Minutes of a Meeting of the Licensing Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 29 July 2021

+ Cllr Rodney Bates (Chairman)
+ Cllr Dan Adams (Vice Chairman)

+	Cllr Peter Barnett	+	Cllr David Mansfield
-	Cllr Richard Brooks	+	Cllr John Skipper
+	Cllr Paul Deach		Cllr Pat Tedder
+	Cllr Tim FitzGerald	+	Cllr Helen Whitcroft
+	Cllr Shaun Garrett	+	Cllr Valerie White
+	Cllr David Lewis		

+ Present
- Apologies for absence presented

Cllr David Mansfield was present virtually so did not vote on any item.

Officers Present: Paula Barnshaw, Rebecca Batten, Helen Lolley and Tim Pashen

1/L Minutes

The minutes of the meeting held on 24 March 2021 were confirmed and signed by the Chairman.

2/L Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026

The Committee considered the revised draft Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026, following consultation and with a view to approval.

In July 2020 the Department of Transport issued new Statutory Taxi and Private Hire Standards which recommended that Councils made available a cohesive policy document which brought together all their procedures on Taxi and Private Hire vehicle standards and outlined that policies should include but not be limited to policies on convictions and vehicle standards. Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Council was responsible for regulating the Hackney Carriage and Private Hire trades operating in the borough. This included the central aim of protecting the public, including children and vulnerable adults, when using such services.

Following the Committee's decision on 24 March 2021, consultation on the proposed policy ran from 12 May 2021 to 21 June 2021. The consultation included 2 virtual meetings with the taxi trade via Zoom, which had been attended by a total of 17 members of the trade; and had resulted in 12 written consultation responses being submitted.

Following the consultation, it was recognised that the proposal requiring that a 'Big Face Badge' be located in a position which was clearly visible to the passenger

had caused concern amongst the trade. The requirement had been added to the proposed policy as a safety measure. It was noted that whilst it was recommended that the measure remained in the policy, there was commitment from officers to work with the trade to address their concerns regarding the potential damage to their vehicles that the Badge may cause. In addition, following engagement with the trade, it was noted that paragraph 7.4.2, which had been included in the first draft of the policy in respect of the fitting of taxi meters in private hire vehicles, had now been removed.

The Committee were also verbally updated that an additional clause would be added to Section 4.5, page 9 of the policy stating the exception of licences which were surrendered as a result of death or serious illness, reimbursement would be considered where there was at least 3 months remaining on the licence; and that there may be a small administrative charge that would be deducted from any refund. It was clarified that the policy would come into force on the first working day of August. Following Members' comments it was also agreed to amend the typographical error on page 23, paragraph 6.1 of the policy.

Members noted the considerable amount of work and diligence which had resulted in the proposed policy and also recognised the excellent consultation response from the Hackney Carriage and Private Hire trade. In addition, it was noted that the Council was in dialogue with Uber, in order to try to allay the negative effects of Uber's business in the borough on local firms and drivers.

Lastly, it was felt by Members that the Council had an opportunity to make Hackney Carriages and Private Hire Vehicles more accessible to those with hearing impediments by the encouragement of the use of clear masks for drivers and by the creation of a register of drivers who were proficient in British Sign Language.

RESOLVED that

I. The report be noted; and

II. The revised draft Hackney Carriage (Taxi) and PH Licensing Policy 2021-2026 be approved, as per the agreed minor amendment.

3/L Review of Hackney Carriage (Taxi) Fares

The Committee considered a report outlining the proposed methodology for the recalculation of taxi fares for the hire of taxis licensed within the borough.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gave borough and district councils the ability to set local taxi fares for journeys within its area by means of a table or scheme of fares. However boroughs and districts held no power to set Private Hire (PH) vehicle fares. It was noted that the current Hackney Carriage fares had been set in 2012 and were due for review and that Department of Transport best practice guidance maintained that it was good practice to review fare scales at regular intervals.

As a starting point to the review it was proposed that fares within the borough be raised in accordance with the annual Consumer Price Index (CPI) changes for each year 2012- 2021.

The Council were planning to run a consultation with the trade on the proposed fares and any comments from the taxi trade would be considered. Any necessary resulting revisions to the fares or methodology would be made before reconsideration by the Licensing Committee in October 2021.

It was noted that where the Council proposed to amend the taxi fares it was required to publish the new fare chart in a local newspaper, advising that any objections should be made within 14 days. If no objections were received or where objections were made but subsequently withdrawn the new table of fares would come into immediate effect.

However, if objections were received the representations would need to be considered within two months following the end of the 14 day notice period. Where objections were received it was proposed that the objections be presented and that the amended fares be considered by the Licensing Committee in February 2022.

After the consideration of the proposed updated fare chart for Surrey Heath as appended to the agenda report, members of the Committee opined that the taxi fare scale was due review and that drivers were long overdue a de facto pay rise. In addition it was suggested that there was an opportunity to greater highlight to hackney carriage users, the costs which drivers incurred to maintain their vehicles and service.

RESOLVED that

I. The report be noted;

II. Further consultation be undertaken with the trade as to the proposed fares with a view to any amendments being considered by the Licensing Committee Meeting at its next meeting;

III. The proposed uplift of fares, as per Annex C of the agenda report, be approved; and

IV. The required steps following approval of the proposed uplift be noted.

4/L Review of Hackney Carriage (Taxi) and Private Hire Licensing Fees

As the relevant licensing authority, Surrey Heath Borough Council was responsible for the licensing of taxis and private hire drivers, vehicles and operators. The Local Government(Miscellaneous Provisions) Act 1976 (the Act) included provisions that allow district and borough councils to recover such fees as they consider reasonable with a view to recovering the costs of the issuing and administration of drivers' licences for both taxis and private hire vehicles. (Section53(2)) Furthermore Section 70 of the Act allowed the same for vehicle and operator's licences.

'A district [or borough] council may charge such fees for the grant of vehicle and operator licences sufficient in the aggregate to cover in whole or in part –

• The reasonable cost of carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the

purpose of determining whether any such licence should be granted or renewed
• The reasonable cost of providing hackney carriage stands, and
• Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.'

Following the agreement of the Committee of the proposed methodology, the Executive Head of Community would be asked to approve, in consultation with the Portfolio holder and Executive Head of Finance, the methodology of calculating the proposed fees.

This would then be used to calculate the revised fees which would then be brought back to the Licensing Committee at its next meeting. The Licensing Committee will be asked to recommend the new fees. The Executive Head of Community would then be asked to approve, in consultation with the portfolio holder and Executive Head of Finance the revised fees.

Once approved a notice would be placed in the local newspaper as required and a further update would be provided to the Licensing Committee in February.

Once a notice had been placed for the statutory 28 days and if no objections were received or where objections were made but subsequently withdrawn the new table of fees could come into effect from 1 April 2022.

However, if objections were received these must be considered within two months following the end of the 28 day notice period. The proposed fees could be amended to reflect the objections after which the new table of fees came into effect.

It was noted that where objections were received it was proposed to present the objections and amended fees to the Licensing Committee in February 2022. It was affirmed that final approval for the proposed fees rested with the Executive Head of Community in consultation with the appropriate Portfolio holder and the Executive Head of Finance.

Following discussion from the Committee the need to review the fees on a more regular basis was recognised. Furthermore it was noted that although it was not legally required, the Council would consult with the taxi trade and online in addition to the publication of the fees in a local newspaper.

RESOLVED that

I. The report be noted; and

II. The proposed methodology for calculating the revised fees and charges for the taxi and private hire trade be agreed.

5/L Licensing Sub Committee Minutes

The Committee noted that since 2005 the Chairman of the Licensing Committee had signed the minutes of the Licensing Sub Committee meetings which had taken place since the previous meetings of the full Licensing Committee.

However it was agreed that in the future the Chairman of the Licensing Committee would only sign the minutes of the Licensing Sub Committee meetings which had taken place since the previous meeting of the Licensing Committee, after confirmation that the minutes were a true and accurate record from the members of the relevant sub-Committee(s).

RESOLVED that the Chairman of the Licensing Committee be authorised to sign the approved minutes of any Licensing Sub Committee meetings after authorisation from the members of the relevant Sub Committees.

6/L Licensing Act 2003 - Summary of Decisions

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or any other persons.

RESOLVED that report be noted.

7/L Committee Work Programme

The Committee noted its work programme for the remainder of the municipal year. In addition to the work programme as outlined in the agenda pack, the consideration of the pavement licensing fee and an update in respect of the temporary event notices legislation would also be reported to the October Committee Meeting.

RESOLVED that the Committee's Work Programme be noted.

8/L Covid-19 Update

The Committee considered a verbal report from Mr Tim Pashen, Executive Head of Community, updating the committee on Covid-19 actions

Despite the move from the Council's response to the recovery phase, as the borough's infectious disease control body, it was anticipated that Covid-19 mitigation would continue to be a significant area of work for Council's Environmental Health (EH) Team for sometime to come. To help with this Surrey County Council (SCC) public health team had provided additional funding of £108,000 to the Council through a Service Level Agreement to strengthen the team's capacity to respond to COVID-19. A proportion of this money would be used to cover the staffing costs of the required out of hours service as well as extra staffing resources to help the recently increased food safety workload.

Step 2 and 3 of the business roadmap had meant amended business restriction regulations in respect of the reopening of hospitality. Furthermore, Road Map Step 4 had meant the majority of the COVID business restrictions legislation had been revoked and the legal requirement for providing a Covid-safe workplace had become part of an employer's existing duties under the Health & safety At Work Act 1974. In response to this the Environmental Health Team would be supporting

the borough's businesses with the new approach and initiatives were planned to work with the Council's Economic Development team to survey businesses to find out how best to support them. This was with a view to providing tailored advice on risk assessments and to work with the Health and Safety Executive (HSE) on COVID-19 compliance spot checks.

Where complaints about a lack of COVID controls from the public or employees had been investigated, Covid Marshals were deployed to monitor and support business compliance. Where a more formal enforcement approach had been required to achieve compliance this was undertaken by the Environmental Health Officers.

The department were working with SCC Public Health Team and Public Health England (PHE) to investigate a number of workplace outbreaks that had occurred in the borough and were working with the businesses concerned to ensure COVID controls were in place.

From the 1 April 2021 the EH team had investigated two outbreaks. The first was in a large retail business and the second in a large hotel. In both premises good infection controls were in place which prevented further spread. There were a few outbreaks in nursery/school/nursing homes but they were investigated by PHE and did not involve the Council. Furthermore Officers were now carrying out Face to face contact tracing (visiting COVID cases resident in the borough who had not engaged with Test & Trace) and following up on any reports of cases of new variants of concern.

The Council's officers continued to work with event organisers to provide advice on carrying out adequate COVID-19 risk assessments and the implementation of necessary control while case numbers remained high. Moreover officers continued to attend the Surrey Safety Advisory Group meetings to share good practice as well as to ensure a coordinated response to events across Surrey. It was also noted that the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 remained in place and had been extended until end of September 2021. These Regulations enabled the Council to work with the Director of Public Health at Surrey County Council to issue instruction to prevent or restrict an event/ activity in order to manage local COVID-19 risks or outbreaks by the means of breaking chains of transmission.

The Business and Planning Act 2020 had streamlined the process for businesses to apply for pavement licences. In addition the act had also allowed off sales until 11pm for businesses that did not have the benefit of off-sales on their existing licences.

It was noted that on 19 July the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021 extended the current provisions to the end of September 2022. In cases where premises wished to continue or start to place chairs and tables on the pavement after the 30 September 2021 they should apply for a replacement/new Pavement Licence using the existing procedures. At the October meeting of the Committee, Members would be asked to consider whether the fee of £100 should continue to be waived for applications for Pavement Licences received for licences which would take

effect after 1 October 2021 and which would expire on or before 30th September 2022.

The Chairman, on behalf of the Licensing Committee, gave a vote of thanks to Mr Pashen for his lengthy service and hard work in supporting licensing and environmental health within the borough and wished him a long and happy retirement

RESOLVED that the update be noted.

Chairman