

# **MAIDSTONE BOROUGH COUNCIL**

## **LICENSING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON THURSDAY 11 NOVEMBER 2021**

**Present:** Councillors Brindle, Coates, Fort, Garten, Hinder, Joy, Naghi, Mrs Robertson, Russell and Springett (Chair)

**Also Present:** Councillor Kimmance

31. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Grigg and J Sams.

32. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Russell was present as Substitute Member.

33. **URGENT ITEMS**

The Chair had agreed an urgent update to Item 14 – Licence Fees and Charges 2022/23, which provided an updated fee table to that shown in point 2.15 of the report.

34. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members and Officers.

35. **DISCLOSURES OF LOBBYING**

Councillors Garten, Hinder, Naghi and Springett had been lobbied on Item 13 – Hackney Carriage & Private Hire – Knowledge Test.

36. **VISITING MEMBERS**

Councillor Kimmance was present as a Visiting Member for Item 13 – Hackney Carriage & Private Hire – Knowledge Test.

37. **EXEMPT ITEMS**

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

38. **MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2021**

**RESOLVED:** That the Minutes of the Meeting held on 16 September 2021 be approved as a correct record and signed.

39. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 17 SEPTEMBER 2021

**RESOLVED:** That the Minutes of the Licensing Act 2003 Sub-Committee held on 17 September 2021 be agreed as a correct record and signed.

40. MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEE MEETING HELD ON 11 OCTOBER 2021

**RESOLVED:** That the Minutes of the Licensing Act 2003 Sub-Committee Meeting held on 11 October 2021 be approved as a correct record and signed.

41. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

42. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

43. HACKNEY CARRIAGE & PRIVATE HIRE - KNOWLEDGE TEST

Prior to the report's introduction the following speakers addressed the Committee; Mr John Iandolo; Mr Jason Brown on behalf of Express Cabs; Ms Jade Collier on behalf of Express Cabs; Mr Ben Acres on behalf of Streamline Taxis; Mr Bob Dyer on behalf of Cavalier Cars; Mr Bob Vietch on behalf of Apollo Taxi and Mr Mark Jones on behalf of Sapphire Cars.

The Head of Licensing Partnership introduced the report and reiterated the Council's role as a Licensing Authority, to appropriately enforce the relevant legislation alongside the provision of taxi licences. It was recommended that the proposal submitted by the Taxi Trade, attached at Appendix 2 to the report, be refused due to the resulting deviation from the government's national standards, as implemented in July 2020.

In addressing the statements made by the public speakers, the Head of Licensing Partnership stated that neighbouring Local Authorities (LA) had been approached, and all had implemented a similar testing regime. There were concerns across the Kent County that, should the proposal be agreed, there would be an increase in taxi drivers licenced by the Council providing sub-contracted work in other boroughs. The importance of appropriate safeguarding training for taxi drivers, as opposed to other types of drivers, was highlighted given the possibility of lone or few passengers. Kent Police had been contacted and were unable to provide any statistics that supported the notion that a shortage of taxi drivers directly correlated to an increase in criminal activity; the driver shortage being experienced by the taxi trade was of national concern and across multiple industries.

The Head of Licensing Partnership stated that the knowledge test pass rate had significantly increased to 26.7%, following a review of the

questions' wording and the removal of the routes section of the knowledge test, which was now provided weekly. Of the last seven candidates that undertook the test three passed on their first attempt, two on their second attempt and two on their third attempt.

The Committee expressed support for the trade being able to recruit drivers with greater ease and provide additional services to residents, and considered the proposal submitted. The Team Leader Contentious and Corporate Governance clarified that at least a four-week public consultation would need to occur if the trade's proposal was agreed due to the significant change in policy proposed. The Head of Housing and Community Services reiterated the necessity of consulting a wide range of consultees and the importance of a robust taxi policy that ensured public safety and did not leave the Council susceptible to challenge.

In response to questions, the Head of Licensing Partnership confirmed that whilst the knowledge test was not a legal requirement, LAs must have regard to the national standards and be able to explain any differentiation from those standards. The knowledge test did not include a section on English Language, as this was covered by the applicant's undertaking of the Knowledge and EQUO tests. The Senior Licensing Officer explained the concessions made to taxi drivers licenced by other LAs, such as acceptance of their medical and driving tests.

During the debate, Mr John Iandolo was invited to answer questions on the training package proposed by the taxi trade.

In response to further questions, it was confirmed that eight candidates could take the knowledge test at once and that further equipment would be required to increase the number of candidates. Additional tests could not be provided due to the impact on staff workloads, with candidates booked to undertake the knowledge test through to January 2022.

The Committee felt that an alternative to the taxi trade's proposal should be considered that assisted the trade whilst maintaining the high standards implemented by the Council, in reflection of national standards.

**RESOLVED:** That

1. Officers be requested to:
  - a. Review all the questions in the current knowledge test in conjunction with a representative of the taxi trade to ensure all questions were clearly understandable;
  - b. Urgently co-ordinate the provision of knowledge tests following an agreed training course provided by the Taxi Trade and investigate the possibility of extra equipment to provide additional places on test days; and

2. The Routes section of the knowledge test be removed for a further six-month period, to be reviewed again by the Committee at the end of that six-month period.

Note: Councillor Hinder left the meeting after the consideration of this item, at 8.15 p.m.

44. LICENCE FEES AND CHARGES 2022-23

The Senior Licensing Officer introduced the report and drew specific attention to the urgent update for the item, which included an updated table for point 2.15 of the report.

The fees and charges had been robustly reviewed in 2016, with a two per cent inflationary increase recommended. The increase was in accordance with the Council's Medium Term Financial Strategy 2020/21-2025/26.

The proposed Hackney Carriage and Private Hire Licensing Fees would be subject to a period of consultation before being implemented.

**RESOVLED:** That

1. The fee levels as set out at 2.7, 2.9, 2.11, 2.13, 2.15 (as updated) and 2.16 of the report, for implementation on 1 April 2022, be approved; and
2. The fee level as set out at 2.6 of the report for implementation on 1 April 2022 be approved, with any consultation responses received to be presented to the Committee for consideration before that fees implementation.

45. GAMBLING ACT 2005 - STATEMENT OF LICENSING PRINCIPLES 2022 - 2025

The Senior Licensing Officer introduced the report and reiterated the legislative requirement to develop, publish and publicly consult upon the Council's Gambling Act 2005, Statement of Licensing Principles. The current statement had been implemented in 2018, with the proposed statement to be implemented from January 2022, if agreed.

Three consultation responses had been received and were outlined in Appendix 2 to the report and the officer's response to these had been included within the report.

In response to questions, the Team Leader Contentious & Corporate Governance confirmed that Public Health was not a statutory consultee to the consultation. The Senior Licensing Officer stated that the references to alcohol and drug addiction related to the 'Local Area Profile', which should be considered when gambling services were provided.

**RESOLVED:** That

1. The consultation responses received be noted; and
2. Full Council be recommended to approve the draft Gambling Act 2005 Statement of Licensing Principles Policy 2022-2025, as attached at Appendix 1 to the report.

46. DURATION OF MEETING

6.30 p.m. to 8.30 p.m.