

LICENSING AND APPEALS COMMITTEE

Minutes of the meeting of the Licensing and Appeals Committee held on Monday, 23 November 2020 remotely via Zoom at 10.00 am

Committee Dr P Bütikofer (Chairman)

Members Present:

Mr H Blathwayt (Vice-Chairman)
Mr D Baker
Mr D Birch
Mr C Cushing
Mr P Fisher
Mrs P Grove-Jones
Mr N Housden
Mr N Lloyd
Mrs G Perry-Warnes
Mr J Rest
Mrs E Spagnola
Mr A Yiasimi

Officers in Attendance: Public Protection & Commercial Manager, Licensing Enforcement Officer, Trainee Solicitor, Democratic Services Manager and Democratic Services & Governance Officer (Regulatory)

Also in attendance: Mr S Heels & Mr A Colman, North Norfolk Taxi & Private Hire Association

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor T Adams.

2 MINUTES

The Minutes of a meeting of the Committee held on 20 January 2020 and of meetings of the Licensing Sub-Committee held on 29 January, 25 February, 25 March, 6 May, 17 June and 5 August 2020 were approved as correct records.

3 ITEMS OF URGENT BUSINESS

None.

4 DECLARATIONS OF INTEREST

The Chairman and Councillors A Yiasimi, Mrs P Grove-Jones and Mrs E Spagnola stated that they were acquainted with Mr Heels of the North Norfolk Taxi and Private Hire Association.

5 UPDATE ON GENERAL LICENSING ISSUES

The Licensing Enforcement Officer stated that most applications were being submitted online and business was continuing to operate as usual.

6 PUBLIC PROTECTION & COMMERCIAL - LICENSING UPDATE – TAXI LICENSING POLICY

The Licensing Enforcement Officer was unable to make a presentation of her report due to technical issues.

The Chairman thanked the Licensing Team and Task and Finish Group for their work on the Taxi Policy and Handbook. He invited Mr S Heels of the North Norfolk Taxi and Private Hire Association to present his comments to the Committee.

Mr Heels referred to a report that had been submitted by the Association, which had made suggested amendments that would allow the Council to continue to put public safety first whilst not adding additional financial burden to the trade, which was already suffering due to the pandemic. Most long distance bookings had been cancelled and there had been a reduction in daytime trade, with no signs of recovery in the near future. He considered that the timing of the release of the new handbook showed a lack of empathy towards the trade.

Mr Heels raised concerns that promised discussions with the trade had not taken place, and questioned the benefit of the email consultation given the low rate of response. He considered that some people would not have received the consultation due to the lack of technology or out of date email addresses.

Mr Heels stated that the Association's report had highlighted 27 changes that had not been included on the feedback form, which he considered was misleading and did not allow for an accurate consultation response. He considered that it was difficult to see what had changed, but the handbook had been increased from 34 pages to 58 pages and omitted the procedure for hackney carriage fare increases. He considered that fewer rules and fewer pages would make it easier to retain the information.

Mr Heels referred to best practice guidance 2010 (8), which stated that the duty of a council was to put policies in place that safeguarded the general public, but should not be so onerous or cost prohibitive as to lessen the number of taxis available thus putting the general public at greater risk. He stated that the Association was aware of drivers and operators who had already stopped driving or trading and this was likely to increase. He accepted the need to update the current handbook, but pointed out that some of the changes would add to drivers' and operators' expenses, with additional takings of £200 being needed to cover the £76 cost of the additional taxi test. He considered that some sections and rules needed clarity to avoid errors by drivers or operators.

Mr Heels requested that the Committee defer approval of the handbook so that discussions could take place between Councillors, Officers and the Association to address the issues that had been raised by the Association.

Councillor Mrs G Perry-Warnes considered that it would be reasonable and in the interests of transparency to hold discussions as requested by Mr Heels, and that it was important to do so if there were doubts about the consultation.

Councillor Mrs E Spagnola agreed with Councillor Mrs Perry-Warnes, and added that there were issues that required clarification, particularly around disability. She considered that it was not wise to make decisions on people's livelihoods in the current circumstances.

Councillor A Yiasimi also supported the suggestion that discussions should take place.

Councillor D Baker considered that careful thought was needed. Although the current handbook had been in place for a long time and it was right to review it, he considered that any changes at the current time when businesses were suffering could be seen as unnecessarily bureaucratic. He considered that a 'gentle handbrake' should be applied.

The Licensing Enforcement Officer explained that the handbook had been under review for some time. The Department for Transport had brought out statutory taxi and private hire vehicle standards in July 2020, which required the Licensing Authority to have regard to additional matters that were not in the current handbook, with implementation within six months of their coming into force. To apply a gentle handbrake as suggested would impact on the timeframe set by the Committee.

Councillor N Housden asked what impact the Covid-19 restrictions had had on the taxi industry and the additional on costs for drivers.

The Licensing Enforcement Officer explained that whilst Covid-19 had affected taxi drivers, the Government restrictions had not directly affected the way they worked as they were allowed to continue working and could not work from home. The industry had not been required to close. Recommendations had been made regarding safety but these had not been mandatory. The greatest impact had been the reduction in customers.

Mr Heels explained the extra precautions taken by drivers in terms of cleaning etc and there was a cost involved in providing the materials required. Some drivers had underlying health conditions and were therefore unable to work.

In response to a question by Councillor J Rest, the Licensing Enforcement Officer confirmed that the current handbook was 8 years old. It was constantly under review by Officers and there had been no significant changes prior to 2018, but subsequent to that it had become necessary to update it. She was not aware that its age had any impact on insurance premiums for drivers or operators.

Councillor C Cushing supported the previous speakers. He referred to the schedule of changes and asked which of them added additional burdens and costs over which the Council had some discretion.

The Licensing Enforcement Officer explained that the only requirements that would add additional costs were the requirement for a mid-term inspection for vehicles over 5 years old and the request for drivers to have a safeguarding qualification.

Councillor N Lloyd referred to Mr Heels' concerns that the consultation had not captured all those affected. He stated that there had been a significant number of responses. He considered that there may have been some misunderstanding regarding the 'knowledge test', which would cover communication with passengers, numeracy and basic community knowledge. He accepted that the additional vehicle test would be a burden on operators but the Council had a duty to follow statutory guidance, and a responsibility to residents to ensure public safety. He supported the request for further consultation and considered that a short delay would be good considering the strain placed on the industry by the pandemic.

Councillor Mrs P Grove-Jones stated that the Council had a duty to its residents and to the taxi drivers, who had a very difficult job. She asked for details of the total annual statutory costs for drivers and operators.

The Licensing Enforcement Officer summarised the annual costs, which totalled £329. In addition, there were insurance costs over which the Council had no jurisdiction.

Councillor H Blathwayt asked if there was any scope for a slight delay in implementing the Government's legislation. The Legal Advisor stated that she would research this and come back to the Committee with the relevant information.

Councillor D Baker asked if Mr Heels could give any information as to how much his income levels had dropped during the pandemic. He offered to approach Baroness Vere of the Department for Transport to ask for a slight stay in implementing the legislation.

Mr Heels gave details of his own loss of income and gave anecdotal examples of the general impact that the pandemic was having on trade.

The Public Protection Manager stated that the consultation process had been followed legally and there were some valid comments from the trade. She considered that it would be appropriate to revisit the issues raised through the Association, but not to open up the consultation to the trade again. She stated that some Licensing Authorities had had the standards and approaches in place for a long time. In order to reassure the trade, she stated that the Council had a duty to keep costs down and be efficient in the way fees were set, and that there would be engagement in respect of any mechanisms that came forward. In respect of the knowledge test, there were opportunities to engage local education institutions through a tendering process to keep costs down. She sympathised with the trade and considered that if a soft handbrake were to be applied, it should be short term to allow the handbook to be finalised no later than 1 April 2021.

The Chairman invited Mr Colman to speak. Mr Colman stated that standardised roof signs would be difficult and costly to implement. He suggested that the cost of vehicle testing could be reduced if the MOT test and Council test were carried out six months apart.

The Chairman put forward a proposal to approve the handbook as drafted, then hold a meeting with the Task and Finish Group and other interested Members, and Mr Heels, to discuss finer points of the handbook and areas where there were gaps or improvements to be made, and add the agreed amendments as an addendum to the handbook before its approval by Full Council in December.

Councillor Mrs Perry-Warnes questioned why the Chairman was recommending approval if a 'soft handbrake' were to be applied and stated that she could not support the suggestion.

The Chairman explained that the handbrake would be in the form of discussions with the trade to improve the document prior to consideration by Full Council.

Councillors D Birch, Mrs P Grove-Jones, H Blathwayt and A Yiasimi expressed support for the Chairman's suggestion.

Mr Heels expressed concern that by approving the document at this meeting, any

subsequent discussions would merely pay lip service to the trade. He stated that a delay in its implementation to 1 April 2021 would be welcome.

Councillor N Housden stated that the meeting was being live streamed and it was therefore on record that the Council was prepared to listen and open further discussions. He considered that there was little point in delaying the matter.

The Public Protection Manager explained that many of the changes highlighted by the Association related to statutory standards and the fundamental aspects of the document had to remain. Discussions with the trade would relate to the practical aspects of implementation.

Councillor Mrs Perry-Warnes considered that approval of the document should be delayed until February 2021.

Councillor D Baker stated that the framework was complete and he was happy to approve the document subject to further work with the taxi trade and implementation in April. He considered that it would provide clarity and comfort for all concerned.

Councillor Mrs E Spagnola supported Councillor Baker's views. She emphasised the importance of communication and considered that working together with the trade would deliver the best outcome.

The Public Protection Manager stated that if implementation were to be delayed until April, it would be appropriate to seek adoption at Full Council in February. The meeting with the trade would not be delayed in order to give the Association the opportunity to go back to its members.

Councillor N Lloyd supported this suggestion.

In response to a question by Councillor N Housden, the Licensing Enforcement Officer confirmed that the suggested delay would be unlikely to cause an issue with the Department for Transport.

It was proposed by Councillor P Bütikofer, seconded by Councillor D Baker and

RESOLVED

That the Taxi Policy and Handbook be approved as a framework subject to further discussions and agreement with the trade on points of detail prior to its submission to the February meeting of Full Council for adoption, with an implementation date of 1 April 2021.

The meeting ended at 11.22 am.

Chairman