

MAIDSTONE BOROUGH COUNCIL

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 13 OCTOBER 2022

Attendees:

Committee Members:	Councillors Springett (Chairman), Joy, Brindle, Coates, English, Fort, Garten, Hinder, Naghi, Parfitt-Reid, Mrs Robertson, J Sams and Russell
Visiting Members:	Councillor Kimmance

13. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Trzebinski.

Councillor English stated that he would need to leave the meeting at 7.30 p.m. due to a pre-existing commitment.

14. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Russell was present as a substitute for Councillor Trzebinski.

15. URGENT ITEMS

There were no urgent items.

16. VISITING MEMBERS

Councillor Kimmance was present as a Visiting Member for Item 13 – Vehicle Age Policy Amendment.

17. CHANGE TO THE ORDER OF BUSINESS

The Chairman stated that they intended to take Item 15 – Review of March 2022 Hackney Carriage Fare Tariff Increase before Item 14 – Response to Hackney Carriage Emergency Fuel Crisis Consultation, as it would be more logical to consider the items in that order.

18. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

19. DISCLOSURES OF LOBBYING

Councillors English, Joy, Naghi, Robertson, Parfitt-Reid, J Sams and Springett had been lobbied on Item 13 – Vehicle Age Policy Amendment.

Councillors English, Robertson and J Sams had also been lobbied on Item 15 – Review of March 2022 Hackney Carriage Fare Tariff Increase.

20. ADJOURNMENT OF MEETING

The meeting adjourned between 6.33 p.m. to 6.40 p.m. due to a fire drill.

21. EXEMPT ITEMS

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

22. MINUTES OF THE MEETING HELD ON 16 JUNE 2022

RESOLVED: That the Minutes of the meeting held on 16 June 2022 be approved as a correct record and signed.

23. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 16 JUNE 2022

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 16 June 2022 be agreed as a correct record and signed.

24. MINUTES OF THE LICENSING ACT 2003 SUB COMMITTEE HELD ON 8 SEPTEMBER 2022

RESOLVED: That the Minutes of the Licensing Act 2003 Sub-Committee meeting held on 8 September 2022 be agreed as a correct record and signed.

25. QUESTIONS AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from local residents.

26. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the chairman.

27. VEHICLE AGE POLICY AMENDMENT

Prior to the report's introduction, Jason Brown and Jade Collier addressed the Committee on behalf of Express Cabs.

The Senior Licensing Officer introduced the report, outlining the request received by Express Cabs for a temporary amendment to the taxi vehicle age and mileage restrictions contained within the Hackney Carriage and Private Hire Licensing Policy. The limits were that upon first licence, a taxi vehicle had to be under three years old and have driven less than 30,000 miles, with a six-year-old and fifteen-year-old lifespan for private hire and hackney carriage vehicles respectively.

The Committee were informed that due to the extended wait times for new vehicles, alongside the limitations placed upon newly licensable vehicles, the taxi trade were experiencing a shortage of vehicles. The approach suggested within Appendix 1 to the report was briefly outlined, however it would be too complex to administer.

The Senior Licensing Officer stated that all taxi vehicles had to undergo stringent compliance checks at the Council's nominated garages. The tests assured the vehicle's roadworthiness and appearance, before it could be licensed by the Council.

The Committee expressed support for amending the current limitations on vehicle age and mileage, particularly as the other local authorities within the Licensing Partnership permitted higher ages and mileages across their taxi vehicles. Further, the required compliance testing prevented unsuitable vehicles from being licensed. In response to questions, the Head of Licensing Partnership advised that conducting twice-yearly compliance testing for vehicles, in place of vehicle limitations, would be difficult to administer and increase the cost of the service.

During the debate, Jason Brown was invited to answer questions on the suitability of the range of potential amendments that were under consideration. It was suggested that a four-year entry age, a mileage restriction of 60,000 and exit age of eight years would be suitable to provide greater flexibility whilst maintaining the Council's and the trade's reputation of good taxi vehicles.

In response to questions, the Head of Housing and Regulatory Services confirmed that any permanent amendments to the policy would require a public consultation. A temporary amendment to the policy through a pilot could allow for feedback to be received and presented to the Committee at its conclusion, as both could not be facilitated at the same time.

The Committee felt that a higher vehicle age and mileage for private hire and hackney carriage taxi vehicles for a 12-month period would be appropriate to assist the trade in obtaining vehicles. In order to implement the amendment immediately, a public consultation would be waived.

RESOLVED: That

1. The new vehicle entry level requirements as contained within the Taxi Policy 2021-2026, be amended for a pilot period of 12-months only to:
 - a. Increase the maximum age of new vehicles from three years to four years, with a maximum mileage restriction of 60,000 and implement an exit age of eight years;
2. In order to address the situation immediately, a public consultation on the temporary amendments be waived; and
3. Following the 12-month pilot period relating to new vehicle entry level requirements, a report be presented to the Committee to consider any resulting implications and next steps.

28. REVIEW OF MARCH 2022 HACKNEY CARRIAGE FARE TARIFF INCREASE

The Senior Licensing Officer introduced the report and referenced the Committee's 31 March 2022 meeting, whereby a six-month review of the previously agreed fare increase would take place given the increased fuel price and cost of living. No

complaints relating to the increased fares had been received since its implementation.

The Committee felt that as no complaints had been received, alongside the previous consideration given to the fare increase at the 31 March 2022 meeting, no further action was required.

RESOLVED: That the current hackney fare tariff remain unchanged.

29. RESPONSE TO HACKNEY CARRIAGE EMERGENCY FUEL CRISIS CONSULTATION

The Senior Licensing Officer introduce the report and referenced the 31 March 2022 meeting of the Committee, whereby a consultation with the taxi trade was agreed, to ascertain if there were any alternative methods to mitigate the effects of the fuel crisis. The responses received were shown within appendices 2 and 3 to the report, with the officers' comments in response contained within point 2.5 of the report.

The Senior Licensing Officer stated that the suggestions received were not suitable in practically addressed the increase in fuel costs, with particular attention drawn to the suggested surcharge which would be difficult to implement. This was due to it being unclear which individual would determine when it should be applied. It was advised that a request for an increased tariff should be made in the usual manner.

The Committee felt that the existing mechanism available to request a fare increase was suitable, and that the alternative options put forward were too complex to implement.

RESOLVED: That having given consideration to the responses received, and the technicalities involved, should the Hackney Carriage Trade feel any increase is necessary, a request for increased fares be submitted in the usual manner.

Note: Councillor English left the meeting at 7.30 p.m. after the considerations of this item.

30. LICENSING PARTNERSHIP ANNUAL UPDATE

The Head of Licensing introduced the report and highlighted the good performance of the partnership, which had not been impacted by home and hybrid working.

In response to questions, the Head of Licensing Partnership confirmed that the other local authorities within the partnership have varying policies, in part due to the varying requirements of each area, and the length of time since the policies' implementation and review. If required in the future, the policies could be reviewed to align with one another where possible.

In response to further questions, the Head of Licensing Partnership stated that licensing should be a self-financing service, with the income generated to cover the service's cost only; an example given was the likely permanent transfer of powers to district council, to issue and monitor pavement licensing at an increase fee to fully recover the service's costs. The Head of Housing and Regulatory

Services provided reassurance that budgetary discussions were ongoing amongst the partnership to ensure best value.

The Committee expressed their thanks to the Officers for the work undertaken and the positive performance achieved. The actions taken across the year to assist the Taxi Trade were highlighted.

RESOLVED: That

1. The performance of the Licensing Partnership as contained within the report be noted; and
2. The Head of the Licensing Partnership continue to provide an annual update on the Licensing Partnership activity to the Licensing Committee each municipal year.

31. LICENSING COMMITTEE TRAINING PROGRAMME

The Head of Housing and Regulatory Services introduced the report and explained the Constitutional requirement for the Committee to agree a training programme and date by which it should be completed.

The Committee were informed that as there had not been any significant changes in the relevant legislation or case law, only the Committee Members and those wishing to act as Substitute Members that had not previously undertaken training would be required to attend training proposed. The 31 October 2022 had been held as a training date.

The Committee supported the training programme proposed, highlighting the need for potential Substitute Members to be informed of the requirement to undertake training.

RESOLVED: That

1. The contents of the training programme as outlined in point 2.4 of the report, be agreed; and
2. All new Members of the Committee and those wanting to be Substitutes should complete the training by 31 October 2022.

32. EXPRESSION OF THANKS

The Committee wished to express their thanks to Mrs Jayne Bolas for her assistance at Licensing Committee Meetings in previous years, following her retirement.

RESOLVED: That Mrs Jayne Bolas be sent a letter by the Chairman to express the Committee's thanks for her Service.

33. DURATION OF MEETING

6.30 p.m. to 7.14 p.m.