

Runnymede Borough CouncilREGULATORY COMMITTEE25 June 2019 at 8pm

Members of the Committee present: Councillors D Cotty (Chairman), E Gill (Vice-Chairman), J Broadhead and D Clarke.

Members of the Committee absent: Councillor T Burton.

Councillor M Kusneraitis also attended the meeting.

85. FIRE PRECAUTIONS

The Chairman advised those present of the procedures to be followed in the event of a fire or other emergency requiring the Committee Room to be evacuated.

86. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of its wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

<u>Group</u>	<u>Remove From Membership</u>	<u>Appoint Instead</u>
Conservative	Councillor J Furey	Councillor J Broadhead

The Chief Executive had given effect to this request in accordance with Section 16(2) of the Local Government and Housing Act 1989.

87. MINUTES

The Minutes of the meeting of the Committee held on 20 March 2019 were confirmed and signed as a correct record.

88. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor T Burton.

89. 2019 ANNUAL REPORT ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received for information the 2019 Annual report on Hackney Carriage and Private Hire Licensing which provided Members with an overview of all aspects of the section's work for the year, including statistical information regarding drivers, vehicles and other operational information.

Officers reported a reduction on the number of licensed drivers in the borough. This was attributable to the increase in app based operators, retirement of older drivers and a lack of younger drivers either applying or staying in the trade.

Officers had produced a new table reporting on vehicle emission standards and agreed to update the Committee on how the ULEZ at Heathrow would operate (from 2022). For example, it was still undecided whether there would be a daily charge at Heathrow or a charge per visit. Either way it could prove very expensive. Therefore, Officers were asked

to investigate whether some form of compensation for drivers could be incorporated in the Council's charging structure.

Some members expressed concern about the 'Uber effect', noting that surge pricing often took place and their charging structure affected Council licensed drivers in an adverse way. Officers agreed to update the Committee and Cllr Kusneraitis with regard to the Parliamentary Working Group which had made a number of recommendations including regarding app based operators.

The Committee was appraised of the number of suspensions of either drivers or vehicles and the reasons for them, noting that the Licensing Section assisted drivers by sending reminders with regard to renewals and documentation and other requirements. Members also reviewed some of the refusals of new and renewing drivers. One driver had successfully appealed the Sub-Committee's decision at the Magistrate's Court. However, no costs had been awarded as the court accepted that, at the time, the decision making process had been reasonable based on the facts available.

The Committee welcomed the introduction of a national register of licence refusals and revocations for drivers and operators, arising from discussions between local authorities, the National Anti-Fraud Network, Local Government Association and Institute of Licensing.

Locally, Members were advised of how the Knowledge Test operated. Feedback had been received that although the test was changed and reviewed frequently, it was difficult and could be off putting to new applicants. Officers were therefore reviewing it again. With regard to practical knowledge Officers were asked to consider introducing a vehicle maintenance checklist for drivers as part of the Knowledge Test.

The Committee noted that if drivers registered for the on-line DBS check it would save them money. Therefore, to improve take up and assist drivers further Officers agreed to consider the issues of registering for the on-line DBS check mandatory in reviewing the taxi licensing policy. The subject of tinted windows would also be re-addressed. It was highlighted that removal of the age limit on vehicles provided they were roadworthy assisted the trade. Members approved the strict requirements with regard to not using part worn tyres or licensing vehicles which had outstanding advisory notices following their MOT.

With regard to communications with the Trade; the Council's website was updated regularly, including the dedicated newsletter page advising relevant updates and publicising the quarterly Taxi Forum, noting that the next one was on 11 July at Chertsey Hall, and Members were very welcome to attend. Officers were disappointed that the forum was poorly attended, nevertheless useful feedback and dialogue took place. It was confirmed that in the past the forum did have a spokesperson. One of the larger local private hire operators always attended and updated their drivers via their own newsletter which was useful.

Members noted that eight complaints about drivers had been dealt with during the year. However, in many cases it involved the word of one person against another so these were more difficult to resolve. The details of two full investigations were discussed and Members were content with the approach Officers had taken to raise concerns and ensure the safety of the public. The Committee appreciated that this work was time consuming and that enforcement costs could not be recovered through taxi licensing fees. Officers valued the positive working relationship maintained with local operators.

The current licensing fees and fares were noted; Officers were mindful of ensuring that fees accurately reflected the cost of providing the service with the next fees review due to take place in November 2019. The service currently operated on a loss of between £20,000 to £25,000 and Members suggested ways to improve this including a 'congestion charge' for non-Runnymede drivers. Officers confirmed that they looked at opportunities regularly and

anticipated legislative change would improve matters, especially if recommendations made from the Law Commission's report became legal requirements.

Officers agreed to update the Committee on taxi rank provision in Egham and layout at Egham Railway Station, both of which continued to be topical and Councillor Gill undertook to raise issue with regard to Egham Gateway/SPV option which was discussed at the meeting.

Officers would bring further reports to the Committee as necessary regarding topics listed in 'future developments' in the report. These included:

- English language speaking assessment as part of the application process
- Exploration of emission controls limits as a requirement for taxis and private hire vehicles
- Cross border authorisation for Officers
- A condition on using the DBS update service
- Review of the knowledge test

Officers were thanked for the recent Licensing Training and staff in the Licensing Section were commended for their dedication and efficiency.

#### 90. REVIEW OF CHARITY COLLECTIONS POLICY 2017 – 2020

The Committee's approval was sought for a revised Charity Collections Policy which had reached the point of being operational for 18 months. A full review prior to formal consultation would take place in June 2020 with a view to its adoption in the late autumn of 2020.

In reviewing the policy, Officers had considered any issues arising since its introduction in conjunction with relevant guidance issued by the Charity Commission and the Fundraising Regulator; the latter had recently published its complaints report for 2017/18 and would shortly be operating an updated Code of Practice with detailed guidance to charities and third party fundraisers. Both documents had informed the review and resulted in the proposed amendments set out in the report.

The rationale for the proposed amendments was advised. For example reacting to the increased number of clothing collections carried out under the National Exemption scheme administrated by the Cabinet Office which made it difficult to find slots for non-exemption holders. The National Exemption scheme was described and some of the criteria outlined, noting that it was at the discretion of the Cabinet Office that exemptions from the need to be licensed for house to house collections were granted.

Members approved the following amendments, noting that the overarching objective of the policy was to protect the public from too many charitable appeals and to provide a good balance of different fundraising activity so that all charities had sufficient opportunities to raise much needed funds for their particular causes.

- Updated geographical references to reflect ward name and boundary changes
- The Council would not usually licence charities and third party fundraisers who had not registered with the Fundraising Regulator
- A limit to the hours of house to house collections to daylight hours with a terminal hour of 21:00 whichever was the earlier
- An additional condition that Commercial clothing collections would not usually be licensed if they clashed with a nationally exempted charity, although each case would be treated on its merits

- A deadline of 14 days to appeal to the Corporate Head of Law and Governance from the date a refusal notice for a street collection is received by the applicant

The Committee noted that an updated Equalities Impact Assessment had been conducted and approved by the Council's Equalities Group; the many positive effects of the policy were highlighted.

The Committee was content to approve the amended policy accordingly

**RESOLVED that –**

**The revised Charity Collection Policy 2017 – 2020 be approved.**

Chairman

(The meeting ended at 9.04pm)