

Medway Council
Virtual Meeting of Licensing and Safety Committee
Thursday, 8 April 2021
6.00pm to 7.25pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Browne, Carr, Mrs Diane Chambers (Chairman), Fearn (Vice-Chairman), Hackwell, McDonald, Prenter and Mrs Elizabeth Turpin

In Attendance: Vicky Nutley, Assistant Head of Legal Services
Franco De Fazio, Senior Licensing Officer
Mandy Francis, Licensing Manager
Mark Lees, Regulatory Services Manager, Gravesham Borough Council, Gravesham and Medway Shared Licensing Service
Stephen Platt, Democratic Services Officer

865 Apologies for absence

Apologies for absence were received from Councillors Adeoye, Bhutia, Kemp and Mahil.

(During this period, the Conservative and Labour and Co-operative political groups had informally agreed, due the Coronavirus pandemic, to run meetings with reduced number of participants. This was to reduce risk, comply with Government guidance and enable more efficient meetings. Therefore, the apologies given reflected that informal agreement of reduced participants).

866 Record of meeting

The record of the meeting held on 9 February 2021 was agreed and signed by the Chairman.

867 Urgent matters by reason of special circumstances

There were none.

868 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

869 Hackney Carriage and Private Hire Policy 2021-2026

Discussion:

The Committee considered a report on the consultation responses that had been received in respect of the draft revised Hackney Carriage and Private Hire Licensing Policy. The Licensing Manager outlined the proposed revisions to the policy and members of the Committee raised a number of comments and questions as follows:

Consultation period – Concern was expressed that the four-week consultation had been too short to ensure that the views of all interested parties had been captured. The Licensing Manager advised that the policy needed to be renewed by 30 April 2021 when the existing policy ended. All drivers had been individually consulted as well as other stakeholders, and the response rate to the consultation had been significant, indicating that the consultation was sufficient. In addition, the Chairman reminded Members that the Committee had been consulted on, and approved, the proposed consultation period and methodology prior to commencement.

First aid kit and fire extinguisher – Clarification was sought on whether there was a legal requirement for vehicles to carry these items or whether the recommendation to require them was a policy issue. The Regulatory Services Manager suggested that Members may wish to consider recommending that this proposed revision be excluded from the draft policy as this would not prevent any requirement being imposed by law.

Revised vehicle age criteria – It was questioned whether an upper age limit for vehicles was necessary as some vehicles could remain in good condition beyond the age limit. It was suggested that a vehicle's emissions would be a more appropriate guide to their suitability for licensing. The Regulatory Services Manager responded that the proposed age requirement was designed to maintain standards including safety standards.

Wheelchair accessible vehicles – A number of Members questioned the proposed requirement for all new hackney carriage drivers to have a purpose built or converted wheelchair accessible vehicle. It was considered that more research and consultation with disability groups was required to establish demand for this type of vehicle. Concern was also expressed that the cost might deter people from applying to become a hackney carriage driver. It was recognised that currently, passengers who required a wheelchair accessible taxi might have difficulty in

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finding one for hire. The view was also expressed that the new requirement might lead to too many wheelchair accessible vehicles which might not always be the preferred choice of passengers. There was a suggestion that a maximum overall number might be appropriate. Alternatively, operators with a specific number of vehicles might be required to ensure that a percentage of them were wheelchair accessible. The Licensing Manager responded that this had been considered but had been discounted as operators did not employ drivers, who could move between different circuits to work.

Officers highlighted the small number of wheelchair accessible vehicles currently in operation within Medway, this being around six out of around 600 vehicles. Members were advised that approximately 10 new hackney carriage drivers were licensed each year which meant that around 50 new vehicles of this type might be in operation by the time the policy was next reviewed, should the requirement be adopted. The requirement could be amended at that time if it was considered necessary to do so.

DBS update service – Officers clarified that an enhanced disclosure check every six months was now a statutory requirement. When signing up to the update service, drivers would pay £13 a year as opposed to £60 for each check. In addition to reducing the financial burden on drivers, use of the service would help ensure compliance and the results would be immediately available to Licensing Officers.

Disability Awareness Training – In response to a suggestion that existing drivers be given 12 months to complete this requirement rather than 6 months, the Licensing Manager advised that 6 months was in accordance with national standards. The training would consist of a virtual session which drivers would be able to undertake at their convenience.

Colour of vehicles – Whilst recognising that the current standard colours for hackney carriage and private hire vehicles, white and red respectively, were not always available from manufacturers without incurring an additional cost, Members were concerned that officers' recommendation for this requirement to be removed from the policy would lead to a loss of identity for Medway's taxi fleet. Its retention was also considered to be important for safety reasons as customers were able to easily recognise vehicles licensed by Medway.

In drawing the discussion to a conclusion, the Chairman sought clarification on whether Members would support the proposed requirement for all new hackney carriage drivers to have a purpose built or converted wheelchair accessible vehicle. Members individually confirmed that they would support this.

Decision:

The Committee recommended the draft Hackney Carriage and Private Hire Policy 2021-2026 to Full Council for approval, with the exception of the proposal to require vehicles to carry a first aid kit and fire extinguisher and the proposal to remove the current standard colour requirement for vehicles which it considered should remain as white for hackney carriages and red for private hire vehicles.

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In accordance with Council rule 12.6, Councillors Browne, McDonald and Prenter requested that their votes in favour be recorded.

870 Cumulative Impact Assessment

Discussion:

The Committee considered a report on the evidence collected for the Cumulative Impact Assessment (CIA). Members were asked to consider whether this evidence was sufficiently robust to justify the continued existence of the current Cumulative Impact Policy (CIP) as an effective tool for considering premises licence applications in areas of high alcohol related harms.

The Senior Licensing Officer reported that, in addition to the consultation responses appended to the report, a further response had been received from Councillor Williams. All the responses, from Kent Police, the Director of Public Health, Councillor Williams and a local resident, supported the continuation of the Cumulative Impact Policy based on the evidence in the assessment.

The Senior Licensing Officer further reported that in their response, Kent Police stated that they had reviewed the new evidential data contained within the Cumulative Impact Assessment report and did not consider the evidence was sufficient to justify the continued application of the Cumulative Impact Policy in relation to new on-sale premises licence applications.

Members considered the evidence, and the view was expressed that the CIP had been a success and had resulted in an improvement in the quality of premises licence applications submitted. There was support for the conclusion of Kent Police that the evidence did not demonstrate that there was an issue with on-sale premises.

Decision:

The Committee:

- a) agreed that the evidence in the Cumulative Impact Assessment continued to support the requirement for a Cumulative Impact Policy in that it showed that it would be inconsistent with the licensing objectives to grant applications for premises licenses in the areas identified; and
- b) supported the conclusion of Kent Police that the Cumulative Impact Policy should no longer apply to premises licence applications for the sale of alcohol for consumption on the premises.

In accordance with Council rule 12.6, Councillors Browne, McDonald and Prenter requested that their votes in favour be recorded.

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871 Gambling Act 2005: Statement of Gambling Policy 2022-2025

Discussion:

The Committee considered a report on the Council's Statement of Gambling Policy which was due for renewal in January 2022. As required by the Gambling Act 2005, this set out the policies which would generally be applied to promote the licensing objectives in the determination of applications made under the Act.

The Licensing Manager sought the approval of the Committee to commence a public consultation on the Statement of Gambling Policy. The results would be reported to the Committee together with proposals for any revisions to the policy. The draft revised policy would then be considered by Business Support Overview and Scrutiny Committee and Cabinet before being recommended to Full Council for approval.

Decision:

The Committee:

- a) authorised officers to place the current Statement of Gambling Policy at Appendix A to the report on the Council's website, advertise it and consult with all relevant interested parties; and
- b) noted that the results of the consultation would be reported back to a future Licensing and Safety Committee meeting together with a revised draft Statement of Gambling Policy, prior to consideration by Business Support Overview and Scrutiny Committee and Cabinet and recommendation to Full Council for approval.

In accordance with Council rule 12.6, Councillors Browne, McDonald and Prenter requested that their votes in favour be recorded.

Chairman

Date:

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