

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 13 JANUARY 2020

SUBMITTED TO THE COUNCIL MEETING – 18 FEBRUARY 2020

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Robert Knowles (Chairman)
Cllr Peter Clark (Vice Chairman)
Cllr Martin D'Arcy
Cllr Jerome Davidson

Cllr Patricia Ellis
Cllr Michael Goodridge
Cllr Anna James
Cllr Ruth Reed

Apologies

Cllr Roger Blishen, Cllr Jacque Keen and Cllr Michaela Martin

LIC24/19 MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 23 September 2019 were agreed as a correct record and signed.

LIC25/19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies were received from Cllrs Jackie Keen and Michaela Martin.

LIC26/19 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations in relation to matters on the agenda.

LIC27/19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions from members of the public.

LIC28/19 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions from Members.

LIC29/19 NOMINATION OF REPLACEMENT REPRESENTATIVE ON LICENSING (GENERAL PURPOSES) SUB-COMMITTEE (Agenda item 6.)

The Committee noted that following the sad death of Cllr Jack Lee there was currently a vacancy on the Licensing & Regulatory Committee and the Licensing (General Purposes) Sub-Committee. A by-election for the Milford Ward was due to be held on 13 February 2020.

Rather than appointing a replacement to fill the vacancy on the Sub-Committee at this time, the Committee agreed to await the outcome of the by-election and the consequent review of the political proportionality of the Council and allocation of committee seats.

LIC30/19 ACTION AUTHORISED (Agenda item 7.)

No actions had been authorised by the Chief Executive since the last meeting of the Committee.

LIC31/19 MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB COMMITTEE
(Agenda item 8.)

The Minutes of the Licensing (General Purposes) Sub-Committee meeting held on 14 October 2019 were approved.

PART I – RECOMMENDATION TO COUNCIL

LIC32/19 JOINT WARRANTING 2020 (Agenda item 9.)

32.1 The Committee considered a report setting out proposals from the Surrey Local Licensing Authorities to introduce joint warranting for Licensing Officers to enable improved enforcement of the taxi and private hire trade across the county. It was proposed that each of the eleven borough and district councils would delegate their taxi and private hire enforcement function under the relevant legislation (set out in the report) to the other Surrey Local Licensing Authorities in addition to retaining those functions themselves.

32.2 The joint warranting arrangements would not restrict the movement of taxi and private hire vehicles into other boroughs, but would enable Waverley officers to enforce against taxi and private hire vehicles and drivers licensed by other Surrey boroughs. The joint warranting arrangements would commence from April 2020.

32.3 The Committee noted that such joint working arrangements represented 'best practice' as proposed in the draft statutory guidance to taxi and private hire licensing authorities which was the subject of a Department for Transport consultation in 2019.

32.4 The Committee welcomed the proposals for more joined up working across the county that would help protect users of taxi and private hire vehicles, and asked that similar arrangements be developed with neighbouring licensing authorities in other counties, such as East Hampshire, Chichester and Rushmoor.

32.5 Having considered the report, the Committee

1. RESOLVED to recommend to Full Council that:

- i. the Hackney Carriage (Taxi) and Private Hire enforcement functions under the legislation set out in Appendix A of the report be delegated to the Surrey Local Licensing Authorities (as set out in Appendix A), in addition to these functions being retained within the Borough; and, to similarly receive the same delegated Taxi and Private Hire enforcement functions of the Surrey Local Licensing Authorities.

And,

- ii. the responsibility for relevant Taxi and Private Hire licensing legislation in accordance with Part 3 (Responsibility for Functions) of the Council's Constitution, which confirms an existing delegated power to the Head of Environmental & Regulatory Services at part I.3 of the Council's Scheme of Delegation (authorisation to enforce all relevant Hackney Carriage (Taxi) and Private Hire licensing legislation), be extended to include the authorisation of officers of other Surrey authorities participating in a Joint Warranting Scheme.
2. RESOLVED to ask the Head of Environmental & Regulatory Services to write to the neighbouring licensing authorities in other counties to explore development of similar reciprocal joint warranting arrangements.

PART II – MATTERS OF REPORT

LIC33/19 TAXI POLICY COVERING REPORT RE PROPOSED CHANGES FOR CONSULTATION 2020 (Agenda item 10.)

- 33.1 The Committee considered a report that shared the recommendations of the Department for Transport on a safer system of taxi and private hire vehicle licensing, and sought the views of the Committee on a number of proposed changes to the Taxi and Private Hire Licensing Policy 2018 – 2023.
- 33.2 The proposed changes to the Policy came from the Department of Transport recommendations (where these did not need to be implemented by changes in legislation); from officers; and responded to representations made by drivers and operators in the trade. Subject to the agreement of the Committee, these would be incorporated within the Council's Taxi and Private Hire Policy to be consulted upon.
- 33.3 The Committee discussed the representations from drivers on relaxing the Council's policy on window tinting, and the variation in approaches of licensing authorities across the county on this matter. It was noted that it was difficult to judge how much difference tinting levels had on safety, although there was a perception that more light transmission was safer. The Committee was sympathetic to the representations of drivers, and agreed that for the purposes of consultation the policy would propose the same approach as Spelthorne (Regulatory minimum light transmission for the windscreen (75%) and front side windows (70%); at least 22% light transmission for rear side windows; and no minimum transmission requirement for the rear windscreen).
- 33.4 The Committee considered the policy on the age of licensed vehicles and promoting the take-up of Ultra Low Emission (ULE) vehicles by drivers and operators. It was agreed that offering a reduction in the licensing fee for ULE vehicles would send a positive signal, up until the point when all vehicles would have to be ULE. To align with the Council's Climate Change Emergency declaration, the Committee felt that all Waverley licensed vehicles should be ULE by 2030. A maximum age of 7 years for licensed vehicles would mean that from 2023 all newly licensed vehicles would need to be ULE.

33.5 The Committee agreed with Officer's recommendations on other matters to include in the draft revised policy for consultation, and RESOLVED

- i. To note the Department for Transport's report on taxi and private hire licensing; the Government's response to the report; and Officer comments on the report in relation to the National Anti-Fraud Network project, English language testing for drivers, matters in relation to disability and accessibility, and employment matters relevant to the 'fit and proper' test; and
- ii. That the following areas of policy be incorporated within the Council's Taxi and Private Hire Policy to be consulted upon:
 - a reduced vehicle licence rate (50% of the full rate) for ULE vehicles, until such time as all vehicles are ULE under the vehicle age policy (DfT recommendation 7).
 - a condition requiring licensees to co-operate with appropriate Officers from other licensing areas (DfT recommendation 9).
 - a requirement for door signs on Private Hire Vehicles (DfT recommendation 19).
 - a requirement that all drivers subscribe to the DBS update service (DfT recommendation 20).
 - a Privacy Notice covering Waverley's use of driver and operator information, to comply with Data Protection legislation and GDPR.
 - requirements for Private Hire Operators to:
 - a. Hold and maintain a register of all staff that have contact with the public, etc
 - b. Be able to evidence that a basic DBS check is in place for staff listed on their register, and
 - c. Prohibition on use of Passenger Carrying Vehicle (PCV) licensed drivers.
 - a vehicle age policy – from 1 April 2020, newly licensed vehicles must be under 3 years old at the date of first registration; from 1 January 2023, licensed vehicles to be no more than 7 years old.
 - refusal to licence vehicles that have been written-off for insurance purposes, for safety reasons.
 - prohibition on the use of second-hand tyres or tyres that are 10 years old or more, for safety reasons.
 - Policy on window tinting to be amended to permit Regulatory minimum light transmission for the windscreen (75%) and front side windows (70%); at least 22% light transmission for rear side windows; and no minimum transmission requirement for the rear windscreen.

33.6 The Committee noted that consultation responses would be submitted brought back to the Committee in March along with the proposed revised Taxi Licensing Policy, with the intention that it would come into effect from 1 April 2020.

LIC34/19 PROPOSED FARES AND TARIFFS (Agenda item 11.)

Paul Hughes, Licensing & Environmental Enforcement Manager, updated the Committee on the work being carried out to review Taxi Fares. Since the Committee met last, Officers had been using the Guildford methodology as a template to calculate tax fares. The initial outcome using this approach indicated that fares might reduce from £2.40/mile to £1.20/mile. Given the scale of the reduction, Officers were consulting with colleagues in Guildford to ensure that the methodology had been applied correctly, and there would be a further report to the Committee in March.

LIC35/19 FORWARD PROGRAMME (Agenda item 12.)

The Committee noted that the Fares Policy would come to the next meeting of the Committee in March, as would the revised Taxi and Private Hire Policy following the consultation on proposals.

The meeting commenced at 10.00 am and concluded at 11.35 am

Chairman

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Appendix A

Functions to be delegated to the Surrey Local Licensing Authorities.

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3)(a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licences
- Section 61: to suspend and revoke drivers' licences
- Section 68: fitness of private hire vehicles
- Section 73: obstruction of authorised officer

Town and Police Clauses Act 1847

- Section 45: prosecution for plying for hire without a licence

Road Traffic Act 1988

- Section 143: no insurance

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Waverley Borough Council. Those authorities have also retained the ability to exercise these functions.

The Surrey Local Authorities –

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

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