

BUSINESS SUPPORT OVERVIEW & SCRUTINY COMMITTEE

4 DECEMBER 2014

PETITION ON OUT OF TOWN TAXIS

Report from: Perry Holmes, Assistant Director, Legal and
Corporate Services

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Summary

This report advises the Committee of a petition presented at the Council meeting on 16 October 2014 raising concerns about 'out of town' taxis working in the Medway area.

1. Budget and policy framework

1.1 In summary, the Council's Petition Scheme requires the relevant Director to respond to the lead petitioner usually within ten working days of receipt of a petition by the Council. Overview and Scrutiny Committees are always advised of any petitions falling within their terms of reference together with the officer response. There is a right of referral of a petition for discussion by the relevant Overview and Scrutiny Committee by the petitioners if they consider the Director's response to be inadequate. Should the Committee determine that the petition has not been dealt with adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the full Council.

1.2 The petition scheme is set out in full in the Council's constitution at:

<http://www.medway.gov.uk/councilanddemocracy/council/petitions.aspx>

1.3 Any budget or policy framework implications will be set out in the specific petition response.

2. Report

2.1 On 16 October 2014 a petition containing 182 signatures was presented to full Council in the following terms:

“ For the safety of the general public – we are making the public aware the “out of town” taxis working within the Medway borough, who are not licensed by the Medway Council, as the Medway Licensed Taxi Drivers Association (MLTDA) have grave concerns regarding this issue i.e. the “out of town” taxis insurance policies, DBS checks, vehicle specification checks, (compliance check for Hackney Carriages) as Medway Council have no jurisdiction over the “out of town” taxis working in the Medway Borough.”

- 2.2 In addition the following motion submitted by Councillor Murray was unanimously agreed at the Council meeting on 16th October 2014:

RESOLVED

Medway Council notes concerns that private hire vehicles from outside Medway are operating in Medway. Council believes that employment should not be discouraged, but recognises there may be safety concerns over out-of-area drivers operating in Medway. Council resolves to work with the Medway Licensed Taxi Drivers Association in finding a sustainable and legal solution.

- 2.3 A summary of the response subsequently sent to the lead petitioner by the Assistant Director, Legal and Corporate Services is set out below.

The Council is working with the Medway Licensed Taxi Driver Association (MLTDA) and other local authorities to look at ways to tackle this problem. The Council will be liaising with the Chairman of the MLTDA on a report on this issue that will be considered at the next meeting of the Licensing and Safety Committee on 18 November 2014. It is hoped the any changes, if agreed following consultation, will be implemented early in the New Year.

- 2.4 This is as a regulatory matter which this matter falls within the remit of the Council's Licensing and Safety Committee which considered a report on this matter at its meeting on 18 November 2014. Please find set out below a link to this report:

<http://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3009&T=10>

- 2.5 The Licensing and Safety Committee agreed that officers should investigate a range of options in response to the concerns raised with the aim of ensuring that all vehicles operating within the Medway area, including out of area drivers, conform to the standards required by the Medway licensing authority. In particular officers will look at the possibility of working with other local authority licensing officers in swapping areas to carry out test purchases and mystery shopping. The introduction of a policy and conditions on operator licenses will also be explored as some operators have third party licensed vehicles registered with them. The introduction of a new policy will require consultation. Finally, the use of the power to delegate functions, including enforcement powers, to officers of other authorities will be considered. This has been used by a number of authorities to create larger enforcement areas.

2.6 This Committee is asked to note the position as the matter is being dealt with by the Licensing and Safety Committee and the petitioners have not requested a formal review by Overview and Scrutiny.

3. Risk Management

3.1 The options taken forward must be fully in line with relevant legislation and case law. Full consultation on any policies with relevant stakeholders will minimise the risk of challenge. Officers and the Committee will need to be aware of any effect these policies will have on existing licence holders and this will be a matter that is considered during the drafting of the policy.

4. Financial and legal implications

4.1 There are no direct financial implications currently arising from this report. The Council is under no legal obligation to have the policy referred to in this report in place, but having such a policy would assist with consistency and fair decision-making and provide justification in the event of legal challenge. Licensing Officers and Committees are not bound by any policy, but may have regard and apply appropriate weight to the policy in any decision-making.

5 Recommendation

5.1 Members are requested to note the summary of the response to the petition provided by the Assistant Director Legal and Corporate Services and the action proposed by the Licensing and Safety Committee in response to the petition and Council resolution.

Background papers

None

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