

LICENSING COMMITTEE

* Councillor David Goodwin (Chairman)
Councillor Catherine Young (Vice-Chairman)

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| * The Mayor, Councillor Dennis Booth | * Councillor Bob McShee |
| * Councillor Tim Anderson | * The Deputy Mayor, Councillor Masuk Miah |
| * Councillor Gillian Harwood | * Councillor Marsha Moseley |
| Councillor Jan Harwood | Councillor Maddy Redpath |
| * Councillor Nigel Manning | * Councillor James Steel |
| * Councillor Ted Mayne | * Councillor Keith Witham |
| * Councillor Ann McShee | |

*Present

L1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Maddy Redpath and Catherine Young. Councillor Jan Harwood was not present.

L2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

L3 MINUTES

The minutes of the Licensing Committee held on 24 November 2021 were approved and signed by the Chairman.

L4 ANNOUNCEMENTS

The Chairman had no announcements to make.

L5 TAXI AND PRIVATE HIRE FEES AND CHARGES 2022-23

The Committee received a report from Mike Smith, Senior Specialist for Licensing and Community Safety. The Committee noted that the methodology had been previously approved. The fees and charges were normally calculated annually to adjust for any rises and increases in costs. The Committee was asked to approve the fees and charges for public consultation, and should any objections be received, these would be considered by the Licensing Committee at their meeting in September. A few changes to the fees and charges were proposed such as an increase to the vehicle licences, a decrease to the driver licence and an increase to the operating licence fee. The breakdown of the fees and charges comprise of three elements, officer time, support services charged to the licensing cost centres and an adjustment for a surplus and deficit carried forward. Should any objections be received, these would be considered by the Licensing Committee at their meeting in September. If no objections are received, the fees and charges will take effect from October.

The Committee received a query as to whether this was the start of the consultation with the trade. The Senior Specialist for Licensing and Community Safety, Mike Smith confirmed that the fees and charges for consideration are what was charged for licensing applications. There was a statutory consultation process which included placing a notice in the local newspaper and notify the trade via newsletters.

The Committee having discussed the report;

RESOLVED that the Taxi and Private Hire Fees and Charges for 2022-23, be approved for public consultation as per the legal requirements, to take effect from 3 October 2022 should no objections be received.

L6 HACKNEY CARRIAGE FARES REVIEW

The Committee received a report from Mike Smith, Senior Specialist for Licensing and Community Safety. The Committee noted that the Hackney Carriage Fares were what licensed taxis charged for journeys to their customers. The fares had not been reviewed since 2019 due to the pandemic and other demands made upon the service. A review of the Hackney Carriage Fares had been undertaken using the approved methodology that involved sending a consultation questionnaire to the trade asking for their costs. The Head of Environment for Regulatory Services had delegation to approve the data inputs for the fare review. A small number of objections were received following the statutory consultation which were considered by the Lead Councillor for Environment. The new fares took effect as of 13 July 2022. The Committee noted that the Council had previously been challenged on setting its fare methodology but was dismissed by the Courts.

The Committee considered that a small number of drivers had objected to the increase in fares but wanted to know if the majority of drivers had supported the increase and would have thought this was the case, given it was the first increase in three years. Mike Smith, the Senior Specialist for Licensing and Community Safety confirmed that there were approximately 150 drivers and the same number of vehicles. A total of 8 objections were received about the fares increasing, however whilst the Licensing Team tried to engage with the trade it was unfortunate that a low response rate had resulted and reflected the fact that the trade were largely in agreement.

The Committee having discussed the report;

RESOLVED to note the review of the Hackney Carriage Fares and decision to adopt a new fare structure following public consultation.

L7 TAXI AND PRIVATE HIRE LEGISLATION UPDATE

The Committee received a report from Mike Smith, Senior Specialist for Licensing and Community Safety. The Committee noted that the purpose of the report was to brief the Committee on two important legislative changes in terms of taxi and private hire licensing. The first was Safeguarding and the Road and Safety Act. This imposed some duties upon local authorities whereby if there was a concern with a driver who was licenced elsewhere, that local authority would have a duty to report it to the issuing authority. The issuing authority then had a duty to tell the reporting authority what they were going to do about it, such as either suspending or revoking a driver's licence. Those decisions had to be uploaded to a central register which had been available since 2018. Whilst it was previously good practice to notify neighbouring authorities of issues with drivers, it was now a legal requirement to do so which encouraged more co-working between authorities.

The second piece of legislation provided additional protection for disabled persons under the Equalities Act. It was against the law to discriminate on the grounds of protected characteristics. The previous legislation required drivers of designated wheelchair accessible vehicles to accept the carriage of wheelchair users, provide them with reasonable mobility assistance, and refrain from charging them more than other passengers. However, from 28 June, all taxi and PHV drivers and operators – regardless of whether the vehicle is wheelchair accessible - will be subject to duties under the Equality Act.

The main changes were:

- Taxi and PHV drivers would be required to:
- Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.

- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.
- PHV operators will be required to:
- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

The Committee having discussed the report;

RESOLVED to note the updates to legislation and actions taken to communicate changes to the Licensed Trade.

L8 EXTENSION TO PAVEMENT LICENSING

The Committee received a report from Mike Smith, Senior Specialist for Licensing and Community Safety. The Committee noted that the Business and Planning Act 2020 enacted in July 2020 sought to assist the hospitality industry recover from the first Covid19 lockdown by making it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. The legislation was introduced with an original end date of September 2021.

On 20 July 2021 the Government extended Pavement Licences until 30 September 2022 under the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021. The Licensing Committee also approved a Policy concerning the Pavement Licensing function and extended it to the September date.

On 16 June 2022, a Statutory Instrument was laid in Parliament to extend the provisions for a further year, pending the creation of a permanent new Pavement Licensing regime under the Levelling Up and Regeneration Bill. The Committee were therefore asked to approve the extension of the Pavement Licensing Policy for another year. The Committee agreed that the policy had made Guildford Town a more vibrant place to be and fully endorsed the recommendation.

The Committee having discussed the report;

RESOLVED to note the extension of the Business and Planning Act for the Licenced trade, and subject to the passing of the necessary Statutory Instrument, approves the extension of the current Pavement Licensing Policy for a further 12 months.

L9 TAXI AND PRIVATE HIRE POLICY - VEHICLE GLAZING REQUIREMENT

The Committee received a report from Mike Smith, Senior Specialist for Licensing and Community Safety. The Committee noted that following the updates to the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy in 2021 and to consultation upon the Department for Transport's new draft Best Practice Guidance recently, a local issue was emerging of vehicles with 'privacy glazing' fitted which do not meet the adopted criteria. This was creating problems of applicants not being able to licence vehicles and having to replace factory fitted glazing, often at significant cost.

Officers were now proposing a minor change to the Council's Licensing Policy which sought to allow 'privacy glass' to be permitted.

Many vehicles were still fitted with this style of glazing with it having been allowed under the previous policy. Officers believed safety was not compromised as all vehicles would be required to be fitted with CCTV next year.

The Committee noted a query regarding the alternative safety methods mentioned with regard to internal CCTV systems and whether that was the equivalent to a dashcam and whether there was a minimum specification for such a device. Mike Smith, the Senior Specialist for Licensing and Community Safety confirmed that there were both forward facing cameras and inward facing cameras which covered all of the seats in the vehicle. It was different from a dashcam which had a small SD card.

The Committee having discussed the report;

RESOLVED to recommend a minor change to the Council's Taxi and Private Hire Licensing Policy to be introduced under delegated powers. This change was to permit the licensing of vehicles with 'privacy glazing' which is installed at the time of manufacture, as permitted previously.

L10 LICENSING COMMITTEE WORK PROGRAMME

The Committee discussed its work programme, noting that the Taxi and Private Hire Fees and Charges 2022-23 would come back to the Licensing Committee to consider the consultation responses and approval of the item at its September meeting.

The meeting finished at 7.30 pm

Signed

Date

Chairman