

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 15 APRIL 2021

Present: Councillors Brindle, Fissenden, Fort, Garten,
Mrs Grigg, Hinder, Joy (Chairman), Naghi,
Mrs Robertson, M Rose, J Sams and Springett

84. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Newton.

85. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

86. URGENT ITEMS

There were no urgent items.

87. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

88. VISITING MEMBERS

There were no Visiting Members.

89. DISCLOSURES OF LOBBYING

Councillors Brindle, Garten, Mrs Grigg, Hinder, Joy, Naghi, Mrs Robertson, M Rose, J Sams and Springett had been lobbied on the following items:

- Item 15 – Amendments to Knowledge Test
- Item 16 – Hackney Carriage and Private Hire Licensing Policy 2021-2026

90. EXEMPT ITEMS

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

91. MINUTES OF THE MEETING HELD ON 19 NOVEMBER 2020

RESOLVED: That the Minutes of the Meeting held on 19 November 2020 be approved as a correct record and signed at a later date.

92. MINUTES OF THE MEETING HELD ON 14 JANUARY 2021

RESOLVED: That the Minutes of the meeting held on 14 January 2021 be approved as a correct record and signed at a later date.

93. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 18 FEBRUARY 2021

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 18 February 2021 be approved as a correct record and signed at a later date.

94. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 30 MARCH 2021

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 30 March 2021 be approved as a correct record and signed at a later date.

95. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There was one question from a Member of the Public.

Question from Mr Mark Jones to the Chairman of the Licensing Committee

The question was read out by the Democratic Services Officer on behalf of Mr Jones

'I would like to ask the committee what steps are being taken to INCREASE the amount of drivers that we desperately need in order to clear the town of people once pubs, restaurants and clubs are fully open?

Already on Monday the 12th April I could not cover all the journeys requested by customers some having to wait over an hour for a car, and that's on a Monday night! On a Friday and Saturday, it will get much worse with drunk and vulnerable people waiting for hours for vehicles to get them home, leading to unsocial behaviour, violence, vandalism or worse. We (the many other private hire and taxi companies in Maidstone) are all struggling to get drivers through the very stringent, and in some parts unnecessary, tests. WE NEED drivers with in the next couple of weeks! As far as I am aware there has been no new drivers licensed since February 2020, yet as many as 50% have left the industry.'

The Chairman responded to the question.

The full response was recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:
[Licensing Committee - Thursday 15th April, 2021 6.30 pm - YouTube](#)

96. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

97. SECURITY INDUSTRY AUTHORITY LICENCE REGULATIONS

The Head of Housing and Community Services introduced the report that outlined the amendments to the Security Industry Authority (SIA) Licence Regulations.

The Committee expressed their thanks for the updated provided. It was confirmed that existing SIA Licence holders would be expected to complete a first aid qualification when renewing their licence.

RESOLVED: That the forthcoming changes to the Security Industry Authority (SIA) requirements and training be noted.

98. AMENDMENTS TO KNOWLEDGE TEST

Mr Neil Cox, Chair of the Maidstone Taxi Association, addressed the Committee.

The Senior Licensing Officer introduced the report and stated that the Taxi trade had requested that the test be amended to increase the likelihood of passing the test and the number of qualified drivers within the trade. The new test format was introduced in 2017 with amendments made in 2018, although the pass rate had not increased as a result.

Following three unsuccessful test attempts, applicants had to wait for six months before they could re-attempt the test. The majority of candidates consistently failed on the routes and streets sections, with the private hire taxi trade having previously commented that the section was not necessary as private hires were booked in advance. This allowed drivers to look up the route before collecting passengers.

It was confirmed that the criteria for the testing and checking of applicants, as agreed by the Committee in 2016, was not under review and licensing drivers on a probationary basis would not be considered.

In response to questions, the Senior Licensing Officer confirmed that the proposed amendments would be applied to private hire applicants only. If any complaints were received regarding the standard of driving following an amendment to the test, the test would be reviewed before the suggested six-month period. The Committee could decide to adjust the pass rates for any of the sections within the knowledge test.

It was felt that the pass mark for the highway code section of the test be increased to match the Driving Theory Test pass mark of 86%. To facilitate this, the questions within the section would need to be increased to ten.

RESOLVED: That

1. The pass rate for the highway code section of the knowledge test, for private hire applicants only, be increased to 90% with the number of questions in that section be increased to 10; and
2. The Routes and Street element of the rest for private hire applicants only be removed for a period of 6 months.

Note: Councillor Fissenden joined the meeting during this item's consideration, at 7.06 p.m.

99. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2021-2026

Prior to the report's introduction, Mr Neil Cox addressed the Committee as the Chair of the Maidstone Taxi Association.

The Senior Licensing Officer introduced the report, stating that a public consultation on the Hackney Carriage and Private Hire Licensing Policy 2021-2016 had been conducted between 14 January 2021 to 10 March 2021.

The Committee were informed that the Government would likely implement further HMRC checks for drivers, but that a date could not be given. The policy would need to be updated as a result.

There were four responses to the consultation, with the comments provided by the Senior Licensing Officer in response shown in Appendix 2 to the report. It was noted that the majority of the comments were from the Licensing Partnership Manager and Mr Cox. Further investigation into alternative garage choices for compliance testing and vehicle specifications would be investigated as part of a future review into a carbon neutral taxi policy. The significance of establishing an implementation date for a carbon neutral taxi policy was highlighted.

During the debate, it was felt that greater flexibility in relation to medical certificates, tinted windows and compliance testing locations was needed. In response to questions, the Contentious Team Leader confirmed that whilst there was a perception of safety through not having tinted windows on a vehicle, there was no known evidence to suggest that tinted windows negatively affected the passenger's safety.

Several Members expressed support for delaying the implementation date of 2023 for carbon neutral vehicles, in part due to the impact of Covid-19 and to prevent greater barriers of entry to the trade. It was felt that the Committee should have been consulted on the sections of the Biodiversity and Climate Change Strategy and Action Plan, that was agreed by the Policy and Resources Committee, that fell under the Committees remit.

It was confirmed that the administrative changes necessary in amending the medical certification timescales may be delayed but would be implemented as soon as practicably possible.

The Committee expressed their thanks to the Officers for the work undertaken.

RESOLVED: That;

1. The Policy and Resources Committee be requested to consult the Committee on any biodiversity and climate change matter that falls within the Committees remit;
2. The Communities, Housing and Environment Committee be recommended to approve the draft Hackney Carriage and Private Hire Licensing Policy 2021-2026, attached at Appendix 2 to the report, subject to the following amendments:
 - a. Medical certification be required at first licence and then every 5 years from the age of 45 until 65, annually after 65 years of age, with all medical certificates not permitted to be more than 6 months old when produced to the council'; and
 - b. Paragraph 23 – Tinted Windows, Appendix 5: A, be removed.

Note: During this item's consideration the Committee adjourned between 8.40 p.m. to 8.49 p.m.

100. DURATION OF MEETING

6.30 p.m. to 9.12 p.m.