

Minutes

Licensing Committee
Friday, 20 December 2024



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Committee members present

Councillor Pam Bosworth (Chairman)
Councillor Elvis Stooke (Vice-Chairman)
Councillor Harrish Bisnauthsing
Councillor Steven Cunningham
Councillor Philip Knowles
Councillor Robert Leadenham
Councillor Nikki Manterfield

Officers

Assistant Director (Governance and Public Protection) and Monitoring Officer
Licensing Officers (Chris Clarke, Elizabeth Reeve)
Legal Advisor (Mandy Braithwaite)
Licensing Manager (Heather Green)
Democratic Officer (Lucy Bonshor)

36. Apologies for absence

Apologies for absence had been received from Councillor Helen Crawford, Councillor Patsy Ellis and Councillor Paul Fellows.

37. Disclosure of interests

Councillor Philip Knowles stated that in respect of item 7 he would absent himself from being a Member of the Committee and would present the report in his capacity as Cabinet Member for Corporate Governance and Licensing and took no part in the decision.

38. Minutes of the meeting held on 18 October 2024

The minutes of the meeting held on 18 October 2024 were proposed, seconded and **AGREED**.

39. Exclusion of Press and Public

It was proposed, seconded and **AGREED** to exclude the press and public in accordance with Section 100(A) of the Local Government Act 1972 (as amended) during consideration of the following items of business because of the likelihood that otherwise exempt information, as described in paragraphs 1 and 2 of the Act (as amended) would be disclosed them.

40. Local Government (Miscellaneous Provisions) Act 1976

Decision

The Committee determined to deviate from the Council's Hackney Carriage and Private Hire Licensing policy regarding a vehicle to be Euro 6 compliant due to the extenuating circumstances, the lack of wheelchair accessible vehicles within the district and renew the Private Hire vehicle licence in this instance.

The Legal advisor introduced those present and confirmed the name of the driver.

The Licensing Officer presented the report which asked the Licensing Committee to determine whether the Euro 6 requirement for a wheelchair accessible vehicle should be adhered to in line with the Hackney Carriage and Private Hire Policy dated June 2024 which had been updated following guidance issued by the Department of Transport in November 2023.

One of the amendments to the Policy related to the removal of the previous vehicle age limits both at first registration (no older than five years) and maximum age limit (10 years). The new requirement was that all vehicles were Euro 6 compliant, registered after September 2015.

The driver had a wheelchair accessible Private Hire vehicle licensed with South Kesteven District Council since December 2020. The driver also held a Private Hire driver's licence.

The existing license expired at the beginning of December 2024, on checking the vehicle's Euro rating it came back as Euro 5 and would not be compliant with the Council's Policy.

An email was received by the Licensing Team from the driver requesting his application for renewal be heard by the Licensing Committee. Due to the expiry of the licence and the date of the next Committee confirmation was sought from the Chairman and Vice-Chairman of the Licensing Committee to extend the licence temporary until the date of the meeting.

The driver then made his representation stating that he was not aware of the changes regarding the rules and the age of vehicles, although the Council had

circulated an email. He stated that his vehicle was one of the few disabled vehicles in the district and he informed the Committee of the work that he did stating that it was his intention to change the vehicle next year. Members asked if the replacement vehicle would be wheelchair accessible to which the driver indicated that it would be.

The Licensing Officer then gave his closing statement stating that it was for the Licensing Committee to decide whether the requirement for Euro 6 should be adhered to as per the Council's Hackney Carriage and Private Hire Licensing Policy. The Committee's options were to approve the renewal or reject the Private Hire vehicle renewal.

The driver had nothing further to add.

(10:15 the Licensing Officers and applicant left the meeting)

Members discussed the application before them taking into consideration the report, representations made, the Council's Hackney Carriage and Private Hire Policy, the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and the Councillor Handbook. Members acknowledged the lack of wheelchair accessible vehicles within the district and the fact that the driver had indicated that he would be replacing the vehicle in the next year. Some discussion followed on period the licence should run from and it was stated that the Committee's decision was to decide whether or not to depart from the Council's Hackney Carriage and Private Hire Policy and either renew or reject the application for renewal. Due to the extenuating circumstances, the lack of disabled vehicles in the district, it was proposed that the vehicle licence be renewed, on being put to the vote this was agreed.

(10:25 Licensing Officers and applicant returned to the meeting)

The Legal Advisor read out the Committee's decision. The Committee had taken into consideration the report, appendices, representation made, the Council's Hackney Carriage and Private Hire Licensing Policy, the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and the Councillor Handbook and had decided to deviate from the Council's Policy due to extenuating circumstances, the lack of wheelchair accessible vehicles within the district and renew the vehicle licence. The Committee acknowledged that the driver had indicated that he would be getting a new vehicle the next year and congratulated him on the service that he provided to the public.

41. Letter regarding changes to the South Kesteven District Council Hackney Carriage and Private Hire Licensing Policy

Members had received a letter from a driver which expressed concern about the changes to the Council's Hackney Carriage and Private Hire Licensing Policy particularly in respect of the proficiency driving test and the English language test and the costs involved. The Cabinet Member for Governance and Licensing

informed the Committee about a meeting that had been held in Ancaster at which a number of drivers had been present. Each of the drivers had received a joint letter from himself and also the Deputy Leader who had attended the meeting and spoken to the drivers. Clarity had been given in respect of the costs involved which were one-off costs in respect of the driving proficiency test and the English test.

Discussion on the English test followed with clarification being given by the Licensing Manager.

Members noted the contents of the letter and the concerns raised by the driver.

Back in Public Session

42. Local Government (Miscellaneous Provisions) Act 1976 & Town Police Clauses Act 1847

Decision

The Committee requested that the Hackney Carriage and Private Hire Licensing Policy be reviewed again in June 2025 to understand whether the changes to the Policy had any further impact on new and/or renewal applications.

The Cabinet Member for Corporate Governance and Licensing presented a report which provided the Committee with an update following the implementation of the new Hackney Carriage and Private Hire Licensing Policy which was approved by Council on 23 May 2024.

Notification of the new Policy was issued to all licence holders outlining the main changes to the policy prior to the scheduled implementation date of 1 June 2024 for new drivers and 1 August 2024 for existing drivers.

Feedback received at that time covered: the increase in costs for the new testing requirements, why existing drivers without complaints were required to undertake a driver proficiency test, why a driver needed to demonstrate they had a qualification in English or take an English test especially when they had lived in England their whole life, the age criteria of vehicles and the requirement for daily walkaround checks.

The Licensing Committee considered these points at the meeting held on Friday 28 June 2024 where three drivers attended to outline their concerns and these were listed within the report. The Licensing Committee agreed that the new Policy would be reviewed after at least a three month period with a focus on the requirement of undertaking the daily walk around check and the English language test as well as evaluate the charges applied by other local authorities.

Appendix 1 to the report showed a table giving the licence fees for neighbouring authorities including South Kesteven District Council. Overall South Kesteven appeared to be the third expensive with Peterborough City Council being the most expensive and Wolverhampton the cheapest.

The report listed the many factors that had to be taken into consideration in setting fees which had to cover costs but not make any profit.

Some authorities had indicated that it was likely that their costs would increase. It was noted that drivers were free to apply for a licence outside of where they lived there was no national rule.

At the time that the report was written there had been 21 renewals, 12 non-renewals and one driver had taken an English test. It was not known the reason for the non-renewals.

Table 3.8 of the report showed the number of Drivers, Vehicles and Operators at six monthly intervals since September 2022 and then from June 2024 to Nov 2024. Although some licences had fallen there was no statistical evidence that the fall was due to the changes in the Policy.

The Committee was able to look at individual or exceptional circumstances as per the application that had been previously dealt with earlier in the agenda.

The Cabinet Member for Corporate Governance and Licensing proposed that the Committee ask for a further review once more information was available possibly in April 2025. He then spoke about the testing and the misunderstandings that had arisen regarding how many times a test needed to be undertaken. Unless further tests were required due to issued that had arisen, the driving proficiency test and the English test only had to be undertaken once, for new drivers 1 June 2024 or renewal licences from 1 August 2024.

South Kesteven District Council wanted their drivers to be the best drivers within the hackney carriage/private hire trade which is why the policy needed to be adhered to.

Discussion then followed on the Policy with comments being made about vehicles licensed outside the district but being seen within South Kesteven to which it was clarified that these could be school contracts. Vehicles from outside the district could only pick up passengers that had pre booked the vehicle, hackney carriages which were licensed from outside the district could not just pick up people off the street, the vehicle had to be pre booked.

Further discussion followed about the English Test and it was stated that the figures shown in the report were as at the time of the report being written. The Licensing Manager indicated that since the new policy had been in place and since the report had been written there had been four English tests taken but she couldn't confirm how many renewals had been completed since the report had

been written. A question was asked about those taking the English test who had Dyslexia and it was stated that this was taken into account.

It was felt that more statistical evidence was needed to see whether the new Policy had affected the number of licences renewed or issued. The Assistant Director (Governance and Public Protection) stated that due to elections next year purdah started from 21 March 2025 so he advised that the review was carried out after this election period.

After a short discussion on the time period, it was proposed, seconded and agreed that the Hackney Carriage and Private Hire Licensing Policy be reviewed again in June 2025 to understand whether the changes to the Policy had any further impact on new and/or renewal applications.

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

None.

44. Close of meeting

The Chairman closed the meeting at 11:02am.