to additional pressures to be created by provisions of the Licensing Bill.

2. a publicity campaign be undertaken to ensure the public are aware of the role of taxis services and where to report concerns and complaints. The campaign should include more public information at taxi ranks as well as information in printed and electronic media via the Council's website.

Appendix A

Mr A V Coles – Views

1. Records of licensed drivers and registered vehicles should be kept up to date so that all can be contacted with regard to prospective meetings etc.
2. There should be a clear cut off regarding the age of vehicles for taxi use.
3. The need for taxis with disabled access should be kept in perspective as current demand is low. Some wheel-chair accessible taxis should be available to meet specific requests.
4. The present colour arrangements for taxi vehicles should be retained and reflective stickers could perhaps be used for the inside of doors and car boots.
5. The cost of operating taxi services in Tonbridge and Malling should be compared to other areas such as Medway.
6. Fares should be reviewed every year. The current rate of £2.50 for the first 1.6km should be raised to £2.80.
7. A shortage of Taxis waiting at the Tonbridge rank is not common. Usually the rank is less full between the hours of 16.30 and 18.00 as traffic congestion makes shorter journeys not viable and at other times, delayed trains and bad weather can create more taxi demand reducing the number of waiting vehicles.
8. Supports the marking of fire extinguishers and first aid kits within vehicles with car registration numbers