

LICENSING COMMITTEE

Tuesday, 21 July 2015

Present: Councillor Bob Backhouse (Chairman)
Councillors Mrs Cobbold, Heasman, Huggett, Jamil, Nuttall, Patterson, Sloan (Vice-Chairman), Tompsett, Williams and Woodward

Officers in Attendance: Sharon Degiorgio (Senior Licensing Officer), Robin Harris (Senior Lawyer (Contentious)), Emily Metcalf (Democratic Services Officer), Claire Perry (Licensing Partnership Manager) and Gary Stevenson (Head of Environment and Street Scene)

APOLOGIES FOR ABSENCE

LC38/15 Apologies for absence were received from Councillors Dawlings, Hills and Noakes.

DECLARATIONS OF INTEREST

LC39/15 No declarations of interest were received.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18)

LC40/15 No visiting members had registered to speak at the meeting.

MINUTES OF THE PREVIOUS MEETING

LC41/15 The Chairman, Councillor Backhouse, invited Ms Smith, who was representing her business Mrs Florist, to speak on the matter of the previous meeting's minutes. Ms Smith said that at the previous meeting, on 10 March 2015, it was decided that the street trading scheme would end, which she believed was wrong because this was not a recommendation in the report published in the meeting's agenda. As a consequence, she did not register to speak against it, even though she would have liked to had she known that this was going to be a recommendation. She said that she would like the item to be put on the agenda for the September meeting so that it could be discussed again then.

All Councillors agreed that the item would be reviewed in September.

Councillor Tompsett then proposed a couple of amendments to the previous meeting's minutes, which included:

- Adding "at 3pm" to "regarding accessing a WAV at the rank" on page 3 in the penultimate paragraph.
- Adding "in Ely Court" to "there were a number of empty units along the precinct" on page 6 in the last paragraph.

RESOLVED:

- 1) That the Street Trading Policy and Fees Review be reconsidered in the next meeting on 8 September 2015; and
- 2) That the previous meeting's minutes be approved subject to the agreed amendments.

WHEELCHAIR ACCESSIBILITY AND SEATING CONFIGURATION REPORT

LC42/15 Ms Degiorgio, the Senior Licensing Officer, presented a report on the wheelchair accessibility and seating configuration consultation. She informed the Committee that a public consultation had taken place to explore five options relating to the policy concerning deregulation and Wheelchair Accessible Vehicles (WAVs). These options were set out in paragraph 16 of the report. The report also considered the policy relating to the seating configuration of Multi Purpose Vehicles (MPVs). Ms Degiorgio wished to draw attention to the fact that it was necessary to exclude 47 hard copy responses to the consultation over doubts of their legitimacy, and stated that on this basis 155 valid responses were received. Ms Degiorgio pointed out that if the Committee did decide to amend the Policy on MPV seating configuration, it would have further implications on vehicles that were restricted on passenger capacity, such as the Vauxhall Zafira.

The Chairman said that they would split the consideration into two parts, and began with conclusion two on page 14 regarding deregulation and the provision of WAVs. He invited Mr England, Vice-Chair of the Access Group, to speak on the subject.

Mr England said that the CTS Traffic and Transportation Independent Hackney Carriage Services report demonstrated many failings in the borough when it came to WAV availability, and expressed that he wanted a compromise that would suit both the taxi trade and disabled passengers. He cited the example of Brighton and Hove City Council, who had increased the number of WAVs by making it compulsory for the vehicle at the time of replacement or renewal of a licence to be accessible. He supported option three in the consultation as a result.

Ms Conlon, a representative for the Hackney Drivers Association, was then invited to speak. She began by saying that the instance of fraud cited in paragraph 12 of the report should be investigated by the Council, as the person involved would not be considered a 'fit and proper' person to hold a licence, as stated in the Council's policy, if they were a taxi driver. She then discussed deregulation, and said that taxi drivers would struggle to make a living if it took place. She cited the example of Tonbridge, which she said was flooded with hackney carriages after deregulation, and she urged councillors to dismiss this change. She also wanted councillors to vote against increasing WAV numbers as there was no new legislation to make fleets 100 per cent WAV, and as changing plates to WAV on a renewal of a licence would be a burden on licence holders. She believed that changing a plate to WAV upon change of ownership would be better, citing option one as her preference. She also wished to clarify that only hackney carriages, and not private hire vehicles, would be affected by deregulation.

Councillors Patterson and Woodward asked Ms Conlon to expand on the issue she raised concerning fraud. Ms Conlon said that she could not confirm that the IT responses were fraudulent, but said that some responses appeared to have been copied and pasted with the same errors. The Chairman asserted that officers followed set procedures to protect against fraud, and so were experienced in filtering out the suspicious responses.

Mr Maynard, a proprietor, was then invited to speak. He said that he had

wheelchair accessible hackney carriages for several years, and had only carried two disabled passengers in his first vehicle, and to date carried no disabled passengers in his second, which he had owned for just under two years. He said that he would be in debt if he had to get a WAV, as the demand was not there for them. He stated that taxi drivers were not financed by any government organisation, and that WAVs were very expensive. He asserted that there would be another 100 taxis if deregulation occurred.

Councillor Tompsett asked what was so different about Tunbridge Wells that meant it was seeking 35-50 per cent WAV composition to settle demand, as opposed to 100 per cent as seen in other areas. Mr Maynard replied that the service was not required because disabled passengers were being taken care of by private hire vehicles. In response to a question from Councillor Tompsett regarding the saturation of the taxi rank, Mr Maynard clarified that the rank was saturated with taxis, not WAVs, but there was limited room, and WAVs in particular would take up too much space.

Councillor Tompsett highlighted in the CTS report that the 'mystery shopper' spent several days in Tunbridge Wells but never saw a WAV on either side of the train station. Mr Maynard disagreed and said that he saw many at one time. Councillor Tompsett picked out more of the report to illustrate that there was unmet demand for WAVs in the town. Mr Maynard argued that this related to private hire vehicles, then stated that he preferred option three from the report.

Mr Berry was invited to speak. He said that if deregulation occurred in Tunbridge Wells, then in five years there would be hundreds of taxis, and that the industry could suffer as a result. He stated that the councils in Cambridge and Crawley had to impose capping on their taxis as they could not cope with deregulation. Mr Berry felt that this council should introduce capping and he supported option three in the report.

Councillor Tompsett raised the point that most licensing authorities in England and Wales (75 per cent) did not impose restrictions.

Mr Berry then said that they had paid for a new report to see if more vehicles were needed, and that it would be finished in eight months. He clarified that the upcoming report would be independently conducted and impartial.

Councillor Tompsett said that the Maidstone and Gravesend fleets were 100 per cent WAV, and even Canterbury had 50 per cent WAV composition, so he was still puzzled as to why Tunbridge Wells could not achieve this. Mr Berry explained that Tunbridge Wells had no colleges like Maidstone and Canterbury did, and did not have a social scene that was as extensive as Maidstone's, meaning that there was less demand for taxis. He stated that option three would, however, still allow the WAV number to increase.

Councillor Woodward raised the point that the independent report being discussed was not included in the appendices of the report. Ms Degiorgio clarified that it was included in the background papers, and Mr Stevenson, the Head of Environment and Street Scene, explained that the conclusion took information from this report, which was included in the agenda in September and December 2013 when the report was considered and a decision was taken by the Committee.

Councillor Williams wished to note that the accusation of fraud was serious, and he requested that a review of consultation practices took place. The Chairman asked officers to comment on protocol, and Mr Stevenson stated that they would examine the consultation portal and endeavour to strengthen the security measures around it if necessary.

Councillor Woodward said that he supported option five on the report, as he believed that it would be better to wait until 2016 for the new demand report to be published to make a more informed decision on the matter.

Councillor Heasman asked Ms Degiorgio about the inadequate number of spaces for the taxi vehicles, and she explained that taxis who had previously been limited to just the rural areas were now able to work in town areas, and the hours worked by taxi drivers had increased, both of which limited the number of spaces available. She added that there was no requirement for the Council to provide rank spaces for the trade.

The Committee proceeded to discuss the second part of the report concerning multipurpose vehicle seating configuration. Mr Harris said that the consultation demonstrated that there was a strong view that seats should be allowed to be folded or slide forward to provide access for the rear most seats, showing general disagreement with the current policy.

RESOLVED:

- 1) That the Council's Hackney Carriage and Private Hire Licensing Policy not be amended with regard to the current status of a mixed fleet (Saloon, MPV & WAVs) of taxis; and
- 2) That the Council's Hackney Carriage and Private Hire Licensing Policy be amended to allow seats to be folded or slide forward to provide access to the rear most seats.

DRAFT STATEMENT OF PRINCIPLES - GAMBLING ACT 2005 - 2016

LC43/15 Mrs Perry, the Licensing Partnership Manager, presented the Revised Statement of Principles for the Gambling Act 2005 Policy. She explained how, since the last revision, there had been a number of changes to the Gambling Act 2005, and therefore the Licensing Authority would have a secure foundation on which to determine applications in a way that promoted the licensing objectives.

RESOLVED:

That the draft policy be approved for consultation.

LICENSING PARTNERSHIP UPDATE REPORT

LC44/15 Mrs Perry presented a report on the 2015 Licensing Partnership update. She said that performance had increased year on year, indicating that the Partnership had been operating effectively.

Councillor Woodward raised concern over objective two in the report, questioning whether there were enough resources for this endeavour, and was reassured that there would be.

Councillor Williams commented that the Partnership had been a terrific success, and then congratulated Mrs Perry on her efforts. He proceeded to ask whether the three councils in the Partnership had made progress on aligning their policies to make the back office processes easier. Mrs Perry replied that gambling activities were very similar within the areas of all three authorities, therefore there was no need to significantly differentiate when drafting the policies. Mrs Perry advised that over the next 12 months the hackney carriage and private hire licensing policy would be reviewed. Mrs Perry explained that there were differences in policy for taxis, such as having London-style hackney carriage taxis in Maidstone, a white mixed fleet in Tunbridge Wells, and no restrictions in Sevenoaks (but with an aim to bring in accessible vehicles there), but processes would be aligned where possible in the future.

Councillor Heasman said that he was pleased with objective three, as he believed that the internet could be used to make licensing more efficient, but he commented that badly designed forms could make life more difficult, and proposed that more efforts were put into improving online applications and forms.

Mrs Perry said that the online forms for licensing had been a Partnership success, and that the councils of Westminster, Kensington and Chelsea, and Hammersmith and Fulham were working with them to achieve similar results. Mrs Perry said that publicity would take place once all the systems had been successfully tested.

In response to a question by Councillor Tompsett regarding officer time spent on taxi driver enquiries, Mrs Perry responded that demand management was being investigated, which would include changes to correspondence sent to licensees. She said that Maidstone and Sevenoaks' policies were being amended to facilitate accompanying documentation for renewal applications, and therefore the policy at Tunbridge Wells would also be changed to mirror this. She commented that drivers were being encouraged to sign up to the online Disclosure Barring Service too, which would reduce the need for a meeting every three years with the driver to complete the form.

Councillor Woodward then pointed out an error on page 197, saying that some wording appeared to be missing from the description of the third item in the table. Mrs Perry responded that the same indicator could be seen on page 196, which demonstrated how it should have been phrased. The missing text was as a result of how this indicator appeared at each authority.

Councillor Woodward then sought clarification on who set the targets for the Licensing team, and how often they were reviewed. Mr Stevenson advised that the service was overseen by the Partnership Board, which brought together the Heads of Service from Maidstone, Sevenoaks and Tunbridge Wells, who met four times a year and reviewed targets on an annual basis.

RESOLVED:

- 1) That the service objectives will be implemented; and
- 2) That an update report will be brought annually to the Licensing Committee at the first meeting in the new municipal year.

IMPLICATIONS FOR THE LICENSING PARTNERSHIP FOLLOWING THE REPORT OF INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL BY LOUISE CASSEY CB - FEBRUARY

LC45/15 Mrs Perry presented a report on the implications for the Licensing Partnership following the Report of Inspection of Rotherham Metropolitan Borough Council by Louise Cassey CB. Mrs Perry said that it was important to confirm what measures were in place to prevent corruption and to identify the key learning points of Rotherham's misconduct. There was an emphasis on driver and officer training, and Mrs Perry explained a pilot by Tonbridge and Malling Borough Council which had started to work with the taxi trade on safeguarding issues. Mrs Perry said that similar training would be provided in this borough.

Councillor Williams proposed that every representation made by an elected member of the Council should be logged or produced in an annual report, as he did not want to see the same mistakes as those that occurred at Rotherham happen. Mr Harris agreed that this was a good point to note, but not a licensing issue; he said that it was a matter for Full Council to consider, but pointed out that there was an officer-member protocol already in place to prevent such things from happening.

Councillor Williams referred to the issue of pressure on staff, and asked Ms Degiorgio how often enforcement visits were carried out in Tunbridge Wells. She replied that there was a programmed enforcement regime in place that the trade was not informed of in advance for obvious reasons.

RESOLVED:

- 1) That the recommendations in the report be noted; and
- 2) That the Licensing Committee authorise the Head of Service for Environment and Street Scene to implement the recommendations contained in the report.

STATEMENT OF LICENSING POLICY - DRAFT POLICY 2015

LC45/15LC /1 Ms Degiorgio presented the Draft Statement of Licensing Policy 2015. She said that due to the limited number of responses received from consultees, it appeared that there was general satisfaction with the current policy. She added that the few recommendations put forward by a representative of Kent Police could be seen in Appendix E of the report.

Councillor Sloan asked how to ensure that drivers or anyone concerned with policies read them, and Ms Degiorgio responded that in the development of the new online forms there would be a box that applicants would have to tick saying that they had read and understood the policy. With regards to premises licensing, Ms Degiorgio indicated that many applicants for this type of licence would have considered the council's policy in order to assist their completion of the Operating Schedule, which formed a significant part of the application and then would become a condition of their licence.

RESOLVED:

That the draft policy be approved for presentation to Full Council on 14

October 2015 for adoption.

NOTE:

- 1) Councillor Nuttall left the meeting at 7.30 pm, after discussion of minute item LC42/15.
- 2) The meeting concluded at 8.12 pm.