

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 1 MARCH 2021

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2021

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

Present

Cllr Robert Knowles (Chairman)	Cllr Peter Isherwood
Cllr Michael Goodridge (Vice Chairman)	Cllr Anna James
Cllr Martin D'Arcy	Cllr Jacquie Keen
Cllr Jerome Davidson	Cllr Michaela Martin
Cllr Patricia Ellis	Cllr Ruth Reed
Cllr Jerry Hyman	

Apologies

Cllr Roger Blishen

LIC32/20 MINUTES (Agenda item 1.)

The minutes of the meeting held on 10 December 2020 were agreed, subject to the following amendments.

- Noted that the meeting was held in 2020 and not 2021 as indicated in the agenda.
- The date the minutes went to Council to be put in the minutes.
- Cllr Hyman asked that it be noted that he had raised clarification that the issue of the van trading on Firgrove Hill would be addressed as part of the Street Trading policy.

LIC33/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Cllr Roger Blishen submitted his apologies for the meeting. No substitute was allocated.

LIC34/20 DECLARATIONS OF INTEREST (Agenda item 3.)

No declarations of interest were submitted for this meeting.

LIC35/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

No questions were submitted.

LIC36/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

No questions were submitted.

LIC37/20 ACTION AUTHORISED (Agenda item 6.)

No action had been authorised since the last meeting.

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

LIC38/20 LICENSING C SUB COMMITTEE 08/02/2021 (Agenda item 7.)

The minutes of the Licensing C Sub Committee held on 8th February 2021 were agreed subject to some grammatical changes pointed out by Cllr Jerry Hyman.

LIC39/20 STREET TRADING REVIEW (Agenda item 8.)

Richard Homewood, Head of Environmental and Regulatory Services outlined the revised Street Trading Policy, resolution agreed at the December 2020 meeting and the draft notice.

Cllr Hyman had a number of queries:

- Whether the 28 day notice period was possible in order for the policy and associated fees to go into force for the 1st April 2021. Richard Homewood advised that because the Committee meeting was delayed the date would have to slip to 5th April in order for the 28 days to be adhered to.
- Whether the café allowing a food van to sell from their car park at Firgrove Hill would be considered as part of the policy. It was confirmed that the policy had been amended to remove 'commercial land' so it relates to any outside area where the public have free access.
- 4.7 c & g – both relate to the Enforcement policy but one stated 'in accordance with' and the other 'in light of'. It was felt 'both should state 'in accordance with'.

Action: The Committee noted the feedback from the formal consultation and:

- **AGREED** the revised Street Trading Policy (Annexe D),
- **PASSED** the resolution agreed at Licensing Committee in December 2020 (Annexe E), and
- **AGREED** the draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets (Annexe F)

Subject to the amendments to the implementation dates as necessary

LIC40/20 TAXI LICENSING POLICY (Agenda item 9.)

Paul Hughes, Licensing & Environmental Enforcement Manager, Outlined the comments received following the consultation on the review of the Taxi and Private Hire Licensing Policy. He highlighted the changes that had been made to the policy and asked for comment.

The Committee discussed at length the maximum age for vehicles when first licenced and the maximum age a vehicle should continue to be licensed to. Under the existing policy there was no age limit (following it being amended some years ago when there was an age limit of 4 years and 10 years respectively). The draft policy proposed it should once again have an age restriction of 3 years and 7 years. The Committee felt that due to the current economic climate with COVID that a decision to implement this should be put back a year. Cllr Keen proposed this and Cllr Goodridge seconded. This was AGREED by majority with Cllrs Hyman and D'Arcy voting against.

It was then suggested that the proposal should be under 4 years of age for 1st registration and could be licensed to a maximum of 10 years old. Cllr D'Arcy proposed and Cllr Ruth Reed Seconded and this was **AGREED** by a majority with Cllr Hyman abstaining.

It was agreed that all the proposed dates re implementation of age restrictions and ULEV be pushed back one year (to 01 April 2022) except for the implementation of the no written off vehicles to be licensed which would remain as 01 April 2021.

Policy amended to;

Insurance write Offs

From 01 April 2021 Waverley will not accept any new applications for vehicles that have been written off by an insurance company.

Age of the vehicle

From 01 April 2022 a vehicle submitted, for a new vehicle licence must be under 4 years old from date of first registration. Once licensed a vehicle may continue to be licensed up to the 10th anniversary of first registration. Once any vehicle reaches 5 years of age, it becomes subject to 6-monthly tests.

Existing licensed vehicles that are over 10 years old, or that will become over 10 years old can continue to be licensed until the 31 December 2023. From 01 Jan 2024 a vehicle will not be licensed if it is 10 years old or more from date of first registration.

From 01 January 2024 a vehicle submitted, for a new application, to licence must be an Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency.

<https://www.vehicle-certification-agency.gov.uk/fcb/ulev.asp>

From 01 January 2031 Waverley will only accept new applications and renewals for vehicles which are ULEV.

The Committee were shown the proposed door signage for Private Hire Vehicles and felt the rectangular sign was preferable to the oval one. They discussed whether Hackney Carriages should also display these but it was felt this was not necessary.

Cllr Hyman advised he had identified a number of spelling and grammatical errors in the policy and would speak to officer's offline to rectify.

It was also highlighted that due to the delay in implementation the policy should be amended to read 01 April 2021 to 31 March 2026.

There was concern raised regarding the word 'matching' (in paragraph 20, page 24/ para 9 page 42/ para 11 page 47 of the policy) as it was felt this could be ambiguous and 'same size' should be put in.

It was also queried if the clarification on tinted windows had been rectified as previously some 'manufacturer' tints were darker than Waverley's permitted levels and the drivers had no way of measuring it. Paul Hughes advised that Waverley's had reduced the levels in the rear windows from 70% of light transmission being able to pass through them to 22% and that the front windows are in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

Action: The Committee considered the outcome of the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and AGREED it, subject to the amendments discussed.

LIC41/20 EXCLUSION OF PRESS AND PUBLIC (Agenda item 10.)

There were no items to discuss in exempt session so the Chairman closed the meeting.

The meeting commenced at 10.00 am and concluded at 11.59 am

Chairman