

LICENSING AND REGULATION COMMITTEE

16 March 2017

Attendance:

Councillors:

Mather (Chairman) (P)

Bentote
Berry (P)
Burns (P)
Elks (P)
Green (P)

Huxstep (P)
Izard (P)
Jeffer (P)
Laming (P)
Tait (P)

1. **DISCLOSURE OF INTEREST**

Councillor Green declared a personal (but not prejudicial) interest in respect of Item 5 (Street Collections Policy) below, due to his position as an organiser of the Poppy Appeal for Winchester. He spoke and voted thereon.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 19 January 2017, be approved and adopted.

3. **PUBLIC PARTICIPATION**

Mr John Boardman, Mr Tajamal Hussain and Mr Ansari (all licensed Hackney Carriage drivers) addressed the Committee during consideration of Report LR495 and their comments are summarised in the relevant item below.

4. **REVIEW OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS – CONSULTATION COMMENTS**

(Report LR495 refers)

The Committee considered the Report which outlined the comments received during the consultation period (2 February to 2 March 2017) for the review of the Statement of Licensing Policy with respect to Hackney Carriage and

Private Hire Vehicles, Drivers and Private Hire Operators (“the Policy”). The Committee had agreed the Policy for consultation at its previous meeting held on 19 January 2017.

At the invitation of the Chairman, Mr Boardman, Mr Hussain and Mr Ansari addressed the Committee and all answered Members’ questions thereon.

In summary, Mr Boardman reiterated the concerns raised within his written statement considered at the previous meeting of the Committee in relation to the increase in age of hackney carriage vehicles from three to five years from the date of registration. He considered that this would compromise the high standard and quality of the vehicles available and could jeopardise the safety of customers due to maintenance issues and the impact on the environment caused by a likely increase in emission levels from the higher mileage vehicles. In conclusion, Mr Boardman stated that, in his opinion, loading access from the rear only would not be adequate due to limited access to load wheelchairs from the rear of the vehicle in the road and customer safety concerns whilst carrying out this procedure.

In summary, Mr Hussain stated that with rear wheelchair loading only hackney carriage vehicles would need to be larger to accommodate this. This would cause concerns for other users such as the elderly and other passengers with limited ability who would struggle to step comfortably into the higher vehicles due to their restricted mobility.

In response to questions, the Licensing Manager clarified that the Council currently accepted both rear and side loading hackney carriage vehicles for wheelchair users but specified that vehicles must have side loading.

In summary, Mr Ansari stated that he was also speaking on behalf of many licensed drivers who considered rear loading to be easier and safer for both wheelchair users and drivers due to the narrow nature of some of the side streets, particularly in the Town Centre.

The Licensing Manager drew Members’ attention to the comments received from four licensed Hackney Carriage and Private Hire Drivers, as set out in Appendix 1 to the report and also from Winchester and District Scope, Winchester Friends of the Earth, Hazel Agombar, WinACC Transport Group and an individual wheelchair user, as set out in Appendix 2 to the report, in relation to the Policy. Particular reference was made to the increase in age of hackney carriage vehicles, the amendment to reduce the number of passengers travelling with or without a wheelchair user at any given time and the impact on Air Quality across the District as a result of the proposed changes to the Policy.

During debate, the Committee considered the differences in opinion from the trade with regard to the preference for rear and side loading vehicles and the concerns expressed during the consultation period in relation to the environmental impact with the increase to the age of hackney carriage vehicles. Members suggested that the proposed changes outlined within paragraph 11.1 (a) to (c) of the Report (and contained within Sections 5 and 6

of the Policy (report LR490 refers)) be further considered as part of the full review of licensed vehicles in relation to the Council's Air Quality Action Plan.

In conclusion, the Head of Environmental Health and Licensing outlined that the Air Quality Action Plan would include a series of working groups and a period of consultation. Representatives from the taxi trade would be fully integrated in this process to review the proposed intentions and implications for the related areas in the Policy, along with other 'green' environmental issues.

RESOLVED:

1. That, with the exception of 11.1 (a) to (c) contained in the report, the proposed changes to the Policy made in light of the consultation comments as set out in the report, be adopted; and

2. That, following conflicting comments received in relation to vehicles, and the need to carry out a full review of licensed vehicles in relation to the Council's Air Quality Action Plan, the draft Policy, with the exception of sections 5 and 6 (Appendix 1 of LR490 refers) in relation to Hackney Carriage and Private Hire Vehicles where further review of the Policy was required, be agreed.

5. STREET COLLECTIONS POLICY
(Report LR494 refers)

The Committee considered the Report which outlined the new Draft Street Collection Policy ("Policy"). This set out the current process that had been in place for several years for the collection of money on a defined Street or public open space to raise funds for registered charities.

The Head of Environmental Health and Licensing clarified that, although there was no requirement by law, it was good practice to have a clear Policy in place to assist with the assessment of applications for street collections. The Council currently issued a maximum of 36 street collection permits solely for collections taking place in the High Street, and The Broadway, Winchester on an annual basis. Additional applications could be issued but these were subject to the permission of the Mayor.

It was noted that this Policy would solely focus on the regulation of collections carried out in the High Street, and The Broadway, Winchester, as a defined 'Street' set out in the Miscellaneous Provisions Act 1916, and would not impact on 'District wide' collections or on charity collections carried out on private premises or on private land.

The Committee's attention was drawn to the proposals within the Policy which included a restriction on charity collections to one day per calendar year for each charity in the High Street and, in accordance with the requirements adopted by the Secretary of State, included the suspension of the need for promoters to comply with the publication of collection details in a newspaper within one month, where less than £200 had been raised. This was due to high

publication costs and where possible, the use of free newspapers/village circulars to publish this information was recommended.

The Committee noted that a consistent, fair and measured approach was required to allow all charities the same opportunity to raise funds in a prime location which the High Street offered and that a balance with the best interests of the public needed to be considered, should any increase to the number of collection permits issued in this area be sought. In addition, the Committee noted that there was currently no legislation to regulate direct debit collections on street but this was presently being monitored by licensing officers via an informal agreement with collection companies to limit this activity wherever possible.

During debate, Members expressed concerns regarding the proposals contained within the Policy, with specific reference to the following points:

- Restrictions to collections to one day per year. Members considered this would have a detrimental impact on charities, particularly the Royal British Legion, who currently held an annual eight day collection for the Poppy Appeal in the High Street;
- The positioning of street collections in the High Street, particularly on market days and the monitoring of unauthorised collections and street pedlars; and
- The number of collection permits issued on an annual basis and the authority of further permits.

In conclusion, the Committee stated that they could not support the Draft Street Collections Policy in its current form and called for an joint Informal Working Group to be established from Councillors and Officers, to give further consideration to the points raised above and the implications of any proposed changes to the Policy.

RESOLVED:

1. That the report be deferred to allow further review of the Draft Street Collections Policy prior to its consideration at a future meeting of the Committee; and
2. That, as set out above, an Informal Working Group be established comprising of the following Members: Councillors Mather, Izard, Tait, Berry and Laming.

The meeting commenced at 6.30pm and concluded at 8:20pm.

Chairman