

Runnymede Borough Council

REGULATORY COMMITTEE

12 January 2017 at 4pm

Members of the Committee present: Councillors Mrs J Gracey (Chairman), D W Parr (Vice-Chairman), Mrs D V Clarke and R J Edis.

Members of the Committee absent: Councillor Mrs M T Harnden.

451 FIRE PRECAUTIONS

The Committee noted the Fire Precautions.

452 MINUTES

The Minutes of the meeting of the Committee held on 15 November 2016 were confirmed and signed as a correct record.

453 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee's approval was sought for a comprehensively updated policy for Hackney Carriage and Private Hire Licensing. It was noted there was no legal requirement to have a policy but it was considered best practice and one which the Committee supported.

Officers had submitted the draft policy to the Committee in June 2016. There followed a three month consultation period. As a result, some further amendments had been made, for example with regard to phasing out privacy glass on vehicles other than those that were plate exempt. Other updates were necessary in response to a change of service provision notified by the DVSA with regard to driver assessments and the very recent removal of the Council's status as a registered body for the purpose of processing DBS checks. An addendum detailing that amendment was tabled at the meeting and adopted for inclusion in the draft policy.

The Committee was invited to review the results of the consultation exercise as summarised in the report and appended in full thereto. The consultation exercise had included a survey of 27 questions about the policy and its operation. In addition, consultees could submit comments on any area of the policy. These were also reviewed by the Committee.

There were 38 surveys received during the consultation and 21 of the 250 drivers and operators who were sent the draft policy had responded, which the Chairman considered was positive within the context of how many people usually took part in public consultations.

Officers reported that the questions on smaller engines and MOT advisories had attracted some disagreement amongst respondees. On balance, Officers felt that engine size was not the determining factor of a vehicle's suitability and capacity. Furthermore, encouraging the use of more environmentally friendly vehicles promoted the Council's role to enhance the environment.

The Committee agreed that the safety of the public was a key priority. Therefore, if an MOT advisory was issued that potentially compromised the vehicle's safety it was justified not to licence the vehicle until the issue(s) raised had been addressed and fixed.

Officers advised that at the last taxi forum the issue of the frequency that MOT certificates was required had been debated. Officers maintained that guidance issued by the Department for Transport should continue to be adhered to in the interests of public safety.

With regard to the Council's former status as a 'registered body', Members were disappointed that the Council had just fallen short of the number of checks required by the DBS for the Council to deal with them directly. Officers were confident that an alternative provider could be identified at a reasonable cost, acknowledging that this would inevitably be a cost that would be borne by the drivers depending on whether they subscribed to the on-line DBS service and pending future administrative arrangements. Members suggested that consideration be given to using Voluntary Services North Surrey as part of the procurement process. Officers would give an update on this at the next meeting.

Officers advised that the policy had been reviewed by the Council's Equalities Group, chaired by one of the Council's solicitors with Officer representation. They had raised an issue with regard to overseas applicants for new driver licences and DBS checks which had been satisfactorily resolved. With regard to protected characteristics, Officers had highlighted within the policy how these were addressed. Members welcomed the inclusion of guidance received from Guide Dogs UK which would be publicised on the Council's taxi webpages.

The Committee agreed that the new policy, although lengthy, gave a broad framework with clear direction regarding regulation of the trade and much clearer guidance about the Council's expectations, objectives and standards. Members commended Officers for their work on the policy and also considered it sensible to review the policy in 3 years' time from the date of adoption by full Council and to report back to the Committee after 18 months, during 2018, to assess its operational effectiveness.

**RECOMMEND that**

- i) the Hackney Carriage and Private Hire Licensing Policy as amended, including the addendum tabled at the meeting and Guidance be approved and recommended for adoption by full Council; and**

**RESOLVED that**

- ii) the policy be reviewed at a point 3 years from the time of adoption in 2020 and reported back to this Committee on the operational effectiveness of the policy at a point 18 months from adoption during 2018.**

454 **HACKNEY CARRIAGE AND PRIVATE HIRE FEES AND CHARGES – SECTION 70 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and following due advertising thereunder, the Committee considered an objection to the proposed fees and charges with regard to taxi licensing for 2017/18.

The Chairman reminded the Committee that representations and questions on aspects of taxi licensing generally, including the fees, had been received on the day of the last meeting. As agreed, these had been considered by Officers and responded to. The representation on the proposed fees would be considered by the Committee.

Officers reported that the objection appeared to suggest that the hourly rate for staff used to calculate the fees was excessive and the fee structure was not standard.

In response, Officers had set out detailed notes which showed how the fees had been determined. The Committee was informed that the hourly staff rate included not only the actual cost of employing staff but all the Council's on-costs as set out in the appendix to the report. These showed the cost of providing the service and demonstrated transparency as well as confirmation that the taxi budget remained significantly in deficit.

The fee setting process was an activity based costing model which assessed staff allocation and resources to each type of chargeable licence. Members agreed it was legally robust, well documented and monitored and as such could be amended to reflect changes in base costs and processes.

The Committee agreed that the proposed fees and charges as advertised be approved accordingly.

**RESOLVED that –**

**The Committee notes the contents of the report and approves the fees and charges for 2017/18 as originally agreed at the meeting of this committee in November 2016.**

Chairman

(The meeting ended at 4.28 pm)