

**HACKNEY CARRIAGE SUB COMMITTEE  
12 NOVEMBER 1997**

Present: Councillor Egan (Chairman), Councillors Beadsley, Blatchford, North,  
Mrs Pile and Veakins

Also Present: Councillor Simonds

12. **Minutes**

**RESOLVED** that the minutes of the meeting of the Sub Committee held on 31 July 1997 be confirmed as a correct record and signed by the Chairman.

13. **Meeting with Hackney Carriage Trade**

The Sub Committee considered the notes of the meeting with representatives of the Bracknell Licensed Taxi Drivers Association held on 22 October 1997. The Sub Committee noted that two matters raised by the Trade representatives: the use of bus lanes associated with any Bracknell Town Centre redevelopment and parking problems in Park Road, Bracknell, would be passed on as appropriate.

**RESOLVED** that the notes of the meeting held with representatives of the Bracknell Licensed Taxi Drivers Association held on 22 October 1997 be received.

14. **Review of Charges 1998/99**

The Sub Committee considered the proposed charges for the 1998/99 financial year, which in accordance with advice from the Borough Finance Officer had been prepared using a guideline inflation rate of 3%. The Sub Committee noted that in certain instances the proposed level of fees would increase by slightly higher than 3%, but in other instances the level of fees were being held at the 1997/98 levels.

**RESOLVED** that

- (i) the revised charges, as detailed in Annexe A of Item 2 of the agenda, be approved for implementation from 31 March 1998, subject to no objections being received in respect of vehicle and operator licence fees; and
- (ii) it be confirmed that 50% of the vehicle licence fee be waived for wheelchair accessible vehicles for the 1998/99 year.

15. **Dual Drivers Licences - Annual Renewal**

In accordance with provisions within the Road Traffic Act 1991, one third of existing hackney carriage and private hire vehicle drivers were checked for previous criminal convictions each year, with all new drivers being automatically checked upon initial application. Those drivers with surnames in the N to Z group were due to receive a police criminal record check in the next re-licensing round.

**RESOLVED** that all existing licensed drivers with surnames in the N to Z group be subject to a police criminal record check in the next re-licensing round.

16. **Disability Discrimination Act 1995 The Government's Proposals for Taxis**

The Sub Committee was advised that the Department of the Environment, Transport and the Regions (DETR) had issued a informal consultation document on implementing the provisions of the Disability Discrimination Act 1995 in relation to accessibility to taxis. A report was submitted to the Sub Committee proposing a response to the DETR. The response covered a variety of topics, but the proposed comments primarily related to the detailed dimensions within the technical specification.

**RESOLVED** that the response to the Department of the Environment, Transport and the Regions consultation paper, as set out in paragraphs 4.2 to 4.7 of the report at Item 4 of the agenda, be endorsed.

17. **Proposed Change to Private Hire Vehicle Licensing Following the Benson v Boyce Judgement**

The Sub Committee was advised that the Department of the Environment, Transport and the Regions (DETR) was consulting on changing provisions within the Local Government (Miscellaneous Provisions) Act 1976 relating to private hire vehicle licensing following the Benson v Boyce judgement. This judgement held that a person who drove a private hire vehicle without a private hire licence was guilty of an offence irrespective of the use to which the vehicle was being put at the material time. As a result of this judgement, it was not possible, for example, for a private hire vehicle to be driven by a mechanic as part of an MOT test, unless the mechanic was a licensed driver. Furthermore, members of licensed drivers' families could not drive a private hire vehicle for social uses, unless they happened to be licensed drivers. The Government's proposals, which if implemented would be effected under deregulation legislation, aimed to address these anomalies. However, in view of the possible enforcement difficulties that could arise, the Sub Committee concluded that there should be no change to the law, except to allow vehicles to be driven by mechanics as part of a test of the vehicles' mechanical fitness or by drivers as part of a test of their competence.

**RESOLVED** that the Department of the Environment, Transport and the Regions be advised that the Council would not wish to see any change to Section 46 of the Local Government (Miscellaneous Provisions) Act 1976, except to allow a private hire vehicle to be driven for the purposes of, or in connection with, a test of its mechanical fitness or to be driven by an applicant for a private hire driver's licence during a test of his or her competence, conducted by a licensing authority.

18. **Exclusion of Public and Press**

**RESOLVED** that pursuant to Section 100A of the Local Government Act 1972 members of the public and press be excluded from the meeting for the consideration of the following Items which would involve the likely disclosure of exempt information under the following categories of Schedule 12A of that Act:

(12) Information in connection with possible legal proceedings

19. **Review Offence - Mr R C S and Mr L B D**

The Sub Committee considered a report on the circumstances relating to a licensed driver driving a hackney carriage whilst not being insured to drive that vehicle.

Mr R C S and Mr L B D were present to state their case.

**RESOLVED** that

- (i) Mr R C S be given a severe reprimand for driving a hackney carriage without proper insurance and his driver's licence be subject to monthly renewal for a period of twelve months, subject to the submission of evidence to the hackney carriage inspectors of insurance premiums being paid; and
- (ii) Mr L B D be advised that, whilst the Sub Committee recognised that he was a new operator and was making every effort to comply with the law, he would be required to review his management systems within a period of five days to ensure that a repeat of the circumstances that gave rise to a driver driving an uninsured hackney carriage did not occur again.

20. **Review Offence Mr T A and Mr L B D**

The Sub Committee considered a report on the circumstances to a driver driving a Hackney Carriage without a valid MOT certificate.

Mr T A and Mr L B D were present to state their case.

**RESOLVED** that

- (i) Mr T A be advised of the Sub Committee's disappointment with regard to his failure to have checked whether the vehicle in question had a valid MOT Certificate; and
- (ii) Mr L B D be advised that, whilst the Sub Committee recognised that he was a new operator and was making every effort to comply with the law, he would be required to review his management systems within a period of five days to ensure that a repeat of the circumstances that gave rise to a driver driving a hackney carriage without a valid MOT certificate did not occur again.

21. **Complaint Against Licensed Driver Mr G C T**

The Sub Committee considered a written letter of complaint making allegations of abusive behaviour on the part of a driver of a hackney carriage.

Mr G C T, together with two representatives, attended the meeting to state his case.

**RESOLVED** that Mr G C T be advised that no formal action would be taken in relation to the complaint, but it would be kept on file and given further consideration if a subsequent complaint were to arise.

22. **Information Report: Mr S N H**

The Sub Committee considered a report concerning Mr S N H.

**RESOLVED** that the report be noted.

23. **Matters Arising from the Minutes of the Meeting 31 July 1997**

Minute 10 (ii) Operators Licence No. 8/96

The Sub Committee considered a report in relation to Mr N J F and Operator's Licence No. 8/96. Additional material in the form of an undated letter from Mr N J F was circulated at the meeting.

**RESOLVED** that Operator's Licence No. 8/96 be extended to 31 March 1998 and the Borough Surveyor, in consultation with the Chairman of the Sub Committee, be authorised to issue a licence for hackney carriage plate no 3, subject to further enquiries being made to corroborate the submission made by the Operator.

The meeting commenced at 5.30pm and concluded at 8.32pm.

**CHAIRMAN**