

## LICENSING COMMITTEE

- \* Councillor David Goodwin (Chairman)
- \* Councillor Dennis Booth (Vice-Chairman)

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| * Councillor Tim Anderson    | * Councillor Masuk Miah      |
| * Councillor Gillian Harwood | * Councillor Marsha Moseley  |
| * Councillor Nigel Manning   | Councillor Maddy Redpath     |
| * Councillor Ted Mayne       | Councillor Will Salmon       |
| * Councillor Ann McShee      | * Councillor James Steel     |
| * Councillor Bob McShee      | * Councillor Catherine Young |

\*Present

### L1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Maddy Redpath and Will Salmon.

### L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest declared.

### L3 MINUTES

The minutes of the Licensing Committee held on 25 November 2020 were approved and signed by the Chairman.

### L4 ANNOUNCEMENTS

The Chairman had no announcements.

### L5 REVIEW OF THE TAXI AND PRIVATE HIRE LICENSING POLICY

The Licensing Team Leader reported that the Committee had approved a draft Taxi and Private Hire Policy for a three-month public consultation at its meeting in September 2020. The licensing department encouraged all interested parties, including members of the trade to make comments via an online survey, the results of which were presented in the report. A high number of respondents agreed with the recommendations and a high proportion of respondents considered that there were elements of the Policy which were unfair or unreasonable. The final version of the policy was presented for the Committee's discussion and approval.

Prior to consideration of the policy, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b). (The Committee noted that the Chairman had permitted Mr Soper a total of five minutes to speak to accommodate his dyslexia. Mr Rostron had been permitted three minutes to speak in total as per the speaking procedure rules):

- Mr Paul Soper (to object) and;
- Mr Mark Rostron (to object)

The Committee noted concerns raised by Mr Soper that the Taxi and Private Hire Policy should not change owing to the associated requirement and costs of installing CCTV into taxis. Given

the Licensing Authority had saved money by not having to inspect pubs, bars and nightclubs during lockdown, the money saved from this, it was felt, should have been passed onto the taxi trade. Funding had been made available to small businesses and distributed to local councils, but the Licensing department only notified taxi drivers of this grant with a two-week deadline in which to apply. The Council's phones were not working in this time and it was difficult to obtain the appropriate help and guidance. Wages for taxi drivers had been significantly reduced, owing to the lack of taxi fares during the Covid-19 pandemic and had consequently placed considerable strain upon their family's finances. In addition, Uber was taking money away from the licenced Guildford taxi trade and action should be taken in that regard by the Licensing Authority.

In response to the concerns raised by Mr Soper, the Licensing Team Leader agreed that the taxi and private hire trade was important to Guildford. The pandemic had caused difficult circumstances for many businesses, including the Local Authority itself. The Council had signposted businesses, wherever possible, to the types of assistance available, including the government's self-employment grant, and had provided considerable advice and answered a large number of queries from businesses looking for assistance. However, the allocation and distribution of grant funding was not something which the Licensing Authority itself had any input of control over.

In terms of the costs of installing a CCTV unit into a taxi, it was estimated to cost approx. £600 - £700, which was equivalent to replacing a full set of tyres on a vehicle. It was envisaged that a CCTV system would last longer than the cost of a full set of tyres. The introduction of CCTV into taxi's was intended to be of benefit to taxi drivers as well as the public, in terms of safety. CCTV units in taxi's would also potentially reduce insurance premiums for drivers. CCTV was a natural part of our everyday lives, employed as public safety tool. The Council may only access the data held on a CCTV camera where there was a valid reason to and would not access the information for anything else. There was the additional functionality to enable drivers to turn off the CCTV when the vehicle was in private use, as per the Information Commissioner's Guidance. In relation to Uber and cross-border hire issues, the government legislation was out of date, and the taxi trade in addition to the Council was encouraged to lobby government and their local MP to change legislation in this regard.

The Committee noted comments made by Mr Soper that he had managed to have all of his tyres replaced and vehicle tracking done for a total of £275 which was significantly less than the £600 - £700 proposed expenditure for CCTV.

The Committee also noted concerns raised by the second speaker, Mr Rostron, that the Council should only do the minimum required to meet any statutory obligation and according to the Acts of Parliament that applied, the Local Government Act, the Regulatory Reform Act 2006 and the Regulator's Code, it seemed that every regulation should have a full cost benefit justification. The Council should be able to show and prove why something was necessary and what the benefit was to the public both in financial terms and safety terms. No evidence had been provided to demonstrate that taxi livery (which was adopted in 2015) had given any benefit to the public in Guildford. People in the surrounding boroughs were no less safe than they were in Guildford and did not have livery on their taxis. The Council was still reliant upon an example cited in Rotherham as a justification for taxi livery safety, but the taxi's in Rotherham were already liveried, and was as irrelevant as it was then.

In relation to the taxi licenced conditions under Section 47 of the Local Government Miscellaneous Provisions Act, it stated that the Council could only impose a condition which it believed was reasonably necessary but there was no evidence to support the livery of taxi's. Mr Rostron stated that *"the Council could not possibly have believed there was good reason to livery taxi's"*.

In relation to the types of vehicle licences that were issued, Section 48 of the Local Government Miscellaneous Provisions Act provided that the Council shall not grant a licence unless they are satisfied that the vehicle was safe and comfortable. However, there were too many vehicles being licenced now that were under-powered, rendering them unsafe, when they had four passengers and a full load of luggage onboard which was difficult to navigate in Guildford exacerbated by hilly roads, going up slip roads in the rush hour and being expected to go from stop to 50 mph very quickly. Lastly, concern was raised at not giving drivers the benefit of the doubt at regulatory hearings.

The Licensing Team Leader was invited to respond to Mr Rostron's comments and stated that a number of the points raised were historical, for example, regarding the adoption of a livery in 2015, was not a decision challenged at the time and was still being implemented today. In relation to the issue raised that the Council should do the minimum in order for the vehicles to be licenced and that there should be a cost benefit justification it was noted that the Statutory Guidance issued in July 2020 focussed very much upon the work that Licensing Authorities must do in relation to the licenced trade to ensure the safety of all passengers, particularly vulnerable passengers. The statutory guidance stated that taxis were a high-risk environment and that Local Authorities were expected by the Department of Transport to review and implement the standards without any further delay.

With regard to the point made regarding under-powered vehicles, the policy requirement for vehicle propulsion had not changed. A relatively small engine capacity did not necessarily mean the vehicle would be underpowered, for example if a vehicle had a small engine but was fitted with a turbo. However, the Licensing Department had not received any complaints from members of the public, nor members of the trade in response to the consultation, regarding taxi's being under-powered.

With regard to giving drivers the benefit of the doubt, there was very clear statutory guidance, which the Local Authority must have regard to, that drivers should not be given the benefit of the doubt.

The Committee discussed the policy and requested clarification as to whether any grants were available to drivers to meet the cost of the CCTV units and installation into their cabs. In the report, it was noted that the Police and Crime Commissioner may potentially be able to offer a grant. In addition, did the Council have any controls over how Uber operated in Guildford?

The Licensing Team Leader confirmed that Guildford Borough Council had made an application to the Police and Crime Commissioner for Surrey for a grant to cover the cost of CCTV units for taxi drivers. If the policy were approved by the Committee, the outcome of the decision would be announced at the end of April. However, there was no guarantee that the costs would be met in full or in part. The Council also had its own financial position to consider but would remain open to potential funding opportunities that could help the taxi trade with CCTV implementation. In response to the first speaker's remarks that he had managed to replace all of his tyres for under £300, this was acknowledged as very good value. It was also acknowledged that the Licensing Authority had given until April 2023 as the deadline by which taxi drivers had to comply with the purchase of a CCTV unit and its installation into their cabs which was considered a reasonable period of time, of two years, for drivers to become compliant, should no financial assistance become available.

In relation to Uber, they were a licenced private hire operator and its vehicles and drivers were licenced by Transport for London (TFL). There was currently case law that stated that a licenced vehicle could travel anywhere. The taxi legislation was very much out-of-date and in need of urgent reform. Cross-border hire was a concern for Licensing Authorities across the UK be it Uber or any other operator. Joint warranting across Surrey was currently being sought so that the Licensing Authority would be able to take enforcement action where necessary and agreement had also been sought with TFL. Private hire vehicles were licenced under the 1976

Act which was well before the introduction of mobile phones and apps. The Local Government Association had also been contacted to take action to support urgent changes in legislation.

The Committee welcomed the action which the Licensing Authority had taken in relation to addressing legislating Uber vehicles and tackling cross-border hire issues. In addition, the 2030 date set for the introduction of low ultra- low emission vehicles was agreed to be a very positive move, given it gave drivers the ability to run down their existing vehicles and make the transition to greener vehicles in order to tackle the climate emergency. It was also pleasing to see that all drivers would undergo a rolling 6-month DBS check to ensure that they were trustworthy and safe drivers.

The Committee noted further comments from Mr Soper that he had been cited as an Ambassador of the Taxi Trade when he returned an item of value to a customer, which had been left in his cab. He also had a criminal record but was given a second chance by the Licensing Sub-Committee at that time, which he hugely appreciated. He asked the Committee to strongly consider the policy they were about to vote on given the concerns he had previously raised.

In response to a query regarding the CCTV unit, the Licensing Team Leader confirmed that the CCTV unit was the size of a decent sized textbook that fitted onto a side panel in the boot of the car. The data was retained for approx. 2-3 months and was recorded over again.

The Committee having considered the report;

RESOLVED to recommend that Council on 13 April 2021, approved the updated Hackney Carriage and Private Hire Licensing Policy following consideration of the consultation responses received.

## **L6 TAXI AND PRIVATE HIRE FEES AND CHARGES 2021-22**

The Licensing Team Leader reported that in line with the Executive decision made in November 2020, to freeze all fees and charges, it was therefore recommended that the Taxi and Private Hire Fees and Charges for 2021-22 remained at the current level but were planned to be reviewed again for 2022-23.

Prior to consideration of the Taxi and Private Hire Fees and Charges 2021-22, the following person addressed the Committee in accordance with Public Speaking Procedure Rules 3(b). (The Committee noted that the Chairman had permitted Mr Soper a total of five minutes to speak to accommodate his dyslexia):

- Mr Paul Soper (to object)

The Committee noted concerns raised by Mr Soper that the Council, owing to not spending monies on officer duties inspecting pubs, bars and clubs, due to the lockdown, had saved money this year and that those monies should be passed onto the taxi trade so to reduce hire fees and charges this year, in order to assist the taxi drivers in increasing their customer base. Birmingham City Council had been cited as an example where taxi drivers were given £1500. Freezing charges and fees was not perceived as helpful to the taxi trade and Guildford Borough Council was requested to help more.

The Committee, having considered the report;

RESOLVED to approve the freezing of the Taxi and Private Hire Fees and Charges for 2021-22, so that they remained at the current level and would review the fees and charges planned for 2022-23.

**L7 LICENSING COMMITTEE WORK PROGRAMME**

The Committee noted its work programme.

The meeting finished at 7.50 pm

Signed .....

Date .....

Chairman