

Licensing & Appeals Committee – 1 July 2020

Minutes of the meeting of the **Licensing & Appeals Committee** held on **1 July 2020** when there were present:-

Chairman: Cllr Mrs C A Weston
Vice-Chairman: Cllr Mrs J R Gooding

Cllr D S Efde	Cllr D Merrick
Cllr M Hoy	Cllr Mrs L Shaw
Cllr M J Lucas-Gill	Cllr P J Shaw
Cllr Mrs J E McPherson	Cllr M G Wilkinson
Cllr Mrs C M Mason	Cllr A L Williams

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr N J Hookway.

OFFICERS PRESENT

S Greener - Principal Licensing Officer
C Brook - Licensing Officer
S Worthington - Principal Democratic and Corporate Services Officer
M Power - Democratic Services Officer

74 CONSULTATION ON THE STATEMENT OF LICENSING POLICY

The Committee considered the report of the Assistant Director, People & Communities outlining changes to the Statement of Licensing Policy from the current 2016-2021 policy and requesting permission to open the consultation with relevant partners and interested parties.

In response to questions, the following was noted:-

- The draft statement of licensing policy would go out to public consultation and the results would be reported to the Committee for consideration, and then recommended into Full Council in December for ratification. The new requirements would be effective from the date of implementation of the policy, scheduled for January 2021.
- The culminative impact policy in the Statement of Licensing Policy stated that there can be no additions to the night-time economy, unless it can be proved that there is no detrimental impact on the community. Essex Police did not support retaining the culminative impact policy because of a lack of statistical evidence that there were significant crime and disorder issues in the District. At the time of drawing up the original policy there had been substantial development taking place in Rayleigh, which had resulted in more restrictions being ordered by the Police. The replacement condition in the policy still required new applications to demonstrate that the premises would not add to the existing impact of crime and disorder.

- It was noted that there was a duplication of one of the bullet points in paragraph 3.1 of the officer report.
- To ensure as wide a range as possible of responses across the District, the consultation would go to businesses, residents and Parish Councils. The Council's communications team would issue press releases and information via social media and through community groups.
- The paragraphs emboldened in the draft policy were to highlight key points that applicants should be aware of; further detail of each point was provided in the report.
- The responses received in the consultation would be collated and a summary presented to the Committee. In addition, Members could have access to a full report of all the responses received if they wished.

Resolved

- (1) That the draft Statement of Licensing Policy, appendix A to the report, be approved for consultation with all relevant interested parties.
- (2) That the likely timetable for the consultation period be noted (appendix B to the report). (ADPC)

75 PROPOSAL FOR AN INCREASE TO THE HACKNEY CARRIAGE TARIFF BY REDUCING THE YARDAGE

The Committee considered the report of the Assistant Director, People & Communities relating to an application from the Hackney Carriage licensed trade to increase the current Hackney Carriage Tariff.

In response to questions, the following was noted:-

- To achieve the minimum fare statement, all licensing authorities submit the cost of a 2-mile fare in their area; this provides a national average. Paragraph 5.2 of the report shows that the proposed increase in the minimum fare from £6.20 to £6.40 would bring Rochford in line with Harlow and Southend Councils, but would be higher than other Essex Councils, including Basildon, Thurrock and Castle Point, which all had a rate of £6.00.
- As well as concern that the average fare was already above the average for the locality, Members felt that the claim by the Trade that there had been a rise in fuel costs was not substantiated and seemed to be overstated; fuel prices had been falling prior to the Covid-19 pandemic. Because the public consultation period had fallen within the lockdown period during the pandemic and only 68 responses had been received, it was felt that these responses were not properly representative of the District's population. Cllr Mrs C M Mason expressed concern that the

application for a fare increase was not backed up by adequate information and moved a motion, seconded by Cllr M Hoy, to refuse the application. It was felt that the onus was on the Trade to provide justification for an increase and that this had not been done.

- In support of the motion to refuse the application, a Member had calculated that, bearing in mind only 56% of drivers had responded to the hackney carriage drivers' survey, only just over 40% of drivers had supported the increase. Residents were obliged to use taxis because of the lack of public transport in the District.
- The request for a fixed despoilment charge of £100 was to cover the cost of cleaning the vehicle should a passenger soil or damage it, as well as the time that the driver would be taken out of work. It was noted that prior to the introduction of the current charge for despoilment, which was at the discretion of the driver, there had been a fixed charge of £75 for this on the fare table.

Resolved

That the application by the Trade for a fares increase, as outlined within Appendix B to the report, and taking into account the representations received and the contents of the report, be refused. (ADPC)

76 **FLEXIBILITY TO PRIVATE HIRE VEHICLE CONDITIONS DUE TO COVID-19**

The Committee considered the report of the Assistant Director, People & Communities requesting the Committee to determine whether to allow an extension of one year for those vehicles listed in paragraph 4.1 of the report.

Members expressed concern that the request for the Council to authorise the company to continue to use three of its vehicles to a greater age than the 12 years permitted under the Council's guidelines was borne out of financial concern, rather than the safety of passengers, who in this case were vulnerable children. The Licensing Officer replied that the safety of the public was the Council's primary concern and the Council had set 12 years as an appropriate maximum age for all licensed private hire vehicles, not just school contract vehicles. If it were minded to grant the request, the Committee could apply additional conditions that the company would have to comply with.

In response to a question as to the Council's liability should the extension be granted on financial grounds and there was an accident that caused a passenger to be injured, the Licensing Officer advised that the onus would be on the company itself rather than on the Council.

The Licensing Officer advised that the company used vehicles that had wheelchair access and tailgate ramps, which was not necessarily the case with other private hire vehicles licensed by the Council.

The granting of this extension would not have an impact on any other private hire vehicles licensed by the Council. The condition outlined in paragraph 3.2 of the report that a vehicle must not be more than six years old when first licensed would not be affected if the request from the company for an extension of one year, from 12 to 13 years, for three of its vehicles were to be granted.

A Member was concerned that the inspection of the vehicles detailed in the report had highlighted issues, for example brake efficiency of only 68% and a handbrake that needed to be repaired.

It was appreciated that the company was going above and beyond to mitigate any risk and that, if their request were refused, the company would not be able to afford to transport these vulnerable children to school. It was felt, however, that this was not an acceptable reason to change the Council's regulations, as safety must come before commercial consideration.

A Councillor was concerned about the impact that taking these three vehicles out of operation would have on children going to school and pointed out that the vehicles had to be roadworthy to pass an MOT. The company's statement in paragraph 6.2 of the report that it has 10-weekly checks undertaken by an external company and two MOTs each year meant that it was going above and beyond what was required in its licence. The Licensing Officer advised that the Committee could add a condition to the recommendation that the Committee be provided with a copy of the 10-weekly check results.

The Committee considered that the standards set by the Council should not be relaxed in this case and Cllr M Hoy moved a motion for refusal of the request, seconded by Cllr M G Wilkinson.

Resolved

That the request by Access Anyone to license the vehicles for an extension of one year beyond the requirements outlined within Condition 103.18 be refused. (ADPC)

The meeting commenced at 10.00 am and closed at 11.25 am.

Chairman

Date

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