

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 9 NOVEMBER
2020

SUBMITTED TO THE COUNCIL MEETING - <DATE>

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

Present

Cllr Robert Knowles (Chairman)
Cllr Roger Blishen
Cllr Jerome Davidson
Cllr Michael Goodridge

Cllr Jerry Hyman
Cllr Anna James
Cllr Jacquie Keen
Cllr Ruth Reed

Cllr Peter Isherwood (Substitute)

Apologies

Cllr Martin D'Arcy, Cllr Patricia Ellis, Cllr Maxine Gale and Cllr Michaela Martin

Also Present

LIC16/20 MINUTES (Agenda item 1.)

The minutes of the meeting held on 30th July 2020 were agreed as a correct record.

LIC17/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies were received from Cllrs Martin D'Arcy, Patricia Ellis, Maxine Gale and Michaela Martin. Cllr Peter Isherwood attended as substitute.

LIC18/20 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest submitted for this meeting.

LIC19/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions for the public submitted to this meeting.

LIC20/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions from members submitted for this meeting.

LIC21/20 ACTION AUTHORISED (Agenda item 6.)

The Chairman reported that consultation had taken place with the Executive Director on a number of pavement licence applications since the last meeting and action had been taken.

LIC22/20 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW CHANGES TO LEGISLATION (Agenda item 7.)

Paul Hughes, Licensing & Environmental Enforcement Manager, outlined the background and content of the revised Hackney Carriage and Private Hire Policy following legislative changes. This review was necessary following receipt of the Department of Transport 'Statutory Taxi and Private Hire Vehicle Standards' and a number of Officer observations based on recent experience in administering and enforcing the policy.

Amendments to the policy had been highlighted for ease of reading and the committee were asked for comments.

The committee were advised that a number of spelling, formatting and grammatical errors had been identified following publication of the agenda and these had already been addressed by officers.

Comments raised:

- Concern was raised regarding drivers from other areas in the Borough coming to Farnham on a Saturday night to ply for trade as the other areas were not social hubs. Thus taking trade away from the Farnham drivers and also having lack of knowledge of the area so giving a bad impression of our drivers. It was asked whether this could be prevented by way of restrictions on the licenses?

Paul Hughes advised drivers were tested in depth on the town they would be based and with a general knowledge of the borough as a whole but that this could be more robust.

Gillian Carson-Jones, Litigation, Licensing and Regulatory Solicitor advised that once a hackney carriage licence was granted the drivers were able to ply their trade in the whole Borough and it was not possible to restrict access to public ranks. This had been tested in the case of R(on the application of Maud) v Castle Point Borough Council where it was held that a local authority cannot restrict where a hackney carriage can work within a district by condition (relating to use of a particular taxi rank)

- Taxi Livery – it was noted in the report that taxis would need to ensure they were not carrying livery from other neighbouring authorities, on the basis of identification and safety.
- Tinted windows – The report stated the maximum level of tinting the authority would allow. Concern was raised as to the levels factory fitted and whether drivers would know what that level was.
- It was noted that drivers would have to notify the authority of any traffic convictions within 48 hours instead of 7 days as previous. It was questioned whether this was long enough?
- The committee asked for the definition of a 'warning light' be set out in the policy so there was no confusion.

- It was queried why unsatisfactory condition of a vehicle could incur 4 points but minor vehicle defects incurred 3 points and officers were requested to further define what these categories were.
- Reports had been received regarding plastic bottles full of bodily fluids being deposited at kerbsides by taxi drivers. It was felt this should be included in the policy and reference was made to the penalty points scheme at number 46 and a separate offence of littering under the environmental protection act.
- It was noted that throughout the Policy there were comments around the policy coming into effect on 1st April 2020. Due to the delays in reviewing the policy it was agreed these dates would be changed to 1st April 2021.

The committee were reminded that the policy would be going out to consultation so many of the issues raised were likely to be subject to further review.

The committee thanked officers for their work on the revision of this policy and commended them on the focus on a duty of care to public safety, the safeguarding of children and vulnerable people and the prevention of crime & disorder.

Agreed:

The Licensing and Regulatory Committee:

- considered the draft Hackney Carriage and Private Hire Licensing Policy at Annexe 4 and agreed it, with the amendments discussed, as a basis for consultation, and;
 - noted The Department Of Transport 'Statutory Taxi & Private Hire Vehicle Standards' report;
 - noted the agreed actions from Waverley's Licensing & Regulatory Committee of 13 January 2020;
 - approved the officer recommendations on the Statutory Taxi & Private Hire Vehicle Standards' report outlined at Annexe 3;
 - noted that a number of minor administrative changes and typographical corrections have been made;
 - delegated authority for minor administrative changes, typographical corrections and grammatical changes for easier reading to be approved by the Head of Environmental & Regulatory Services.

LIC23/20 LEGAL ADVICE (Agenda item 9.)

There were no further items to discuss and no legal advice requested therefore the Chairman closed the meeting.

The meeting commenced at 10.00 am and concluded at 11.04 am

Chairman