

LICENSING COMMITTEE

12 January 2023

Present: Councillor R Wenham (Chair)
Councillors D Allen-Williamson, M Devonish, P Hannon,
M Hofman, A Khan, L Nembhard, T Osborn, K Rodrigues, R Smith,
S Trebar, D Watling and J Pattinson

Officers: Associate Director of Housing and Wellbeing
Group Head of Democracy and Governance
Environmental Health Manager (Commercial)
Senior Licensing Officer (AY)
Democratic Services Manager

6 **Apologies for absence**

Apologies were received from Councillors Feldman and Stanton.

There was a change of membership for this meeting: Councillor Pattinson replaced Councillor G Saffery.

7 **Disclosure of interests**

There were no disclosures of interest.

8 **Minutes**

The minutes of the meeting held on the 7 July 2022 were submitted and signed.

9 **Review of Hackney Carriage and Private Hire Licensing Policy**

The committee received the report on the review of the Taxi Licensing Policy from the Senior Licensing Officer which provided details of the results of the consultation on amending the Hackney Carriage and Private Hire Licensing Policy, including proposed amendments.

The Senior Licensing Officer provided highlights of the report which included the background to the review and the proposed amendments particularly the requirement to accept card and contactless payments and clarification on the position of drivers' medicals. He made the committee aware of the

administrative changes in the report which concerned job title changes and slight errors that had no impact on the policy.

In response to a question from Councillor Devonish regarding the contactless payment method, the Senior Licensing Officer explained that the request had come from the trade for it to be mandatory, the officers took this under consideration. If a driver would not comply with the policy, it would be dealt with under the compliance policy. He explained that the request had been viewed as a measure to support the trade and customer demand. The pandemic had seen a reduction in the use of cash, and neighbouring authorities had introduced cashless payment, including Transport for London (TfL). The decision had been made not to remove cash payment as an option, which TfL had done.

The Environmental Health Manager explained to the committee the current licensing and enforcement regime. Vehicles were seen every year and checked for compliance with all conditions, such as a taxi meter, smoke-free signage and safety of the vehicle. If the policy was approved, then the annual check would include the contactless payment method. The new signage requirement would be included in the Licensing Enforcement Officer spot checks. There were further questions on the cost of a payment system for drivers and what support licensing would provide. The Senior Licensing Officer responded that the costs to drivers would vary between card device providers but would be pennies upon each transaction. In terms of education and take-up with drivers, officers had advised that there would be a lead-in time enabling them to be compliant with the policy by their licence renewal.

Councillors Allen-Williamson and Nembhard commented, as regular taxi users, that the contactless payment method would be welcomed.

RESOLVED –

That the following proposed policy amendments be approved:

- That a condition requiring drivers to provide means to accept contactless payments be attached to all vehicle licences under section 16.13.3 of the policy (please see paragraph 5.7 of the report)
- That the policy of requiring drivers to submit regular medicals be amended so that medicals were required upon initial application, every 5 years from the age of 45 until the age of 65, and yearly from the age of 65 under section 15.6 of the policy (please see paragraph 6.9 of the report).

- That minor amendments to policy were approved to clarify job titles and a correct a reference to another section within the policy (please see paragraph 7.1 of the report)

These policy amendments are to be in force from 1 April 2023 or such date as decided by the committee to allow time to implement the approved changes.

10 **Licensing Fees & Charges 2023-2024**

The committee received the report on Licensing Fees & Charges for 2023-2024 from the Senior Licensing Officer. The recommendation for fees and charges were set out on pages one and two of appendix 1 to be approved by the committee, and the fees and charges on pages three and four were recommended to budget council later in the month for approval. The proposed fees had been raised by approximately 6% to reflect the increased cost of delivering the services.

Councillor Nembhard asked the officers if there had been objections from drivers and if the proposed changes could lead to customers switching to Uber. In response, the Senior Licensing Officer responded that feedback from the trade would be sought through consultation after the committee had approved the changes. Regarding Uber, the licensing department did not licence Uber, and the nearest licensing authority that licensed Uber was TfL. Any concerns with Uber could be raised with officers, who would then address this with TfL.

The Associate Director of Housing and Wellbeing responded to questions in regard to extending subsidised electric vehicle licences to include hybrid vehicles. She advised that consideration would need to be given to how this would be funded. It had to operate on a cost-recovery basis and not be funded by other drivers. Since 2015 a subsidised rate had been offered for wholly electric vehicles. Through the Climate Change Strategic Partnership, there would be specific work related to taxis. The Associate Director of Housing and Wellbeing added that this was something officers could explore over the next year and enable them to understand what other neighbouring authorities were doing.

In response to a question about capping Hackney Carriage fares, the Senior Licensing Officer advised that these fares were set. However private hire drivers were not restricted and could negotiate fares with customers.

Councillor Khan enquired about the increased costs particularly during the current cost of living crisis. The Associate Director of Housing and Wellbeing clarified that the fees had remained the same since 2017. This had been possible due to the improvements in processes that officers had made and the reduced time spent on the process of applications. This year in line with good practice a

detailed analysis of time spent had been undertaken and this had led to some increases in fees to reflect actual costs.

Following the officer's response Councillor Khan was concerned about the increased cost and felt they should be frozen. He suggested the economic impact reserve could be used to support those fees and charges.

Councillor Hofman enquired about statutory fees for example fees for bingo, club gaming permits and lotteries as there were no recommended changes. The Senior Licensing Officer explained that the statutory fee had been set out in the legislation in the Gambling Act, and that the committee would not be able to alter the fee. Also, the fees could not be raised in one area to subsidise another.

Councillor Hofman asked if the council could either write to the Government to seek a change in legislation to remove the statutory fee regime or whether the council could refuse to consider any applications under these regimes. The Group Head of Democracy and Governance advised that the council could not refuse to administer any licensing applications because the council, as the licencing authority, had a legal duty to deal with applications. If the committee wanted to, it could propose officers write to the Government and suggest the removal of the statutory limits.

Councillor Hofman then moved that the Group Head of Democracy and Governance write to the Government to request amending the legislation to remove any statutory fees.

On being put to the vote this was **carried**.

Councillor Khan again raised concerns regarding how the increased fees for Hackney Carriages had been calculated. There transpired a discussion by the committee regarding freezing the increased fees for the Hackney Carriage licences at the 2017 figure. He therefore moved that all Hackney Carriage and other vehicle and driver licensing fees be frozen except those fees that were reduced from the 2021/22 figure.

On being put to the vote this motion was **lost**.

RESOLVED –

1. That the fees and charges set out in pages 1 and 2 of appendix 1 for the financial year 2023/2024 be approved and that the fees and charges in pages 3 and 4 of appendix be recommended to Council for approval.

2. That authority is given to consider any objections arising from the statutory notices pertaining to these fees and the final determination of the fees relating to those objections, if any, be delegated to the Director of Partnerships in consultation with the Chair of Licensing Committee.
3. To delegate to the Associate Director of Housing & Wellbeing, in consultation with the Chair of Licensing Committee, the authority to increase or decrease charges in respect of the provision of:
 - Compulsory door signage for hackney carriages
 - Disclosure and Barring Service checks
 - Licence badges and plates

For the reasons outlined in sections 4.15 and 4.16.

4. The Group Head of Democracy and Governance writes to the government to recommend the removal of statutory limits on fees related to the Licensing Act and Gambling Act.

Chair
Licensing Committee

The Meeting started at 7.05 pm
and finished at 8.10 pm