

MINUTES
OF A MEETING OF THE
LICENSING COMMITTEE

held on 6 October 2020

Present:

Cllr M Ali (Chairman)
Cllr K Howard (Vice-Chair)

Cllr M A Bridgeman	Cllr R N Leach
Cllr G W Elson	Cllr R Mohammed
Cllr D Harlow	Cllr L M N Morales
Cllr S Hussain	Cllr C Rana

1. MINUTES

RESOLVED

That the minutes of the Committee held on 10 March 2020 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

None.

3. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor R Mohammed declared a disclosable pecuniary interest in minute items 5, Vehicle Specification Policy; 7, Proposed Points System; and 8, Delegated Authority in Respect of Taxi and Private Hire Licensing. The interest was such that Councillor Mohammed left the meeting during consideration of the items.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. VEHICLE SPECIFICATION POLICY LIC20-008

Members received a report on the Vehicle Specification Policy. Joanne McIntosh, Legal Services Manager, reported that at the Full Council meeting on 17 October 2019 the Council had deferred the implementation of the Taxi Licensing Policy from the end of March 2020 to the end of December 2020 so that a review of the existing policy could be undertaken. A review and consultation exercise had now been undertaken and the Committee was asked to consider the report and recommend to Council accordingly.

The Committee was presented with two options. Option 1 would ensure that Woking Borough Council's Hackney Carriage Vehicle Specification for DDA/Wheelchair Accessible Vehicles continued to have effect as drafted, and that the Council confirm that its commitment to take steps to ensure that all wheelchair accessible vehicles would be Ultra Low Emissions Vehicles (ULEV) by 2031. Option 2 would see Woking Borough Council adopting a ULEV policy. The choice would be left to the drivers as to which type of vehicle, saloon or wheelchair accessible, to purchase.

Joanne McIntosh advised the Committee that the Equalities Act made provision for wheelchair users and although it had not yet been enacted, it could be introduced at any time. In the event that Option 2 was supported, drivers with wheelchair accessible vehicles would be given until 31 March 2026 to replace the vehicle and the Council would explore, if necessary, incentives for drivers to encourage drivers to purchase wheelchair accessible vehicles.

Members discussed the two options and noted that the Council had previously declared a Climate Emergency; there was a need to ensure an adequate supply of wheelchair accessible taxis, which were also useful for families with many items of luggage; and the stated uncertainty over whether the relevant provision within the Equalities Act would be enacted. The possibility of requiring all new applications to use wheelchair accessible vehicles was discounted as it would not create a level playing field for all drivers.

The Committee supported Option 2 and agreed that within a year of implementation, a report on the impact on the number of accessible vehicles be brought to the Committee. It was accordingly,

RECOMMENDED TO COUNCIL That

- That (i) Woking Borough Council's Ultra Low Emissions Vehicle Specification policy be adopted (Option 2); and**
- (ii) that within a year of implementation of Option 2, a report on the impact on the number of accessible vehicles be brought to the Licensing Committee.**

6. FEEDBACK FROM MEMBERS ON THE LICENSING TRAINING VIDEOS

The Committee provided excellent feedback on the recent Cornerstone Licensing Training videos which had been previously made available to Members. It was added that a self-assessed quiz could be useful in the future so that each Member could ensure they had understood the key points.

7. PROPOSED POINTS SYSTEM LIC20-006

Matthew Cobb, Senior Licensing Officer, introduced the report which proposed that a Penalty Points system be introduced, which would enable the Licensing Authority to clearly and openly identify repeat offenders and set a threshold that, once crossed, would require the offending driver to be taken to a Taxi Licensing Sub-Committee. There had been a low response to the consultation with drivers which was noted to be disappointing.

Members welcomed the report and would enable a clear framework for all involved and optimise the taxi service available in the Borough. It was noted that any points allocated to a driver would not be publicly available and would not prevent a driver renewing their licence. The Committee noted that a review of the system would be undertaken after a period of a year.

Councillor Leach asked for an update on Uber to be received at the next meeting.

RESOLVED

That the Proposed Policy and Points Scheme be adopted with immediate effect.

8. DELEGATED AUTHORITY IN RESPECT OF TAXI AND PRIVATE HIRE LICENSING LIC20-007

Joanne McIntosh introduced the report which stated that the Licensing Committee had requested a review of the current scheme of delegated authority in respect of Taxi and Private Hire licensing. A report was received by the Committee setting out a thorough review which had been undertaken, recommending that the scheme should continue as drafted, as the current scheme was operating in line with best practice, subject to any changes adopted with the proposed introduction of a penalty points system.

Councillor Morales moved and Councillor Bridgeman seconded an amendment which had the effect of allowing any Member of the Council to refer to the Licensing Committee a decision of a Licensing Officer to refuse an application for a new taxi or private hire licence or the renewal of an existing licence. Councillor Morales stated that it would be beneficial for a Member to be able to call in a decision taken under delegated authority regarding a new licence or a renewal. If agreed, the amendment would need to be approved by Full Council. The amendment would not apply to situations where a taxi driver had broken the law and Surrey Police had advised that the licence should be revoked immediately.

Members discussed the proposed amendment. Councillor Harlow stated that the amendment was not necessary due to the points system which had been agreed, and expressed concern over the length of time a driver would need to wait for a decision, adding that extra meetings of the Committee should not be held. There was also the Right of Appeal to the Magistrate's Court. Councillor Morales added that it would be for the driver to approach the Ward Councillor and ask for the matter to be called in, which would need to be for a good reason.

Following a question, Matthew Cobb stated the reasons for refusal tended to be that a driver was not medically fit or held a criminal record, with any recommendations for refusal referred to the Chairman of the Licensing Committee. It was noted that the vast majority of the decisions taken were clear, with just one appeal being overturned by the Magistrate's Court over the past six years.

Upon being put to a vote, the amendment was approved by five votes in favour and four votes against. The motion was therefore supported and accordingly it was,

RECOMMENDED to Council

That the existing scheme of delegation for the Legal Services Manager in respect of Taxi and Private Hire Licensing be amended to include the following additional provision:

- (3) In the event that an Officer is minded to reject an application for a new licence or the renewal of an existing licence, any Council Member would be able to call-in that case for a hearing by the Licensing Committee where the final decision would be made by the Committee.**

9. OVERVIEW OF LICENSING 2019-20 LIC20-005

Matthew Cobb introduced the report which provided the Licensing Committee with an overview of the Licensing team's work in 2019/20, stating that the year had been unprecedented so far due to Covid-19. The report outlined some of the steps taken by the department to enable work to continue during the pandemic, adapting processes as required, together with the usual statistics and overview of the year.

Members congratulated the Licensing team on the excellent work which had taken place during this difficult time, mitigating the effects of the pandemic without disadvantaging licensing premises and taxi drivers.

Matthew Cobb provided a brief update of the changes which had been made, including the process for facilitating enhanced DBS checks moving online and issuing temporary extension letters for taxi licences, although there had been some delays with medical assessments. In addition, a number of queries had been received by taxi drivers over vehicles about to reach the 12 year limit, or badges expiring during the lockdown period, with extensions and renewals being approved. The deadline for completion of the BTEC qualification was also to be extended, with taxi drivers to be written to shortly.

It was agreed that a report be received by the next meeting of the Committee on any deadlines approaching and make recommendations to provide reassurance to the trade.

RESOLVED That the report be noted.

The meeting commenced at 7.00 pm
and ended at 9.15 pm

Chairman: _____

Date: _____