

Runnymede Borough Council**Regulatory Committee****Monday, 6 June 2022 at 7.52 pm**

Members of the Committee present: Councillors J Wilson (Chairman), E Gill (Vice-Chairman), T Burton and S Saise-Marshall.

Members of the Committee absent: Councillor J Broadhead.

In attendance: Councillors V Cunningham and A King.

58 Minutes

The Minutes of the meeting held on 9 November 2021 were confirmed as a correct record.

59 Declarations of Interest

There were no Declarations of Interest to record.

60 2022 Annual Report on Hackney Carriage and Private Hire Licensing

The Committee received for information the annual report on Hackney Carriage and Private Hire Licensing for 2021/2022.

Members were concerned to learn that the number of licensed drivers and vehicles had further declined since the last annual report, the speed at which this had happened was exacerbated by the effects of the pandemic and national shortage of drivers. In addition there were fewer younger drivers taking up the Trade and others leaving to find more secure employment.

The Committee reviewed other statistics regarding mileage, vehicle ages, and vehicle emission standards. The Council continued to have a policy of having no limits to the age of vehicles to assist drivers by not having to replace their cars if still roadworthy at regular intervals unless they chose to.

Officers advised they were in regular contact with the Trade using a number of different routes to keep them updated and to ensure their paperwork was up to date. It was reported that the taxi forum meetings held 3 times a year were an important way of talking informally with drivers and operators, although they were not very well attended. The one in March 2022 only attracted three attendees but the most recent one in May was attended by 13 people, in addition to the Officers present. Officers agreed to inform the Committee when the next forums were taking place

Officers were pleased to report that they received few complaints about drivers but that when they did it was a time consuming process to ensure complaints were thoroughly investigated and documented should they result in a hearing. There had been no suspensions revocations or refusals in 2021/2022.

All drivers and operators had completed the on-line mandatory safeguarding training and were subscribing to the Disclosure and Barring Service (DBS) Update service which allowed Officers to check their record on-line when renewing licences.

In terms of future changes Officers planned to report on the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act and mandatory disability training for drivers to the next

scheduled meeting of the Committee in September 2022.

Future licensing arrangements in the context of the Government's Levelling Up White Paper would be reported to a future meeting as and when a decision had been made whether to transfer taxi licensing to combined and upper tier authorities. The Chairman also undertook to brief the Leader and Deputy Leader of the Council on this subject.

The Committee discussed electric vehicles. It was noted that currently the infrastructure did not support them sufficiently and they were very costly. It was asked whether the Council held information on whether emissions correlated with the age of vehicles. Officers confirmed they did not monitor this but would need to consider the Council's corporate position on Climate Change and the implications for the Trade.

Members noted the many burdens on drivers financially and in order to be licensed. However it was agreed there was a need for balance to ensure drivers were fit and proper and to protect passengers.

The provision of taxi ranks particularly in Egham was discussed. The Committee was disappointed that the new Magna Square development had no provision for them. The Chairman had followed this up previously and received confirmation from the Corporate Head of Assets and Regeneration on the matter.

61 **Hackney Carriage and Private Hire Licensing Policy on Tinted Windows**

The Committee reviewed the Council's policy on tinted windows; a request arising from the previous year to revisit the subject in 2022.

Members considered the existing policy which was put in place in March 2017. In the light of some high profile safeguarding cases elsewhere in the country, a number of local authorities, including Runnymede, had introduced further restrictions on hackney carriage and private hire vehicles if they fitted 'privacy glass'.

The conditions about privacy glass were unpopular and increasingly so, owing to the cost and inconvenience of replacing glass to a tinting deemed acceptable and the number of out of borough vehicles operating in the borough which had a deeper level of tinting than Runnymede's vehicles were allowed. The Trade raised their concerns on a number of occasions but hitherto the Police supported the condition due to concern over 'County Lines' and safeguarding issues during consultation in 2018. Officers made enquiries with the Police, who following research could not provide any instances where tinted windows had been a contributory factor in any recordable crimes or incidents in the borough or County. The Police Designing out Crime Officer for the Borough had no concerns over the use of tinted windows.

Officers confirmed that since 2017 other measures had been put in place including mandatory safeguarding training which had raised awareness of and increased confidence in passenger safety. In addition there was now a national database of drivers and licensing authorities were obliged to inform other Councils of any relevant suspensions and revocations. The increased regime of 6 monthly DBS checks was a further reassurance to the public and the licensing authority which Members shared.

The Committee considered the relevant sections of the consultation on best practice with regard to tinted windows. Of particular note was the need for conditions to be in place on an evidential basis and to be reasonable and proportionate. Furthermore, licensing authorities should have regard to the views of the public and the Trade when considering the acceptance of 'after-market' tinting. Officers stated that in light of this guidance it was difficult to justify the condition on tinted windows as it was currently drafted in the Council's policy.

The Committee agreed, taking into account the advantages and disadvantages of tinted windows, that on balance it would be appropriate to relax the condition, particularly if it encouraged new drivers to apply and increased business. It would also be accommodating to electric vehicles which had tinted windows for environmental reasons.

Members were advised that a condition would be appropriate which made reference to the minimal legal requirements.

RESOLVED that –

Paragraph 6.60 (a) – (e), 6.60 (i) – (ii) of the Council’s Hackney Carriage and Private Hire Licensing Policy be amended as set out below:

- i) all windows must be kept clean and free of labels except those required by relevant legislation or licensing conditions;**
- ii) all glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulations (as amended) with regard to the level of tint;**
- iii) tinted films applied to the vehicle windows post manufacture are not allowed;
and**
- iv) All side and rear windows will be as installed by the vehicle’s manufacturer**

62 Hackney Carriage and Private Hire Licensing Policy on the Private Hire Drivers Knowledge Test

The Committee was asked to consider the Council’s current policy which required Private Hire Drivers to undertake a topographical Knowledge Test and whether this should be amended in the light of the Department for Transport’s (DfT) consultation on best practice and feedback from the Trade.

The DfT consultation proposed that licensing authorities would not be required to set private hire drivers a topographical test but could choose to. This was suggested on the basis that legally the prospective passenger had to go through an operator to hire a private hire vehicle which would give the driver time to check the route or enter it into a navigating system. Some Members thought this sounded sensible although it was noted that a sat-nav would not be aware of unexpected changes to a route caused by an accident or road closure for example which could be an issue if the driver was unfamiliar with the given route to find an alternative.

The issue had also been raised by one of the Council’s long standing Private Hire Operators because they had difficulty recruiting drivers who reported finding the topographical test difficult and off-putting. The other issue the Operator raised was that drivers exclusively doing ‘school runs’, often under contract with the County Council, did not need to have as an extensive knowledge of the borough as other drivers.

Officers explained that to fulfil the ‘fit and proper’ test drivers must be able to demonstrate ‘suitable knowledge, experience and skills’ to drive and perform their duties. Locally, part of this was passing a topographical knowledge test whilst it was acknowledged that not all licensing authorities required this. Hackney Carriage drivers also had to pass a route test which was considered to be more challenging.

The Committee noted that the topographical test had been much simplified over the years to being a simple written test where drivers already knew the 60 locations they would have to identify from a list which was supplied in advance. Drivers were required to name the road each location was in and the town, with a pass mark of 45 (75%).

Officers had canvassed other licensing authorities but they were unenthusiastic about discarding the topographical test for private hire drivers and thought it could be open to abuse. Officers stressed that the particular operator that had submitted this request was very reliable and Officers appreciated the issues they faced. However, it was agreed that to dispense with the topographical test would create a two-tier system if some private hire drivers had to take the test and others did not. Also if their circumstances changed and a driver expanded on taking school runs, Officers would find it difficult to monitor and enforce.

The Committee sympathised with the recruitment problems experienced by the operator in question and did not want to deter new drivers from applying. Some Members considered that as set out in the DfT consultation because journeys were pre-booked it gave drivers a chance to learn their route or use a sat-nav. However, it was also recognised that Runnymede's topographical test was straightforward and reviewed regularly. It was also noted that drivers faced penalties for using a mobile phone while driving and being knowledgeable about the borough and its various locations should make using a satnav unnecessary.

RESOLVED that –

the policy on the Private Hire Drivers Knowledge (topographical) Test be retained

63 **Department for Transport Draft Best Practice Guidance and Consultation in relation to Taxi and Private Hire Licensing**

The Committee's approval was sought for the Council's official response to the Department for Transport's Draft best Practice Guidance and Consultation in relation to Taxi and Private Hire vehicle licensing.

Members were advised that best practice guidance had last been issued in 2010 and the latest set of guidance and the consultation thereon resulted from engagement with a number of relevant bodies and detailed consideration by the Department for Transport (DfT).

Officers had drafted a series of responses to an extensive range of questions. Members noted that of the 62 areas under consideration many aligned with the Council's current policy and were therefore straightforward. However there were three areas which Members were asked to focus on. These were driver proficiency, driver licensing and vehicle safety ratings. In addition, the consultation also covered tinted windows and the knowledge test the responses to which would be added having considered them separately at the meeting.

The consultation also addressed environmental issues, namely the phasing out of petrol and diesel and the transition to zero emissions; the infrastructure for which locally had not yet been determined but which would be a significant challenge to the Trade.

The Committee noted that any equalities implications arising from the guidance once finalised would be subject to a screening assessment if required.

The Committee agreed that any best practice guidance should be aimed at ensuring a safe, inclusive, accessible and attractive service for passengers as well as allowing licensing authorities to support the Trade and the public while regulating and monitoring businesses.

With regard to accessibility, licensing authorities were encouraged to produce an Inclusive Service Plan (ISP). However, Officers felt this was too onerous a task for district councils and was better placed at County level as part of an integrated transport plan. Having said this Officers confirmed that accessibility was a priority and the Council's policy already included most of what was in the guidance. An addition would be reference to the

prosecution of cases where there was sufficient evidence to identify the driver and substantiate the claims made. Where an applicant has a conviction relating to discrimination they would not be granted a licence until at least seven years had elapsed since the completion of any sentence imposed.

The Committee also discussed accessibility for children and provision of car seats. This was not part of the best practice guidance so Officers were requested to look at this in more detail and submit a report to a future meeting of the Committee.

With regard to driver proficiency the Committee agreed that a higher level driving test was unnecessary as was obtaining a vocational qualification. It was considered to be a further barrier to new drivers and that the current requirements for applicants and renewals was sufficient.

Members also agreed that making it a condition of driver licensing to carry out daily vehicle checks was disproportionate and would be very difficult to monitor and enforce.

The Committee agreed that licensing authorities should consider the safety benefits to passengers, driver and pedestrians of vehicles which had received a higher Euro NCAP rating (where these had been assessed) when setting its vehicle requirements. Euro NCAP was an independent not for profit organisation widely recognised by the motor industry and road safety professional providing objective information on crash safety of passenger cars. Officers would investigate this further and report back to the Committee at a later date.

RESOLVED that –

- i) the contents of the Draft Best Practice Guidance be noted; and**
- ii) the response from Runnymede Borough Council, to the Draft Best Practice Guidance consultation, as amended, be approved.**

64 Review of Hackney Carriage (Taxi) Fares

The Committee was asked to review the Hackney Carriage (taxi) fare tariffs and if it was considered appropriate to increase them, by how much.

Members noted that fares had not been increased since 2014. Officers had surveyed the Trade and received responses suggesting that an increase would be welcomed, particularly in the light of recent increases in fuel prices, inflation and the costs associated with being a Hackney Carriage driver such as insurance, and vehicle maintenance.

Officers advised that in the past drivers had been reluctant to increase their fares owing to competition and being undercut by out of area private hire vehicles. However, some Runnymede drivers had reported that the app based companies were increasing their fares making the gap between them less.

Members were informed that a number of hackney carriage drivers also worked for private hire operators and those operators used Runnymede's tariff as a measure for setting their own journey costs, and some private hire vehicles worked on meters set to the hackney carriage tariff. Therefore, although the tariffs legally applied to hackney carriages only, there existed a relationship between the tariffs and the private hire operators licensed in the borough.

It was also noted that drivers were allowed to charge less than the stated tariff and that they would incur a modest charge of £25 for the re-calibration of meters.

The Committee was concerned by the cost of advertising the proposed tariffs in a local

newspaper, reported as being approximately £300, when last advertised in 2014. [Subsequently confirmed as £788 plus VAT]. This would be recovered from fees in 2023. This was a legal requirement under the Local Government Miscellaneous Provisions Act 1976. Officers were asked to give consideration to requesting through the Local Government Association that this out of date practice be reviewed and replaced by advertising on the Council's website.

It was suggested that an option could be to adjust fees and fares in line with an inflationary index. However, fares and fees could not be linked as fees had to reflect the actual cost.

The Committee agreed it would be appropriate to increase the taxi fare tariffs; of the examples shown, it was determined that a 30p increase for rates 1 – 4 inclusive, the pull off and second and subsequent miles would be reasonable.

RESOLVED that –

Hackney Carriage fare tariffs (Rates 1 – 4 inclusive, pull off, second and subsequent miles) be increased by 30p

65 Urgent Action - Standing Order 42

The Committee noted pro-forma 994 detailing action taken after consultation with the Chairman and Vice-Chairman of the Committee.

In doing so it was also noted that there had only been very minor changes to the Gambling Policy, nothing which required it to be re-submitted to the whole Committee for consideration.

66 Exclusion of Press and Public

There were no exempt or confidential items discussed at the meeting.

(The meeting ended at 9.28 pm.)

Chairman