



Buckinghamshire Council Licensing Committee

Minutes

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON MONDAY 2 NOVEMBER 2020
VIA VIDEO CONFERENCE, COMMENCING AT 6.30 PM AND CONCLUDING AT 7.06 PM**

MEMBERS PRESENT

C Jackson (Chairman), S Renshell (Vice-Chairman), D Barnes, M Hussain JP, J Lowen-Cooper, N Marshall, I McEnnis, S Morgan, G Powell, J Read, J Rush and Sir B Stanier Bt

Prior to discussing the agenda items, the Chairman explained that it had been intended to hold this meeting in public on 14 October. However, due to an unforeseen technical error with the Council's webcasting software which caused significant audio issues for those watching the live meeting, the Committee was meeting this evening to ensure any decisions taken were transparent and that everyone had the opportunity to hear proceedings. Members were reminded to approach the decision for item 4 with a fresh mind even though they had previously considered it.

Agenda Item

1 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor H Wallace.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 9 September 2020 were agreed as an accurate record.

4 BUCKINGHAMSHIRE COUNCIL TAXI AND PRIVATE HIRE LICENSING POLICY

The Committee considered the draft Buckinghamshire Council Taxi and Private Hire Licensing Policy and were asked to agree the commencement of a public consultation on the new policy.

The Council was committed to adopting a new taxi and private hire vehicle licensing policy to support the alignment of the licensing regimes of the former Districts. As reported to the Licensing Committee on 1 July 2020, the adoption of a new policy presented an opportunity to ensure Buckinghamshire Council licensed vehicles, drivers and operators were all held to the

highest possible standards along with consistency for both drivers and the public.

Officers from the Licensing Service had drafted a new policy in collaboration with the Council's policy team. The new policy (see appendix 1) had been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards (published July 2020) (see appendix 2). Measures proposed in the new policy would impact on the existing licensed trade to varying degrees depending on the legacy area within which they currently operated and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade would also be impacted as a result of higher standards required of vehicles, drivers and operators. The policy also considered the application of "grandfather" rights in respect of the existing trade. The more potentially controversial aspects of the new policy were set out in section 2 of the report.

Pre-engagement consultation with stakeholders had been carried out including an online survey, which ran from the 7th - 27th September, and the associated communications plan which included targeted communication with the taxi licensing trade. Licensing Committee member workshops were held on 15th and 16th September and the responsible Cabinet Member and the Chairman of the Licensing Committee had also been fully engaged throughout the process. A progress update paper was presented at the Communities & Localism Select Committee on the 24th September. Feedback received throughout this engagement period had been incorporated into the proposed policy.

A key policy issue concerned hackney carriages and the proposal that the five current geographical hackney zones, with their own Byelaws, vehicle specifications and wheelchair accessibility, ranks, limitation policy (in respect of Aylesbury Town), licence fee and fares should be removed and replaced with one single new hackney zone across the Buckinghamshire Council area.

Members were invited to ask questions of officers. In response to a question on whether the Euro 5&6 and European whole approval requirements specified for vehicles in the Policy would remain in place following Brexit, officers confirmed that this was the case and that in the short term, the current European standards for approving whole type vehicles would continue to apply. The standards may be subject to change in 2021 when a new comprehensive Great Britain type approval scheme would be introduced (which was likely to be based on the existing EU approval). Officers advised that in respect of the wording in the policy, it was anticipated that this would be a case of updating the wording to reference the new Great Britain approval scheme. It was hoped that there would be greater clarity on this position by the time the matter was next brought back to the Committee for consideration.

Following a concern raised over the low numbers of WAVs (wheelchair accessible vehicles) in the former Chiltern area and that these numbers may not rise with the new policy requirements, officers advised that the Policy proposes the removal of hackney carriage zones and it was anticipated that hackney carriages travelling from other areas where there were more WAVs should meet any increase in demand, encouraging a mixed fleet of vehicles across Buckinghamshire. It was noted that WAV availability would be kept under review and any imbalance could therefore be addressed again in the future if needed.

Following a query on whether the Council should be allowing older vehicles to continue to operate, officers advised that the new age limit requirements were due to come into force on 1 April 2021. The current area policies had different age limits and the Council was permitted a period of grandfather rights, proposed for the period to April 2023, for older vehicles in areas

which did not previously have these requirements. This lead in time would provide the existing licensed trade with time to prepare and plan for a change in fleet and purchase new vehicles where required.

With regards to new tariffs, officers explained that the Council was unable to set the new fees and charges for the trade until the content of the new Policy had been agreed and that this would come forward to the Committee as a separate consultation in the Spring. In relation to hackney tariffs, officers advised that there was currently a disparity in the level of fares for the different zones. The current fares in Aylesbury Vale were amongst the lowest in the country. The Council had the power to set fares for hackney carriages and these should be based on the ability of the driver to cover their costs and make a living while ensuring that the charge to the passenger was not excessive. Officers explained that the removal of zones would be a good opportunity to review the fares across the Council and set one common standard of fares. At this stage it was not possible to know what that level of fare might be until the work had been done in calculating costs.

Following a query about the deviation from the statutory standards as detailed in the report pack at page 9, officers advised that it remained acceptable for the Council to adopt a differing local policy but in instances where the Council chose not to follow the statutory standards it was expected to state why. With respect to the new policy this was on the whole, only applicable in one key area which related to decision making where the granting of a licence might be contentious. The policy proposed that a panel of delegated expert officers and a manager (where appropriate in consultation with legal services) review licence investigations and make contentious licence decisions where there is a breach of, or non-compliance with, policy requirements. This reflected current operating practice and had been shown to be robust and effective when challenged in the Courts.

With regard to the use of using mobile phones as sat nav systems, officers advised that in line with rules for motorists, as long as the phone was being lawfully used (i.e. in a cradle) then this was acceptable.

In response to a concern raised about problem parking by taxi vehicles, officers advised that the service received a number of complaints about parking and this was largely due to the high number of licensed vehicles in the council area. The Council was not able to treat drivers of licensed vehicles more harshly than members of the public if vehicles were lawfully parked. However, there was a condition on operator licences that the operation of private hire vehicles could not cause nuisance. The Policy proposed a penalty points system that could also be used in the future to deal with parking issues if needed.

A member queried how the current penalty points system was applied. Officers explained that this system had historically only been in place in the Aylesbury Vale area and applied to licensed drivers only. It is proposed to expand this system for the whole Council area, to include vehicle and operator licence holders and to make it more comprehensive in terms of points awarded. This will give the Council greater enforcement options. A schedule of how points were allocated and in what circumstances was set out in the report pack from page 103.

In response to a question about whether the use of an alternative repair kit instead of a spare wheel as stated in the Policy was acceptable, officers explained that not all vehicles were fitted with a spare wheel and manufacturers of some vehicles provided a repair spray foam instead and that the Council could not require over and above the manufacturers specification on this.

Following clarification of the wording of condition 19, which was set out on page 86 in the report pack, relating to the consumption of alcohol by over 18s in novelty vehicles such as

limousines, it was agreed that no amendments to this condition were necessary. It was confirmed to members that it was the responsibility of the person taking bookings to check customers ages.

In relation to how the taxi trade had been supported during the Covid 19 period, officers drew attention to the two previous update reports presented to the Committee on the adjustments made to the Service since March this year. Officers advised that the Licensing Service continued to operate with flexibility where required and when able to. There had been an increase in the number of licence applications received by the Service as lockdown restrictions have eased and the schools have returned which indicated that there was some recovery underway.

The Committee were advised that the Licensing Team had been working closely with the Council's Communication Team to try and make the Policy as accessible as possible, whilst accepting that it was a legal document that the service and taxi trade use daily and needed to cover a large number of technical issues in detail. An executive summary for the policy would be produced to accompany the consultation. Officers agreed to include a question in the consultation on how easy and useful the documents were to read and how accessible people had found them and to provide the Committee with the Executive Summary when it was produced.

It was clarified that currently each of the legacy district council policies were still in place until Buckinghamshire Council adopted the new policy.

It was proposed by Cllr Renshell, seconded by Cllr Stanier and **resolved** that

- 1) the report be noted; and
- 2) the commencement of a public consultation on the new Buckinghamshire Council Taxi and Private Hire Licensing Policy be agreed.

5 DATE OF NEXT MEETING

The date of the next meeting is Wednesday 3 February 2021 at 6.30p.m.