

Minutes

Licensing Committee
Friday, 10 May 2024



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Paul Fellows (Chairman)
Councillor Harrish Bisnauthsing
Councillor Steven Cunnington
Councillor Jane Kingman
Councillor Robert Leadenham
Councillor Patsy Ellis

Officers

Graham Watts, Assistant Director
(Governance and Public Protection)
Monitoring Officer
Heather Green, Licensing Manager
Mandy Braithwaite, Legal Advisor
Lucy Bonshor, Democratic Officer

Other Members

Cabinet Member for Corporate
Governance & Licensing,
Councillor Philip Knowles

Election of Chairman

The Democratic Officer informed the Committee that as both the Chairman and the Vice-Chairman had submitted their apologies for the meeting, a nomination for a chairman for the meeting was required from those Members present. Councillor Paul Fellows was proposed and seconded. There being no other nominations for Chairman, the Committee voted on the nomination before them and it was **AGREED** that Councillor Paul Fellows be appointed Chairman for this meeting only.

55. Apologies for absence

Apologies for absence were received from Councillor Pam Bosworth, Councillor Helen Crawford, Councillor Nikki Manterfield and Councillor Elvis Stooke.

56. Disclosure of interests

None disclosed.

57. Minutes of the meeting held on 5 April 2024

The minutes of the meeting held on 5 April 2024 were proposed, seconded and **AGREED**.

58. Hackney Carriage and Private Hire Licensing Policy - SKDC Consultation Response

The Cabinet Member for Corporate Governance and Licensing introduced the report which considered the response to the consultation on the Department of Transport's updated guidance. 205 responses had been received to the consultation. He thanked the Licensing Manager and her Team for the work that had been done on the Policy and with the consultation process. The Licensing Manager then presented the report.

The Department for Transport issued a public consultation document which the Licensing Committee considered at the meeting on 10 May 2022 and approved the response submitted on behalf of South Kesteven District Council. In November 2023 the Department for Transport issued their non-statutory best practice guidance.

At the Licensing Committee held on 16 February 2024 the Committee agreed that some of the items within the best practice guidance should be consulted on by the public. Consultation was carried out between 19 March 2024 and 16 April 2024.

Licensing Authorities were responsible for deciding their own policy and making decisions on individual licensing matters. Applying the relevant law and any other relevant considerations. Licensing Authorities must have due regard to the Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022).

Appendix 1 to the report outlined the Licensing Committee decisions from 16 February 2024 together with those matters which were the subject of consultation. Appendix 2 was the consultation report and Appendix 3 was the consultation feedback. The Committee were tasked with considering the outstanding matters and whether or not to make recommendations to amend the Policy to Full Council.

One of the recommendations from the February meeting was in respect of vehicle check/walkaround and evidence of the check be retained as proof of completion and that this was added to the Policy without consultation. The Licensing Manager asked the Committee what retention period there should be for this documentation.

Members discussed the issue and it was proposed, seconded and **RECOMMENDED** that the documents be kept for 12 months.

Recommendation 1

That the vehicle check/walkaround evidence of proof be kept for 12 months.

Each outstanding matter was discussed and voted on individually.

6.4 Driver proficiency

Licensing authorities should require taxi and private hire drivers to undertake training and/or assessment focussed on attitudes and behaviours. Such as IAM Roadsmart and the RoSPA, at first application and renewal.

Proposed addition to Policy:

Drivers to undertake training and/or assessment focussed on attitudes and behaviours.

Members felt that the addition of this item to the policy would help promote safer driving and more confidence in the driver by the public.

It was proposed, seconded and **RECOMMENDED** that the following be added to the Policy under section 6.4 Driver proficiency:

Drivers to undertake training and/or assessment focussed on attitudes and behaviours

Recommendation 2

Drivers to undertake training and/or assessment focussed on attitudes and behaviours.

6.13 Vehicle condition check

Drivers are always legally responsible for the vehicles condition. A driver should undertake a walkaround check before the vehicle is used. Drivers should be required to retain the vehicle checklist as proof they have been undertaken.

Proposed addition to the Policy:

*Introduction of required daily vehicle checks (no consultation)
Points to be given if not completed*

The issue of safety was again discussed by the Committee and both the issue of 3pt and 6pts discussed. Reference was made to motoring convictions which were often 3pts and it was therefore proposed, seconded and **RECOMMENDED** that 3pts be given if the vehicle check was not completed.

Recommendation 3

To be added to the Policy at 6.13 Vehicle Condition Check:

***Introduction of required daily vehicle checks
3pts to be given if not completed***

8.4 Vehicle age limits

Licensing authorities should not impose age limits for vehicles, they should consider more targeted requirements to meet emissions objectives, safety ratings and increasing wheelchair accessible provision

Proposed addition to Policy:

On first registration, vehicles should be registered after September 2015 (to ensure Euro 6 compliance)

Members discussed both the age and also the mileage of vehicles. Clarification was asked for in relation to Euro 6 criteria to which the Licensing Manager replied. Comments were made in relation to the nitrous oxide produced and the age of vehicles increased the amount produced. It was confirmed that tests on taxis were carried out every six months. It was stated that as long as a vehicle was maintained correctly it should continue to perform well. On being asked whether they wanted to keep the lower or upper age of vehicles it was proposed, seconded and **RECOMMENDED** that the Euro 6 compliance be added to the Policy. Further discussion followed in relation to any upper age limit and the current difference between the different type of vehicles in order to simplify matters it was proposed, seconded and **RECOMMENDED** that an upper age limit of 15 years be added to the Policy for all types of vehicles.

Recommendation 4

That the following be added to the Policy at 8.4 Age of vehicles

On first registration, vehicles should be registered after September 2015 (to ensure Euro 6 compliance)

That the upper age limit of any type of vehicle be 15 years

10.1 Legal Powers

Licensing Authorities have the power to set maximum taxi fares for journeys within their area and most do so. There is no power to set fares for private hire vehicles. The setting of fares is an executive function, not a council function

Proposed addition to Policy:

Introduction of maximum fare scale

The Licensing Manager confirmed that there were no legal powers in relation to setting fares. Members gave various examples of the different fares that they had encountered and there was some disagreement between Members about whether or not a maximum fare scale should be introduced. Reference was made to market forces and although it was acknowledged that complaints were received in respect of fares, it was felt that the current wording in relation to fares “*Part 8 – Fares, confirms that we have partially deregulated fares in that proprietors may set their own rates*” remained unchanged, this was proposed, seconded and RECOMMENDED.

Recommendation 5

That no change was made to 10.1 Legal Powers in respect of fares and that the current wording remained.

13. Flexible Transport Services

The Department encourages licensing authority, as a matter of best practice to play their part in promoting flexible services to increase the availability of transport to the travelling public.

Shared taxis and private hire vehicles – advance bookings (separate fares, but lower than individual hirings) - The operator or person taking the booking takes the initiative to match up passengers for pre-booking – akin to Dial-a-Ride/Call Connect

Shared taxis - immediate hiring (Licensing Authorities can set up schemes whereby licensed taxis (not private hire) can be hired at separate fares by people at ranks or other locations designated.

Taxi & private hire vehicle buses – owners of taxis and private vehicles can apply for a ‘restricted public service vehicle operator licence’. The vehicle owner can then use it to provide a bus service for up to 8 passengers. The route must be registered with the Traffic Commissioner.

Members discussed each of the three parts separately and although a vote was taken on a recommendation the Cabinet Member felt that the Committee had not adequately answered the question asked and further discussion followed on each of the three areas.

In respect of the first part in relation to shared taxis and private hire vehicles. Members were in agreement with the Shared taxi and Private Hire vehicles and this was proposed and seconded for **RECOMMENDATION**. In respect of the Shared Taxi aspect Members felt that they needed more information and felt that at present they could not make a recommendation without more information. The issue in respect of Taxi & Private Hire Vehicle Buses was proposed, seconded and **RECOMMENDED** for inclusion in the Policy.

Recommendation 6

That the following be added to the Policy at 13 Flexible Transport Services:

Shared taxis and private hire vehicles – advance bookings (separate fares, but lower than individual hirings) - The operator or person taking the booking takes the initiative to match up passengers for pre-booking – akin to Dial-a-Ride/Call Connect.

In respect of Shared taxi more information was required by the Committee before they could make a decision on this aspect.

To be included within the Policy - Taxi & private hire vehicle buses – owners of taxis and private vehicles can apply for a ‘restricted public service vehicle operator licence’. The vehicle owner can then use it to provide a bus service for up to 8 passengers. The route must be registered with the Traffic Commissioner.

- 59. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

The Chairman stated that the next scheduled meeting was 31 May 2024, however, this may be subject to change.

- 60. Close of meeting**

The meeting closed at 11:05.