
LICENSING COMMITTEE

MINUTES of the Meeting held in the Second Floor Conference Room, Swale House on Tuesday, 4 October 2022 from 7.00 pm - 8.03 pm.

PRESENT: Councillors Cameron Beart, Roger Clark, Alastair Gould, Carole Jackson, Paul Stephen, Ghlin Whelan, Mike Whiting and Tony Winckless (Vice-Chair in-the-Chair).

OFFICERS PRESENT: Billy Attaway, Steph Curtis, Chris Hills and Helen Ward.

OFFICERS PRESENT (Virtually): Jo Millard.

ALSO IN ATTENDANCE (Virtually): Councillor Lee McCall.

APOLOGIES: Councillors Derek Carnell, Alan Horton, Julian Saunders and Eddie Thomas.

The Vice-Chair in-the-Chair will be referred to as 'Chair' for the rest of these minutes.

353 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

354 **Declarations of Interest**

No interests were declared.

355 **Minutes**

The Minutes of the Meetings held on 18 May 2022 (Minute Nos. 39 - 40), the Extraordinary Meeting held on 22 August 2022 (Minute Nos. 253 – 255), the General Licensing Committee Meeting held on 15 February 2022 (Minute Nos. 590 – 596) were taken as read, approved and signed by the Chair as correct records.

The Minutes of the following Sub-Committees were accepted by the Chair:

Licensing Sub-Committee 17 February 2022, 10 am (Minute Nos 597 – 601)

Licensing Sub-Committee 17 February 2022, 11.32 am (Minute Nos. 602 – 606)

Licensing Sub-Committee 6 June 2022, 10 am (Minute Nos. 41 – 46)

Licensing Sub-Committee 25 August 2022, 10.15 am (Minute Nos. 256 – 260)

Part B Minutes for Information

356 **Pavement Licence delegations**

The Licensing Team Leader introduced the report which sought temporary delegation to the Community Safety Manager until 30 September 2023 to consider applications made under the Business and Planning Act 2020 and to grant or refuse Licences or to take any action permitted under that Act.

The Licensing Team Leader explained that temporary delegation was approved until 30 September 2021, when it was anticipated that the provisions for Pavement Licences would expire. However, Government had decided to extend the Pavement Licence legislation

until 30 September 2022 and recently for another year until 30 September 2023. The Licensing Team Leader further explained that it was expected that Pavement Licences would become the permanent responsibility of local authorities but until that became new law Members were asked to grant delegation to the Community Safety Manager to consider Pavement Licence applications and to grant or refuse as necessary.

A Member asked the Licensing Team Leader if there was any policy guidance for officers to use and refer to when considering Pavement Licences?. The Licensing Team Leader explained that currently Swale Borough Council (SBC) did not have policy guidance for officers to refer to when considering Pavement Licences, but thought that it would be something that could be easily drafted and be proposed for adoption by the Committee at a future meeting. The Licensing Team Leader agreed to look at drafting some policy guidance and would bring a future report back to Committee.

The recommendations as set out in the report were proposed by Councillor Mike Whiting and seconded by Councillor Cameron Beart.

Resolved:

- (1) That delegated authority be given to the Community Safety Manager to consider applications made under the Business and Planning Act 2020 and to grant or refuse Licences or to take any action permitted under that Act, including but not limited to attaching such conditions as may be required to bring an application into conformity with the criteria.**
- (2) That temporary delegation remained in place until the provisions relating to Pavement Licences under the Business and Planning Act 2020 ceased to have effect.**

357 **Taxi Tariff**

The Licensing Team Leader introduced the report which asked the committee to consider whether the Council should increase the taxi tariff in the Borough and if there should be an introduction of a 'Sunday' rate. She pointed Members to paragraph 5.8 of the report which set out the different fare options available for the taxi tariff.

The Chair invited Members to make comments, which included:

- Concerned that if fares were too high, members of the public would avoid using the taxi companies;
- the Sunday rate was not suitable for a number of reasons;
- felt that the taxi tariff should be increased to reflect the National Rail increases;
- could the Licensing Team Leader review whether historically time and a half had been charged for journeys commenced between midnight and 6 am?;and
- could the taxi tariff rise be based on the national train fare average?.

Councillor Cameron Beart proposed recommendation one in the report, with the increase being option 5 in section 5.8 of the report. This was seconded by Councillor Mike Whiting.

Councillor Mike Whiting proposed recommendation two in the report, with the increase being linked to the Annual National Rail increases. This was seconded by Councillor Alastair Gould.

Councillor Cameron Beart proposed that there be no 'Sunday' rate added to the taxi tariff, and this was seconded by Councillor Paul Stephen.

Resolved:

(1) Agreed that the Taxi Tariff be increased to option 5 of the report.

(2) Agreed that there should be an automatic annual increase to the taxi tariff and that the increase should be based upon the National Rail fares, subject to a statutory consultation.

(3) Agreed that there should be no 'Sunday' rate for the taxi tariff.

358 **Taxi Policy**

The Licensing Team Leader introduced the report which contained consultation responses on the draft 'Statement of Hackney Carriage and Private Hire Licensing Policy' and officers recommendations on the amendments to the draft policy statement.

The Licensing Team Leader pointed Members to the draft policy shown in Appendix I of the report and the summary of proposed changes that had been incorporated into the policy shown at Appendix II of the report.

The Licensing Team Leader explained that one major change to the policy that would affect the trade was the climate emergency and the taxi fleet as there were major concerns within the trade that the appropriate infrastructure needed in Swale for electric vehicles was currently not present. She added that it was the view of officers that the date of implementation of electric vehicle requirement be put back until 1 April 2027, subject to an interim review of the taxi policy in 2024.

The Licensing Team Leader added that comments had been received from the taxi trade relating to the Street Knowledge Test and that there were proposed changes for applicants sitting the test and they would not be required to have Borough-wide knowledge of the routes, but only be required to know the routes specific to the area in which the applicant wished to work.

Mr Trison Aspin, Taxi operator of Sittingbourne Cabs, spoke on the Taxi policy.

Mr Mark Richard, Taxi operator of Sittingbourne Cabs, spoke on the Taxi policy.

The Chair invited Members to make comments, which included:

- There had been a number of 'world events' since the last Committee meeting in February 2022, and the effect it had on taxi operators supply of vehicles;
- electric vehicle charging points in the Borough were not good enough;
- some areas of the Borough did not have charging points so it would be impracticable for Taxi drivers to drive in those areas, if they had an electric vehicle;
- could we still review this policy if we decided to put the vehicle requirement back by two years?
- older vehicles were being phased out by the Government;

- thought that changes to the Street Knowledge Test were needed as Swale was a large Borough and it was unreasonable to expect drivers to know all the streets in the Borough; and
- would prefer to keep the minimum driving age at 21 but accepted that lowering the age Could encourage more taxi drivers in the Borough.

The Licensing Team Leader responded to some of the comments made and confirmed that if the Committee decided that they wished to push the electric vehicle requirement back they would be able to review the policy in 2024. She added that the taxi vehicle life was 10 years, but often found that operators replaced vehicles after 7-8 years so considered delaying the rollout of electric vehicles would not be affected by the Government's plans to phase out older vehicles.

Councillor Mike Whiting proposed recommendation one with alternative option at 5.1(d) with an amendment that the year 2030 in paragraph 3.3.2 be changed to 2033 to allow Taxi operators sufficient time to replace their vehicles to the appropriate Euro 6 standards. This was seconded by Councillor Paul Stephen.

Councillor Cameron Beart proposed recommendations two and three in the report, and these were seconded by Councillor Mike Whiting.

Resolved:

- (1) Agreed that officers updated the draft policy document at Appendix I of the report in accordance with alternative option 5.1(d) of the Report. Additionally, the wording of the Policy set out at paragraph 3.3.2 of the report be amended so that references to 2030 read 2033.**
- (2) That the policy be updated in accordance with Appendix I, subject to the amendment as minuted, and final approval of the document be delegated to the Chair of Licensing Committee without the need to report back to the Licensing Committee with a commencement date of 1 November 2022.**
- (3) That delegated authority be given to the Community Safety Manager in consultation with the Chair of the Licensing Committee to make necessary minor amendments to appendices of the Statement of Hackney Carriage and Private Hire Licensing Policy.**

Chair

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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