

## **LICENSING & REGULATION COMMITTEE**

**Tuesday, 15 September 2020**

Attendance:

Councillors

Bentote (Chairperson)

Green  
Achwal  
Gordon-Smith  
Laming  
Mather

McLean  
Power  
Read  
Williams

Others in attendance who addressed the meeting:

Councillor Porter (Cabinet Member for Built Environment and Wellbeing)

Apologies for Absence:

Councillors Ruffell

[Full audio recording and video recording](#)

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### 1. **DISCLOSURES OF INTERESTS**

There were no disclosures of interest made.

### 2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 19 September 2019, be approved and adopted.

### 3. **PUBLIC PARTICIPATION**

Four members of the public spoke regarding report LR535 and responded to questions from Committee Members, as summarised briefly below.

John Fairey

Opposed the “end of life” provisions for vehicles stating it would make his business unviable and also opposed the proposal for permanent signage on vehicles as his vehicles were used for other purposes at times.

John Boardman

Concern regarding the provision allowing vehicles to accommodate only one wheelchair user and one other passenger as believed this could result in larger groups having to use two vehicles, increasing the cost. Believed the training for drivers on accommodating wheelchair users was inadequate at times. Did not consider there was a requirement for a colour scheme and expressed concern that permanent signage could increase the risk for criminal damage to vehicles when not in use.

Barry Hussey

Concurred with previous comments regarding the risks caused by permanent signs, including permanent damage to vehicles when removed for vehicle on-sale. Believed magnetic signs would be preferable. Agreed with concerns raised by Mr Boardman about the implications of licensing smaller vehicles which could accommodate one wheelchair user and only one other passenger. Had no objection to the proposal for a colour scheme for vehicles provided it was a readily available colour.

Jaleel Iqbal

Opposed the use of rear loading vehicles as there was inadequate space on taxi ranks to allow this and believed the policy should allow for side-loading only with either three or five passengers (in addition to a wheelchair user). Believed the requirement for additional signage should apply to private hire vehicles only as hackney carriages already had permanent roof signs.

The Chairperson thanked everyone for their contributions which would be taken into account by the Committee in consideration of report LR535.

4. **REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE POLICY PHASE 2**  
(LR535)

The Licensing Officer introduced the report and outlined the main proposed changes to the policy, as shown in Appendix 1 to the report. This included the proposal that all new drivers must complete and pass disability awareness training, with the same requirement on existing drivers by 31 August 2021. She emphasised that the Council's first consideration must always be public safety. The Committee noted that the Department of Transport introduced new statutory taxi and private hire vehicle standards in July 2020 and these would be reviewed in line with the policy later in the year.

At the invitation of the Chairperson, Councillor Porter addressed the Committee in support of the proposed policy, highlighting that the working party set up to oversee the policy review had been mindful of the financial challenges facing the taxi trade, particularly during the Covid pandemic. However, the primary consideration was the safety of the public.

Some Members expressed concern that the working party only included two members, with no representation from the opposition party. These concerns were noted, although it was highlighted that the principle of membership had been established under a previous administration.

The Licensing Officer, Service Lead: Public Protection and Councillor Porter responded to a number of detailed questions from Committee Members on the policy as proposed. This included explaining the rationale behind proposing a single colour (rather than “wrapping” a vehicle, as for example in London), the reason why permanent signage was proposed rather than magnetic removable signage and the proposed “end of life” maximum age for vehicles. The rationale had considered the financial implications for the drivers but balanced against the public safety priority. It had also had regard to the results of the public consultation, included at appendix 2 to the report and it was confirmed that in addition to the general public, taxi drivers had been given the opportunity to participate in the consultation.

The Service Lead: Public Protection emphasised that if the policy was agreed, there was a lead in period before drivers would be required to adhere to the new requirements.

With regard to safeguarding, the Service Lead and Licensing Officer confirmed that the frequency of the training was a matter for future consideration. It was noted that new Department of Transport standards required that every driver undertake a Disclosure and Barring Service (DBS) renewal check every six months.

With regard to some queries expressed during public participation about the wording of paragraph 5.2 of the policy, the Committee considered the proposed amendment was clear in allowing disabled access vehicles to be *either side or* rear loading.

**RECOMMENDED (TO CABINET):**

**That the draft Policy as amended (and set out in Appendix 1 to the report) be approved for adoption.**

5. **INTRODUCTION OF 'PAVEMENT LICENCE' UNDER BUSINESS & PLANNING ACT 2020**  
(LR534)

The Licensing Officer introduced the report which followed the Government’s introduction of “pavement licence” in July 2020 to assist businesses in response to the Covid pandemic by offering an expedited and more cost-effective process. Local conditions were proposed to mitigate the impact on the local area and also prevent potential obstructions to wheelchair users or visually impaired people.

The Licensing Officer and Service Lead: Public Protection responded to a number of detailed questions from Committee Members. Their responses included confirming that the licensing holder was responsible to ensure tables and chairs remained within the licensed area. Some members expressed concern about the adequacy of enforcement and Officers advised that they would act on any potential breaches notified. The possibility of utilising Enforcement Officers was also noted.

The Service Lead: Public Protection confirmed that the £100 maximum fee was stipulated by the Government and was significantly less than the fee charged under the Highways Act, however the licence was only for one year.

RESOLVED:

That the implementation of the Pavement Licensing Policy in support of economic recovery be agreed and that applications for Pavement Licences are charged at the recommended rate of £100.

6. **PUBLIC SPACE PROTECTION ORDER REVIEW**  
(LR533)

The Neighbourhood Services Officer introduced the report and explained that the proposal was to extend the Public Space Protection Order (PSPO) in its current format for three years. Consultation responses from partners, including the Police District Commander, were in support of the proposal as set out.

The Neighbourhood Services Officer responded to questions from Members and confirmed that further consideration would be given to improving the promotion of the PSPO within the area.

RESOLVED:

1. That the extended Public Open Space Protection Order and publication and notification of the Order be approved.
2. That the Strategic Director Services, in consultation with the Cabinet Member for Built Environment and Wellbeing, be authorised to extend the timeframe of the Public Spaces Protection Order to October 2023.

7. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD ON 6 DECEMBER 2019**

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 6 December 2019 be received and noted.

8. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD ON 20 JANUARY 2020**

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 20 January 2020 be received and noted.

9. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD ON 3 MARCH 2020**

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 3 March 2020 be received and noted.

The meeting commenced at 6.00pm and concluded at 7.55pm

Chairperson