

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 9 November 2023 commencing
at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G M Porter
Councillor C E Mills

and Councillors:

C F Coleman, P A Godwin, S Hands, H C McLain, H Sundarajoo, M G Sztymiak, R J E Vines
and M J Williams

LIC.12 ELECTION OF CHAIR

12.1 It was proposed, seconded and

RESOLVED That Councillor G M Porter be appointed as Chair of the
Licensing Committee for the remainder of the Municipal Year.

LIC.13 ANNOUNCEMENTS

13.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LIC.14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

14.1 Apologies for absence were received from Councillors N D Adcock, C Agg, C L J
Carter and R J G Smith. There were no substitutes for the meeting.

LIC.15 DECLARATIONS OF INTEREST

16.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct
which was adopted by the Council on 24 January 2023 and took effect on 1
February 2023.

16.2 There were no declarations of interest made on this occasion.

LIC.16 MINUTES

16.1 The Minutes of the Licensing Committee meeting held on 15 June 2023 and the
Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire
Vehicles, Drivers and Operators) meetings held on 29 June, 17 July, 9 August, 4
September, 12 September and 26 October 2023, copies of which had been
circulated, were approved as correct records and signed by the Chair.

LIC.17 REVIEW OF STREET TRADING LICENSING POLICY

- 17.1 The report of the Licensing Team Leader, circulated at Pages No. 18-106, set out the outcome of the consultation on the revised Street Trading Licensing Policy. Members were asked to endorse the revised policy and recommend to the Executive Committee that it be adopted.
- 17.2 The Licensing Team Leader advised that the draft revised policy was approved by the Licensing Committee on 15 June 2023 for consultation. Four comments had been received during the consultation period as attached at Appendix C to the report. The main changes proposed were removal of the Disclosure and Barring Service (DBS) requirement as Gloucestershire Police undertook Police National Computer (PNC) checks on all applicants; specified consents and durations that could be applied for; addition of inclusive mobility requirements; and standard conditions for markets. It was recommended that the Licensing Committee endorse the revised policy so it could be taken to the Executive Committee on 29 November for adoption.
- 17.3 Accordingly, it was proposed, seconded and
- RESOLVED** That the revised Street Trading Licensing Policy be **ENDORSED** and that it be **RECOMMENDED TO THE EXECUTIVE COMMITTEE** that it be **ADOPTED**.

LIC.18 REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY

- 18.1 Attention was drawn to the report of the Licensing Team Leader, circulated at Pages No. 107-273, which outlined the outcome of the consultation on the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy. Members were asked to endorse the revised policy and recommend to the Executive Committee that it be adopted.
- 18.2 The Licensing Team Leader advised that the draft revised policy was approved by the Licensing Committee on 15 June 2023 for consultation which had run between 3 July and 24 September 2023. Several comments had been received during the consultation period as set out at Appendix B to the report. A further representation from a private hire operator, GO Accessible Transport, was attached at Appendix C to the report. Some of the proposals had been changed based on comments made in the consultation. In terms of the age and emissions policy, a number of comments had been made in relation to the shortage of second hand vehicles and increased cost of vehicles since the pandemic. All new licensed vehicles were required to be Euro 6 compliant from 1 January 2024 in line with the other authorities in Gloucestershire and it had also been intended that vehicles over five years old would not be licensed; however, it was now proposed there would be no age policy. Whilst there would be no age limit, it was intended to introduce a mandatory compliance requirement so that vehicles under five years old would require annual inspection and vehicles over five years would require an inspection every six months to ensure they remained roadworthy and cosmetically suitable. In terms of wheelchair accessible vehicles (WAVs), based on the comments received from GO Accessible Transport in respect of the cost of these vehicles and the need to support the school transport sector, in terms of vehicle renewal applications, it was now proposed that, from 1 January 2024, all WAVs would be renewed until they reached age 15. All other proposals remained unchanged.

- 18.3 Members were informed there had been a negative response from licence holders in relation to use of CCTV and the Department for Transport had published statistics in June which indicated only 6% of licensing authorities in the country currently mandated CCTV in licensed vehicles. A lot of resource would be required to properly assess the introduction of CCTV, particularly in respect of the data protection requirements, which included the licensing authority becoming the data controller, so this would be revisited by the Gloucestershire Licensing Officer Group in spring 2024. It was recommended that the Licensing Committee endorse the revised policy so it could be taken to the Executive Committee on 29 November 2023 for adoption with changes coming into effect on 1 January 2024 and a two year transition period for existing vehicles to comply.
- 18.4 In relation to the age of vehicles, a Member agreed that the cost of second hand vehicles had increased during the pandemic but he did not think that was the case for the last six months and, in his view, that was no reason to stop a new policy being introduced to ensure vehicles were as efficient as possible. In terms of CCTV, he was unsurprised by the consultation responses from licence holders but continued to be of the view that it would be advantageous for both the public and drivers so would like this to be considered urgently. In response, the Licensing Team Leader advised that, from meetings she had attended in the summer, it was reported that second hand vehicles were more costly, particularly six and eight seater vehicles which were used by a lot of operators; however, the Committee could recommend introducing an age policy in addition to the emissions policy if Members so wished. Whilst she was supportive of the introduction of CCTV, both for the benefit of the public and drivers, this did need the support of other licensing authorities across the county which were all at capacity in terms of Officer resource. Several Members expressed the view that second hand car prices were still very high. In response to a query regarding the cost of introducing CCTV, the Licensing Team Leader advised there were resource implications for licensing authorities in terms of carrying out the initial work which included an impact assessment for the Information Commissioner's Office, plus Officer time in terms of managing the data collected. Since the consultation had commenced, there had been a significant increase in the workload of the Licensing team due to private hire driver applications – at the time of writing the report, 695 vehicles had been licensed and that had now increased to 800 vehicles with people submitting applications ahead of the introduction of the new policy.
- 18.5 With regard to Page No. 123 of the report, a Member questioned how it could be known that meters were compliant with the Measuring Instruments (Taximeters) Regulations 2006, and that they remained so. In response, the Licensing Team Leader explained there were currently no physical inspections but with the introduction of the mandatory compliance requirement, when vehicles were brought to the garage for inspection, the meter would be set to a tariff and sealed by the approved testing station. Private hire drivers would be required to adhere to a prescribed table of fares and proof of the fares would be required at the garage. A Member indicated that, from his experience of sitting on Licensing Sub-Committees, English proficiency remained a concern amongst some private hire drivers, despite having a standard test. The Licensing Team Leader explained that the proficiency test was the same across the county. In terms of drivers who already held licences, if complaints were received from members of the public regarding English proficiency, licences could be reviewed by a Licensing Sub-Committee.
- 18.6 It was proposed, seconded and
- RESOLVED** That the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy be **ENDORSED** and that it be **RECOMMENDED TO THE EXECUTIVE COMMITTEE** that it be adopted.

LIC.19 SEPARATE BUSINESS

19.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.20 SEPARATE MINUTES

20.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 29 June, 17 July, 9 August, 4 September, 12 September and 26 October 2023, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 2:47 pm