

MINUTES
OF A MEETING OF THE
LICENSING COMMITTEE

held on 9 March 2021

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 19 January 2021 be approved and signed as a true and correct record.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

In accordance with the Members' Code of Conduct, Councillor R Mohammed declared a disclosable pecuniary interest in minute item 5, Delegated Authority in Respect of Taxi and Private Hire Licensing. The interest was such that Councillor Mohammed left the meeting during consideration of this item.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. DELEGATED AUTHORITY IN RESPECT OF TAXI AND PRIVATE HIRE LICENSING LIC21-003

Joanne McIntosh introduced the report on Delegated Authority and advised that significant changes had been made to the officer recommendation since the report received at a previous meeting, taking into account the desire from Members to have a greater level of involvement in the decision making process through the Taxi Licensing Sub-Committee.

The report proposed that the Scheme of Delegations be changed. Any proposed refusal of a new application would be referred to the Sub-Committee, which had previously been undertaken by officers. It had previously been agreed that any proposed action under the new Points Based System would be referred to the Sub-Committee. Authority would remain with the Legal Services Manager to approve or refuse renewal applications, as a decision would need to be made quickly as during the renewal process the taxi driver can continue to operate. No change was proposed to urgent revocations being carried out by the Legal Services Manager in consultation with the Chairman, in line with Department for Transport guidance, for example where notification of a serious crime had been received by Surrey Police. The proposal set out a balance between Delegated Authority and Member involvement and ensured that the Licensing Authority could continue to ensure the safety of the travelling public.

The option of a call-in of decisions had been considered cumbersome and unnecessary, with no similar process undertaken by neighbouring authorities, which either used Delegated Authority or referral to Sub-Committee. If the proposal was introduced, all Committee members would need to receive training which would be organised shortly. There would also be extra resource issues for the Licensing, Legal and Democratic Services teams, and so the impact would be monitored with a review undertaken in due course.

Also attached to the report was the petition received by Full Council on 11 February 2021 along with an extract from the minutes of the meeting.

The Chairman welcomed the report and advised that applicants or taxi drivers could ask officers for advice on whether a specific vehicle would meet the Vehicle Specification Policy, prior to purchasing it.

Following a question by Councillor Leach, it was noted that if a renewal was refused the applicant would have the right to appeal to the Magistrate's Court. The Licensing Committee had previously approved a Criminal Convictions Policy.

Councillor Hussain welcomed the proposal and thanked officers for their work in bringing it before the Committee.

Following a question by Councillor Howard, it was noted that there was a fee for taxi drivers to submit an application and they would be able to informally ask officers beforehand whether their application would be likely to meet the criteria for acceptance, in light of issues such as medical grounds or a criminal record. The Licensing team also referred medical matters to a Council appointed GP for their opinion.

The Portfolio Holder for Licensing, Councillor Harlow, welcomed the report and noted the importance of giving the taxi drivers the opportunity to have their case considered by a Sub-Committee, along with the mandatory training for Committee Members. Councillor Harlow asked Members to bear in mind the potential extra costs of the proposal, which could require taxi licence fees to increase in the future.

RECOMMENDED TO COUNCIL That

- (i) The Council's scheme of delegations be amended on page 115, Delegated Authority to the Legal Services Manager, to read as follows:-**

Taxi and Private Hire Licensing Applications:

- (1) Applications: To approve applications for licences for private hire operators, private hire drivers and taxi drivers:**
 - (2) New Applicant: To issue a “minded to” refuse letter to a new applicant in respect of an application for a private hire operator, private hire driver or a taxi drivers licence and refer the matter to the Taxi Licensing Sub-Committee for determination as to whether or not the driver is “fit and proper” to hold a licence:**
 - (3) Renewals: To approve or refuse applications for renewal of licences by existing licence holders:**
 - (4) Penalty Points Scheme: To issue a formal notice to a licence holder that they have reached the requisite number of penalty points under the Penalty Points Scheme and refer the matter to a Taxi Licensing Sub-Committee for determination:**
 - (5) Revocation/Suspension of Licences: In consultation with the Chairman of the Licensing Committee (or in his/her absence, the Vice-Chairman) to suspend or revoke private hire operators’ and drivers’ and taxi drivers’ licences in appropriate cases under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976**
 - (6) Vehicles: To approve or refuse applications for private hire vehicles and taxis:**
- (ii) All Members of the Taxi Licensing Sub-Committee shall undertake mandatory training:**

The meeting commenced at 7.00 pm
and ended at 7.30 pm

Chairman: _____

Date: _____