
GENERAL LICENSING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 19 April 2018 from 7.00pm - 7.41pm.

PRESENT: Councillors Cameron Beart (Chairman), Tina Booth, Mark Ellen, Paul Fleming, June Garrad, Prescott, Ben Stokes and Anita Walker.

OFFICERS PRESENT: Mohammad Bauluck, Jayne Bolas, Tom Dunn, Della Fackrell, Jo Millard and Hayley Spratt.

ALSO IN ATTENDANCE: Councillor Alan Horton (Cabinet Member for Safer Families and Communities).

APOLOGY: Councillor Roger Clark.

620 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

621 MINUTES

The Minutes of the Meeting held on 12 September 2017 (Minute Nos. 213 – 217) were taken as read, approved and signed by the Chairman as a correct record.

The Licensing Sub-Committees held on 1 August 2017 (Minute Nos. 154 – 157), 8 August 2017 (Minute Nos. 160 – 161), 23 August 2017 (Minute Nos. 171 – 174), 28 November 2017 (Minute Nos. 354 – 358), 30 November 2017 (Minute Nos. 372 – 375), 27 March 2018 (Minute Nos. 572 – 576, 577 - 581 and 582 – 586) were taken as read, approved and signed by the Chairman as a correct record.

622 DECLARATIONS OF INTEREST

No interests were declared.

623 PUBLIC SESSION

The Chairman advised that no requests to register to speak had been received.

624 TAXI POLICY

The Licensing Officer introduced the report which provided Members with the consultation responses received on the draft Hackney Carriage and Private Hire Policy.

The Licensing Officer explained that the existing policy, adopted in 2016, was minimal and did not cover all eventualities and a more robust document was necessary. He added that the draft Policy was developed in close liaison with

drivers and operators, was then considered by the Policy Development and Review Committee who provided comments, before being put out to public consultation via emails, newsletters, newspapers and on the Council's website, for 12 weeks from 18 January 2018 to 29 March 2018.

The Licensing Officer advised that 8 responses had been received. He explained that the overarching aim of the taxi and private hire licensing regime was to protect the public by providing a safe environment for those using the vehicles and for drivers to understand their responsibilities to the travelling public.

A Member expressed disappointment at the poor response to the consultation. A discussion ensued and the Cabinet Member for Safer Families and Communities suggested that since drivers were involved in the year long process of putting the policy together, by the time of the consultation, they were happy with its content.

A Member referred to 3.3.3 Driving Experience on page 4 of the document and proposed that, rather than removing the requirement for a driver to have at least twelve months experience, a driver should have three months experience. The proposal was not seconded.

In the discussion that followed, the Licensing Officer highlighted the setting up costs and lack of available drivers, and said the removal of the condition would encourage drivers to be more independent. The Cabinet Member for Safer Families and Communities added that drivers working for an operator gained no more experience than working for themselves.

The Licensing Officer referred to the updated Appendix II, which set out the penalty points system and explained the proposed system of awarding penalty points on a sliding scale, giving a wider range of offences.

In response to a question from a Member on how inspections were made, the Licensing Officer advised that there were regular checks across taxi ranks across the Borough. The Resilience and Licensing Manager added that there were now two permanent and two temporary staff carrying out scheduled weekly checks and officers also responded to complaints.

The Cabinet Member for Safer Families and Communities asked how the awarding of penalty points was managed? In response, the Licensing Officer drew attention to the Regulators Code (2014) which ensured that licensing authorities acted in a manner that was proportionate, consistent, transparent and fair and advised that inspection sheets from visits were discussed within the team and the Resilience and Licensing Manager. The Licensing Officer added that drivers might be awarded different points for offences, dependent on their attitude and willingness to cooperate with the Authority.

A Member suggested that all Members should report offenders.

A Member highlighted the issue of taxis parking at bus stops and suggested that a Licensing Officer could carry out joint visits with a Parking Enforcement Officer.

At the suggestion of the Chairman, Members agreed that the word 'maximum' be removed from the headings of penalty points in the evaluation grid on the updated Appendix II.

On being put to the vote the recommendations were agreed.

Resolved:

(1) That the draft policy document at Appendix I be updated prior to final approval.

(2) That following the policy being updated, in accordance with recommendation (1), final approval be delegated to the Cabinet Member for Safer Families and Communities and the Chairman of General Licensing Committee without further need to report back to this Committee, with a commencement date of 1 May 2018.

(3) That delegated authority be authorised for any future amendments to Appendices of the Statement of Hackney Carriage and Private Hire Policy which are of a minor nature, to the Cabinet Member for Safer Families and Communities and the Chairman of Licensing Committee after consultation with the Resilience and Licencing Manager.

625 FARES CONSULTATION

The Licensing Officer introduced the report which set out proposed amendments to Swale Borough Council's taxi tariff. She advised that there had been no increase since October 2013 and reminded Members that the tariff only applied to hackney carriage drivers, not to private hire whose fare was agreed when pre-booked but who could use also use the tariff.

The Licencing Officer explained that, in response to a four week public consultation which ran from 7 March 2018 – 6 April 2018, via email, newsletters, newspaper and the SBC website, a total of nine responses were received, seven from taxi drivers who favoured an increase and one who believed it should stay the same. One Member of the public opposed any changes. The Licensing Officer drew attention to Appendix II on page 123 of the report, which showed a league table of tariffs and compared Swale's position nationally, and with other Kent authorities.

A Member highlighted that fares had not increased for a number of years and agreed with the comment made by Respondent 4 on page 127 of the report. He suggested that there should be a gradual increase in the fare. Another Member praised the taxi service in the area and agreed with the increase.

The Chairman proposed an amendment to recommendation (1) that officers proceed to drafting the consultation. The proposal was seconded. On being put to the vote, the proposal was agreed.

On being put to the vote, the recommendations were agreed.

Resolved:

(1) That delegated authority be given to officers to proceed with the process to amend the current maximum scale of fares for licensed hackney carriages operating within the borough (taxi tariff).

(2) That officers return to a future meeting of the General Licensing Committee so that Members can approve the proposals prior to formal consultation.

626 SCRAP METAL POLICY

The Licensing Officer introduced the report which sought Members' views on the draft Scrap Metal Policy 2018-21, prior to consultation and formal adoption. She informed Members that whilst there was no legal requirement, a Scrap Metal Policy would give reassurance to both applicants and the public, and would assist the Environmental Response Team.

The Licensing Officer drew attention to the two different types of licences that could be issued – site licences and mobile collectors' licences – and explained that payment must be by cheque or electronic transfer. She added that all licences were recorded both locally and on a central register maintained by the Environment Agency and all licence applicants would be required to obtain a Disclosure and Barring Service check to prove they were 'fit and proper'.

A Member considered that the payment method might be unfair to those that did not have a bank account.

In response to a question from a Member, the Licensing Officer explained that anybody that wanted to collect metal would need a licence and would display it in their windscreen.

On being put to the vote, Members agreed the recommendations.

Resolved:

(1) That the formal consultation for the draft Scrap Metal Dealers policy as attached as Appendix I in the report be agreed.

(2) That delegated authority be given to the Resilience and Licensing Manager to make any changes to the draft policy if Members require amendments.

627 KENT AND MEDWAY COMPLIANCE AND ENFORCEMENT PROTOCOL

The Licensing Officer introduced the report which sought approval to adopt the Kent & Medway Licensing Compliance and Enforcement Protocol. She drew attention to close partnership working with other agencies, referred to the Regulators Code 2014 and the new, shorter, more workable document.

On being put the vote, the recommendation was agreed.

Resolved:

(1) That the Kent and Medway Licensing Compliance and Enforcement Protocol as attached at Appendix I to the report, as much as it applies to the activities carried out by the Licensing Team at Swale Borough Council in respect of only the relevant legislation and licences covered at any given time by this section of the Council, be adopted.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel