

## Licensing & Appeals Committee – 12 October 2023

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Minutes of the meeting of the **Licensing & Appeals Committee** held on **12 October 2023** when there were present:-

Vice-Chairman: Cllr A G Cross

Cllr N J Booth

Cllr D S Efde

Cllr Mrs E P Gadsdon

Cllr Mrs J E McPherson

Cllr R Milne

Cllr Mrs L Shaw

Cllr C M Stanley

Cllr I H Ward

Cllr A L Williams

Cllr S A Wilson

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs J L Lawmon, R P Constable, R Lambourne and Mrs D P Squires-Coleman.

### **OFFICERS PRESENT**

S Greener	- Principal Licensing Officer
S Worthington	- Acting Manager, Democratic Services, BBC & RDC
V Meanwell	- Democratic Services Officer
W Szyszka	- Democratic Services Officer

### **199 MINUTES**

The Minutes of the meeting held on 9 March 2023 were approved as a correct record and signed by the Vice-Chairman.

### **200 AGE OF PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES**

The Committee considered the report of the Director, Communities & Health setting out amendments to the existing Rochford District Council Hackney Carriage and Private Hire Licensing Policy 2022 – 2027 in relation to the age of acceptable vehicles.

A query was raised relating to the guidance as outlined on page 6.3 of the report as to how Rochford District Council (RDC) compared to the other local authorities and whether they took a similar approach as RDC.

Officers responded that they were not aware of any other reports of the same nature produced by authorities in the local area; however, they operated with a similar age limit to RDC. Members noted that other local authorities considered taking the same approach as RDC due to the worrying nature of the second hand car market that could potentially reduce fleet vehicles and wheelchair accessible vehicles as a result of becoming increasingly difficult to source and expensive to replace. Officers added that the trade believed that costs associated with second hand market would not decrease despite phasing out older vehicles.

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A question was raised relating to emissions from older vehicles and whether this was something that was monitored by RDC.

Officers responded that RDC was determined to upgrade vehicles to Euro 6 Diesel to diminish emissions and by keeping the limit at the 14 years as opposed to an indefinite time frame for wheelchair accessible vehicles, it would provide a cap for RDC to be able to provide more modern cars.

In response to a Member question, officers advised that anyone can license a vehicle at any time from different locations. RDC's Licensing Team received vehicles that were licensed elsewhere; however, they were still obliged to meet the suitability criteria.

Members noted that Euro 7 Diesel would be coming into force in 2025 and suggested that the decision within the report be reviewed in 2025.

Cllr Mrs J E McPherson moved a Motion, seconded by Cllr Mrs L Shaw that a further third Recommendation be added that this decision be reviewed in 2025.

In response to a Member question relating to the 70,000 miles limit, officers advised that information was based on the actual mileage of the vehicle itself that could be obtained from a central government website. Members noted that the 70,000 miles limit applied to vehicles that were first licensed.

Members noted that when licensing a newly manufactured vehicle under Hackney Carriage, RDC would not request for its MOT within the first 12 months; however, after the 12 month period passed, RDC would request for MOT to be carried out annually. Once the vehicle reached 6 years, the MOT would then be completed biannually. In relation to private hire vehicles, as they did not complete as many miles as Hackney Carriage, a brand new vehicle would not require MOT for the first three years. Following the 3 year period, an MOT would be required annually until the vehicle reached 6 years and would therefore require MOT checks biannually. All vehicles were subject to a physical inspection by the Council's Licensing team.

A question was raised querying how many vehicles licensed under RDC did not meet the Euro 6 Diesel rating. Officers advised that a response would be provided outside of the meeting.

Based on an export from the Taxi and Private Hire database on 2<sup>nd</sup> November 2023. The following chart shows the number of Euro Cat 6 vehicles meeting the requirements and those that do not meet the requirements.

Type of vehicle	Meeting Euro 6 requirements	Not meeting Euro 6 requirements	Percentage not meeting Euro 6 requirements	Grand Total
Hackney Carriage	135	34	20%	169
Private Hire	92	14	13%	106
<b>Grand Total</b>	<b>227</b>	<b>48</b>	<b>17%</b>	<b>275</b>

A Member raised concerns over the price of electric vehicles decreasing due to a change in the nature of electric vehicle batteries and queried whether RDC considered providing incentives to people to opt for second hand electric vehicles.

Officers responded that in the past RDC issued grants and the Council had been proactive in providing charging points for electric vehicles across the District. Officers added that the take up for the grants was not particularly high and grants had not been made available since then.

In response to a Member question relating to whether RDC liaised with other local authorities, officers advised that each authority made its own vehicle licensing rules; however regular meetings were held between RDC and other authorities to discuss the matter. Officers added that local authorities were being proactive in thinking ahead, particularly being mindful of comments made by the trade who were struggling to replace vehicles due to the increasing prices in second hand vehicles.

Cllr A G Cross moved a Motion, seconded by Cllr Mrs L Shaw that the word “minimum” be amended to “maximum” in Recommendation 1.

Cllr A G Cross moved a Motion, seconded by Cllr D S Efde that the Recommendations as set out within the report be approved.

### **Resolved**

(1) To amend the maximum age of vehicles from the existing 6 years wording to 6 years or 70,000 miles if older than 6 years from the date of registration.

(9 Members voted in favour, 0 against and 1 Member abstained.)

(2) To amend the re-licenced limit from 10 years for Saloon vehicles and 12 years for WAV to 12 years for Saloon vehicles and 14 years for Wheelchair Accessible Vehicles subject to 6 months checks and MOTs after the vehicle has reached 6 years from the date of registration.

(8 Members voted in favour, 2 Members voted against and 0 abstained.)

(3) To review this decision in 2025.

(This was unanimously agreed.)

### **201 STREET TRADING POLICY CONSULTATION**

The Committee considered the report of the Director, Communities & Health seeking Committee’s approval of the draft Street Trading Policy.

A Member queried as to why Canewdon High Street was not included within the structure.

Officers responded that the structure presented to Members was adopted in 1995 when Canewdon was not included in the original consent. Members noted that the new structure sought to cover every road in the District.

In response to a Member question whether RDC would consider imposing conditions, similar to ones placed on taxis relating to moving away from petrol and diesel, officers advised that the Committee could consider to add it as a criteria to be included within the consultation.

A Member commented that it was vital to understand the costings and respond to issues dealing with providing a living reasonably.

Officers advised that there would be a further public consultation and officers were keen to send a new draft of the policy to every vendor within the area. The consultation would suggest a certain age limit and provide an opportunity for vendors to respond with a sum that would be sufficient to replace a vehicle. Members noted that when the report was due to return to the Committee again, Members would have access to statistics to be able to make any changes to the policy fully informed.

Members noted that vendors were not permitted to trade within 100 metres of any school or college boundary between 7.30 am and 6.00 pm unless invited by the establishment themselves. Officers added that this would be regulated by including a section within the application form that prompted vendors to select three Wards they wished to operate within and then be appropriately assigned to these Wards.

A suggestion was made by a Member to instal vehicle trackers to ensure that vendors were working within their agreed Wards. Officers responded that this was achievable and came at a low cost.

Officers advised Members that they would liaise with the Council's Environmental Health Team in relation to the appropriate decibel level surrounding ice cream vendor chimes to ensure they did not cause a nuisance.

In response to a Member question as to whether the Officers felt confident in achieving the milestones as specified within the report, officers assured Members that they felt confident and were being pushed by Essex Police to ensure they are met and all the deadlines must be reached.

Cllr A G Cross moved a Motion, seconded by Cllr C M Stanley that the recommendations as set out within the report be approved.

### **Resolved**

- (1) To agree the timeline as outlined within the report.
- (2) To approve the Street Trading Policy subject to comments following the consultation.

(This was unanimously agreed.)

### **202 ALLOCATION OF NEW LICENSED DRIVER SLOTS UNDER EARN AS YOU LEARN SCHEME**

The Committee considered the report of the Director, Communities & Health, proposing an amendment to the existing restriction on the 4 main taxi operators in association with the Earn As You Learn Scheme.

Members expressed overall support for the report and its recommendations.

Members noted that the allocation of slots was brought forward as per the request of all four operators. Two out of the four operators had been proactive in taking up the slots with the other two not achieving the same results. Officers added that one of the operators advised they were expanding their business within the District and would be taking up the remaining slots to stay in the scope.

Members also noted that this would be brought back to Committee in the next year with figures being reviewed again to analyse how much work had been done. Officers advised that this would then determine whether the Committee wished to continue with the allocation or decide that all the targets had been met.

Cllr A G Cross moved a Motion, seconded by Cllr C M Stanley that recommendation 1 as set out within the report be approved.

Cllr A G Cross moved a Motion, seconded by Cllr N J Booth that recommendation 2 as set out within the report be approved.

#### **Resolved**

- (1) To amend the restriction on Bestax and Andrews allocation of new applicants from ten (10) to fifteen (15) and share the remaining ten slots between the other two (2) operators associated with the scheme on a first come first served basis.
- (2) To conduct a full review of the scheme again at the next Licensing & Appeals Committee.

(This was unanimously agreed.)

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The meeting commenced at 7.30 pm and closed at 8.46 pm.

Chairman .....

Date .....

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