

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 16 SEPTEMBER 2021

Present: Councillors Brindle, Bryant, Coates, Fort, Mrs Grigg, Hinder, Joy, Khadka, Naghi, Purle, J Sams, Springett (Chair) and Trzebinski

Also Present: Councillors Kimmance

15. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Garten, McKay, Parfitt-Reid and Robertson.

16. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were present:

- Councillor Purle for Councillor Garten
- Councillor Coates for Councillor McKay
- Councillor Trzebinski for Councillor Parfitt-Reid
- Councillor Khadka for Councillor Robertson

17. **URGENT ITEMS**

There were no urgent items, however the Chair highlighted an incorrection on the agenda front sheet whereby the latter agenda items were shown in the wrong order.

The correct order of business was Item 14 – Gambling Act 2005 – Statement of Licensing Policy 2022-2025 and Item 15 – Street Trading Policy – Consultation Results.

18. **VISITING MEMBERS**

Councillor Kimmance was present as a Visiting Member for Item 12 – Hackney Carriage and Private Hire – Knowledge Test.

19. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

20. DISCLOSURES OF LOBBYING

Councillors Brindle, Joy, Khadka, Grigg, Hinder, Naghi, Purle and J Sams had been lobbied on Item 12 – Hackney Carriage and Private Hire – Knowledge Test.

21. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

22. MINUTES OF THE MEETING HELD ON 17 JUNE 2021

RESOLVED: That the Minutes of the Meeting held on 17 June 2021 be approved as a correct record and signed.

23. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 22 JULY 2021

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 22 July 2021 be approved as a correct record and signed.

24. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from Members of the Public.

25. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

26. HACKNEY CARRIAGE & PRIVATE HIRE - KNOWLEDGE TEST

Prior to the report's introduction Mr John Iandolo addressed the Committee on behalf of the Maidstone Taxi Trade.

The Head of Licensing Partnership introduced the report, referencing the proposal submitted on behalf of the taxi trade. The current Hackney Carriage and Private Hire Licensing Policy 2021-2026 reflected the national standards issued by the Department for Transport in July 2020, with temporary removal of the knowledge test not recommended.

In response to questions, the Head of Licensing Partnership confirmed that the inaccurate questions within the Knowledge Test had since been amended and that no candidates had been permitted to take the test until this had occurred. Those questions had been within the test since 2018. A total of 24 tests remained to be checked, with only one person currently having failed the test due to that particular question, with any candidates that had failed for that reason to be offered EQUO training and permitted to continue with their application if they wished to. The question concerning the usage of driver seatbelts would be amended or removed from the knowledge test following the trade's concerns.

The Senior Licensing Officer confirmed that all taxi drivers must undertake a DBS check and provide five-years' worth of addresses in the United Kingdom before a licence could be granted. If this was not possible, the appropriate embassy would be contacted to provide a 'Letter of Good Conduct'.

The cumulative impact of the previous inaccuracies within the knowledge test, the Covid-19 pandemic and Brexit on the number of taxi drivers available was noted by the Committee. Several Members expressed support for drivers being able to work and earn wages whilst they undertook training, as a practical solution to the problems being experienced by the trade. However, there were concerns that providing a temporary badge would be detrimental to the safety and security of passengers, as the driver's knowledge of a range of issues, for example the Council's enforcement policy, would not have been tested. The Head of Licensing Partnership confirmed that an EQUO test, which focused on safeguarding, was completed in addition to the knowledge test as part of the national standards issued in July 2020.

During the debate, Mr Iandolo was invited to answer questions from the Committee in relation to the training requirements placed on trainee taxi drivers, which included the wording of the knowledge test questions.

The Committee supported a reduction in the six-month time period during which applicants that had failed the knowledge test on three separate occasions could not retake the test, to facilitate entry into the trade with increased speed. It was felt that as the temporary six-month removal of the topography section from the knowledge test for private hire drivers was ongoing until November 2021, the trades proposal could be reconsidered once the full impact of the removal on the applicant's pass rates had been considered by the Committee. The Senior Licensing Officer stated that the pass rates had increased since its removal from the knowledge test and that the EQUO test was facilitated by an external company. The Committee requested to be provided with the same learning materials provided to all applicants for both the EQUO and Knowledge tests.

The Committee considered the suggestion of a working under a temporary licence, but this was not felt to be feasible due to its impact on the driver and operator licences already issued to various taxi companies, that would need to be amended.

RESOLVED: That

1. The report be noted;
2. The time limit between three unsuccessful tests and the next attempt be reduced from six-months to one-month; and
3. Consideration of the taxi trade's proposal be deferred until the next meeting, pending the results of the knowledge test that had been amended, and the results of those tests be presented to that

meeting such that the Committee can review further extending the suspension of the topography test.

27. THE LICENSING PARTNERSHIP – ANNUAL UPDATE

The Head of Licensing Partnership introduced the report which covered the period 1 April 2020 to 31 March 2021. The good performance of the partnership through the Covid-19 pandemic was highlighted.

In response to questions, the Head of Licensing Partnership confirmed that enforcement and compliance checks had been reduced whilst staff had been working from home during the pandemic. Future working arrangements and the enforcement targets set would be kept under review

The Head of Housing and Community Services confirmed that enforcement checks were being conducted and highlighted the role of the Police and Community Protection team in assisting with these visits. It was requested that any suspected breaches be reported to enable enforcement checks to take place.

The Committee wished to express their thanks to the Officers for their hard work.

RESOLVED: That

1. The performance of the Licensing Partnership as outlined in the report, be noted; and
2. The Head of Licensing Partnership continue to provide an annual update on the Licensing Partnership Activity each municipal year;

28. STREET TRADING POLICY - CONSULTATION RESULTS

The Senior Licensing Officer introduced the report and reiterated that a public consultation on the draft Street Trading policy, attached as Appendix 3 to the report, had taken place between the 10 February 2021 until 13 March 2021.

The Senior Licensing Officer referenced the feedback shown within Appendix 2 to the report, which indicated that the policy was easy to understand.

In response to questions, the Head of Housing and Community Services confirmed that a separate User Guide for the policy would be made available.

RESOLVED: That

1. The consultation responses as shown in Appendix 2 to the report, be noted; and

2. The Communities, Housing and Environment Committee be recommended to approve the draft Street Trading policy, as attached at Appendix 3 to the report.

29. GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY 2022 -2025

The Senior Licensing Officer introduced the report and stated that the Council's 'Gambling Act 2005, Statement of Principles 2022-2025' had been comprehensively reviewed in 2018. The Gambling Commission had issued guidance in May 2021, however there were no changes required to the current Statement of Principles in place.

It was requested that the current policy be subject to a public consultation between the 27 September 2021 until the 24 October 2021. This would allow a review of any comments received, to meet the implementation deadline of January 2022.

RESOLVED: That

1. The Gambling Act 2005 Statement of Principles 2022-2025, be considered; and
2. Officers be instructed to carry out the public consultation as described in the report.

30. DURATION OF MEETING

6.30 p.m. to 8.26 p.m.