

MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE HELD ON 9 MARCH 2021 FROM 7.00 PM TO 8.25 PM

Committee Members Present

Councillors: Chris Bowring (Chairman), Abdul Loyes (Vice-Chairman), Parry Batth, Rachel Burgess, Lindsay Ferris, Michael Firmager, Emma Hobbs, Sarah Kerr, Barrie Patman, Malcolm Richards and Bill Soane

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Sean Murphy, Public Protection Partnership Manager
Julia O'Brien, Principal Officer Compliance and Enforcement

19. APOLOGIES

Apologies for absence were submitted from Councillors Paul Fishwick and Rachelle Shepherd-DuBey.

20. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 10 November 2020 were confirmed as a correct record and would be signed by the Chairman at a later date.

21. DECLARATION OF INTEREST

There were no declarations of interest.

22. PUBLIC QUESTION TIME

There were no public questions.

23. MEMBER QUESTION TIME

There were no Member questions.

24. TAXI AND PRIVATE HIRE FEE CONSULTATION RESPONSES

Julia O'Brien, Principal Officer Compliance and Enforcement presented the report. She stated that the report contained the consultation responses on the fees which were considered at the November meeting. Three objections to the fee increase were received during the consultation period and were as listed in the report, two from individual representations and one from the Taxis Association (although it was uncertain how many people were represented by the association).

During the discussion of the item the following comments were made:

- Councillor Burgess expressed dissatisfaction that the consultation on the fees had occurred after the fees had been set and approved by Executive and Council, she believed the consultation should have taken place prior to the Budget setting process;
- Sean Murphy, Public Protection Partnership (PPP) Manager stated that although the fees had been set, the Committee had the option to review the fees and to provide subsidy retrospectively;
- Councillor Burgess requested that the timeliness of such consultations be taken into account in the future;
- Councillor Burgess stated that the taxi trade had been struggling as a result of the current pandemic and proposed that their fees should not be increased this year, and should be subsidised;

- Councillor Kerr agreed with the points raised by Councillor Burgess and seconded her proposal; she belied that this was not the right time to increase the fees;
- The Chairman pointed out that the Council had been helping various businesses which were struggling during the pandemic and suggested that there may be a better mechanism to help the trade;
- Sean Murphy clarified that any decisions on the fees at a this stage would consist of a subsidy;
- Councillor Ferris agreed with the points made by Councillors Burgess and Kerr, and he stated that the trade had lost around 80% of its usual business during this period, and many drivers did not qualify for the furlough scheme. He believed that there was a risk that drivers may not carry on operating in the Borough if there was an increase in fees, and this could have an adverse impact on the Council's finances;
- In response to a question Julia O'Brien stated that the reduction in the number of drivers were as follows:
 - Hackney Carriage - 86 before the pandemic now 68
 - Private Hire - 149 before the pandemic now 126
 - Operators - 40 before the pandemic now 36
- Sean Murphy stated that the Council was aware of the importance to the trade and the need to support it through this difficult time. He pointed out that the fees were set on a cost recovery basis. He agreed to review the consultation cycle to make sure it fit in with the Budget setting process in the future;
- Councillor Patman stated that there had been a limited number of responses to the consultation, he was concerned that there were other sectors that had also been struggling as a result of the pandemic and that the Council had been suffering with loss of income too;
- The Chairman pointed out that there were other businesses which had had their licence fees increased too and it was important to take that into account;
- Councillor Burgess stated that although the increase was only the inflation rate, because last year there had been a subsidy, this would feel like a significant increase for the trade;
- Councillor Ferris stated that it was possible that the third letter of objections represented a large number of drivers, as they tended to elect a spokesperson for the trade. He also stated that although the Council had distributed a significant number of grants to help businesses, a lot of self-employed people had not qualified for help, and he believed that this could be the case for many drivers. He agreed that there may be a need to widen the proposal of subsidy to other sectors which were also badly affected by the pandemic;
- Councillor Hobbs stated that she was sympathetic to the struggles faced by taxi drivers, however she wished to know how much support they had already received from the Council;
- Sean Murphy agreed to investigate and find out what grants had already been given out to the trade and other businesses and report back to the Committee;
- In response to a question, Sean Murphy stated that the Committee could postpone a decision to the next meeting, any decision to implement subsidies could be applied retrospectively;
- Sean Murphy stated that the full effect of the pandemic on the taxi trade would not be known for a few months yet;
- In response to a question Julia O'Brien stated that the reduction in the number of drivers were as a result of some licences having expired and not been renewed and other licences which had been returned. When a licence was returned, the driver

received a refund; other licences could have been suspended for the time being (suspended licences were not included in the figures previously mentioned).

Councillor Burgess proposed that taxi and private hire fees for next year are retained at the level charged for the drivers for the current year, including the subsidy provided for this year with no inflationary increase applied. She was seconded by Councillor Kerr.

Upon being put to the vote, Councillor Burgess' proposal was defeated.

The Chairman proposed bringing back a report with details of the help that was given to all licensable businesses in the Borough. He was seconded by Councillor Hobbs.

Members were reminded that the next scheduled meeting would be on 23 June 2021. Councillor Kerr expressed concern that if this decision was postponed to June, this would fall into the next financial and it could potentially be too late for the taxi trade.

Julia O'Brien stated that the service was offering phased payment of licences, and this could be offered to the taxi trade too.

Councillor Ferris recognised the issues raised about considering the impact of the current situation on other areas, however he was concerned about the negative impact of postponing a decision until the next meeting. Councillor Hobbs felt anxious about the potential perception that the Council may be favouring the taxi trade for subsidies, she was of the opinion that this issue should be considered conjointly with other affected licences.

Upon being put to the vote the Chairman's proposal was carried.

RESOLVED That:

- 1) The Committee will receive a report containing details of the grants which were given by the Council to help out licensable businesses during the pandemic period;
- 2) The Committee postponed a decision in relation to possible subsidies to licence fees to its next meeting in June.

25. WHEELCHAIR ACCESSIBLE VEHICLE DIMENSIONS BRIEFING PAPER

Sean Murphy presented the Wheelchair Accessible Vehicle Dimensions Briefing Paper.

Sean Murphy stated that the hackney carriage trade had asked for a review of the height condition in relation to wheelchair accessibility. The report outlined details of the findings of the review and the recommendation was to maintain the existing condition.

During the discussion of the item the following comments were made:

- Councillor Soane stated that the trade wanted some clarity as to which vehicles were suitable as hackney carriages in order to make informed decisions when deciding to buy a vehicle. A Task and Finish Group had already considered the issue he believed that the current conditions should be maintained;
- Councillor Burgess asked if there was a wide variety of vehicles available with 54 inches height from floor to ceiling; she also asked if 54 inches, which had been proposed by a disabled persons transport advisory committee a long time ago, was still the current recommendation, she believed this had now changed to 58 inches;

- Councillor Burgess proposed to extend the period to comply with the current conditions by one year;
- Sean Murphy stated that the report contained examples of cars that were compliant with the current conditions. He also stated that the current conditions would be considered later in the year and the issue of 58 inches could be reviewed then.

Councillor Kerr seconded Councillor Burgess' proposal to extend the period of 5 years to 6 years to comply with the conditions.

Councillor Loyes was interested to know if there were electrical vehicles that were suitable and compliant with the conditions. Sean Murphy stated that the report mentioned one model of electric vehicle which was suitable, this was the Nissan model; the range of electric vehicles was limited at the moment.

Members debated Councillor Burgess' proposal to extend the period of time to comply with the wheelchair height condition, and upon being put to the vote the proposal was defeated. Councillor Hobbs wished it to be recorded that she abstained from the vote.

Upon being put to the vote Members voted in favour of the recommendations contained in the report.

RESOLVED That the Committee decides to maintain the existing condition for entry and internal space requirements for wheelchair accessible vehicles as agreed at the meeting of this Committee on 4 September 2018.

26. FORWARD PLAN

The Committee considered its Forward Plan as per the report in the agenda pack.

A review of the grants given by the Council as a result of the pandemic to licensable businesses was added to the June meeting.

Sean Murphy stated that an offer of a Taxis Liaison meeting would be made to the trade, to consider issues such as a recovery plan.