

Runnymede Borough Council

REGULATORY COMMITTEE

23 June 2020 at 7.55pm via MS teams

Members of the

Committee Present: Councillors D Cotty (Chairman), Councillor E Gill (Vice-Chairman), T Burton
D Clarke and J Furey.

Members of the

Committee Absent: None

Councillors R King, J Olorenshaw and P Snow also attended.

29. MINUTES

The Minutes of the meeting of the Committee held on 15 January 2020 were confirmed as a correct record. As the meeting was being held remotely via Microsoft Teams, these would be signed when the Chairman was physically able to do so.

30. APOLOGIES FOR ABSENCE

Apologies for Absence for the items following those relating to Taxi Licensing were received from Councillor J Furey.

31. 2020 ANNUAL REPORT ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received for information the 2020 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 further reduction on the number of licensed drivers in the borough. This concerned the Committee. Factors including fierce competition from app based companies and the current Covid crisis had made the situation worse owing to a lack of business. The financial consequences were a loss of approximately £36,000 income to the Council as well as the adverse effect on the drivers and operators.

The Committee was advised that two suspensions of drivers and vehicles had taken place and the reasons for them, noting that the Licensing Section assisted drivers by sending reminders with regard to renewals and documentation and other requirements. It was noted that the 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 was now available.

Members asked whether there were any concessions for drivers during the Covid crisis. For example, a relaxation on MOT requirements. Officers confirmed that the strict requirements with regard to not using part worn tyres or licensing vehicles which had outstanding advisory notices following their MOT meant that it was not appropriate to allow drivers an extension on MOTs.

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. Meetings were currently suspended but when re-

instituted the Council's website would be updated. Officers were disappointed that the forum was poorly attended, nevertheless useful feedback and dialogue took place.

Members noted that 4 complaints about drivers had been dealt with during the year. This was a 50% reduction on the previous year.

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 2020.

Officers agreed to update the Committee on taxi rank provision in the new Egham Gateway development.

Officers would bring further reports to the Committee as necessary regarding any legislative change emerging from the Government's consideration of Statutory Guidance with regard to Taxi Licensing, noting that the Council's own policy operated well to eliminate any grey areas in primary legislation.

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

32. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – JOINT WARRANTING OF LICENSING OFFICERS

The Committee's approval was sought for the Council to enter into a Surrey Wide arrangement for joint warranting for Licensing Officers to facilitate improved enforcement of the Hackney Carriage and Private Hire trade.

Members were advised that Officers currently only have the legal power to inspect and act against drivers and vehicles if they have been authorised in writing by the authority which licensed that driver or vehicle. As such, Officers in one authority would not have the power to inspect or act against drivers and vehicles operating in its area which are licensed by other authorities. This gave rise to concerns about the safety of the public if for example a defective vehicle was operating in the borough and could not be enforced against.

Members agreed that it would be best practice and in the interests of public safety, and maintaining confidence in the taxi trade, to introduce a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.

This form of collaborative working was welcomed, and had additional benefits such as training opportunities and working across the boroughs to promote national objectives like safeguarding and combatting Child Sexual Exploitation. It was noted that the new delegation, if approved, would only be used if necessary, proportionate and appropriate. The arrangements would be reviewed after 6 months from the proposed commencement date. Members noted that the commencement date was subject to the other districts and boroughs completing their authorisation process.

Officers advised that consultation had taken place between Surrey Licensing Authorities, all of whom were supportive of this initiative and who themselves were seeking the necessary delegations. In addition, a memorandum of understanding between all authorities had been drafted and was noted by the Committee. It would also be necessary to update the Council's Hackney Carriage and Private Hire Licensing Policy accordingly.

The Committee was supportive of the proposed arrangements and recommended that the Council delegate the Hackney Carriage and Private Hire enforcement functions under the Local Government (Miscellaneous Provisions) Act 1976 part II to the Surrey Licensing

Authorities, in addition to retaining those functions within the Borough and to similarly receive the delegated Hackney Carriage and Private Hire enforcement functions of those Surrey Licensing Authorities.

Members noted that if the Local Authorities were to participate in the scheme it would be necessary to ensure that all officers were properly appointed to carry out the enforcement functions concerned to avoid potential legal challenge.

RECOMMEND TO FULL COUNCIL that -

- i) **the Council delegates the Hackney Carriage and Private Hire enforcement functions under the legislation to the following Surrey Licensing Authorities, as set out below:**

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

in addition to retaining those functions within the Borough. Similarly, for the Council to receive the delegated Hackney Carriage and Private Hire enforcement functions from the following Surrey Licensing Authorities, as set out below;

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Guildford Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council

- ii) **the amendment of the Hackney Carriage and Private Hire Licensing Policy regarding delegation of powers, be approved; and**
- iii) **the Council's Constitution be updated to reflect that the Corporate Head of Environmental Services, Senior Licensing Officer and Taxi Licensing Officers be authorised to undertake the Taxi and Private Hire enforcement powers referred to in paragraph (2) above**

33. DRAFT CHARITY COLLECTIONS POLICY 2020 - 2023

The Committee's approval was sought for a revised Charity Collections Policy which had been in operation for three years. Members were advised that formal consultation would take place from July to October 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 last review in June 2019, in conjunction with relevant guidance issued by the Charity Commission and the Fundraising Regulator; the latter had recently published its complaints report for 2018/19 and had updated its Code of Practice in October 2019. 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, there had been more complaints about the organisers of commercial clothing collections ignoring 'no cold calling' notices, therefore the revised policy emphasised that formal and informal notices should be respected. Officers confirmed there was no formal application process to seek an area prohibiting collections but that the County Council's Trading Standards department produced useful stickers that residents could use, and stocks were held by the Council.

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.

- Only accepting genuine electronic signatures on applications
- The extension of no cold calling to include the Hamm Court Estate
- Using social media to report the proceeds of collections
- A new section on record keeping for transparency

The Committee noted that an updated Equalities Impact Screening Assessment had been conducted and approved by the Council's Equalities Group; the many positive effects of the policy were highlighted including a firm commitment to prioritise charitable activities that promoted the protected characteristics.

Officers confirmed that in the current restricted conditions full use of social media would be used to publicise the consultation in liaison with the Communications team.

The Committee was content to approve the amended policy accordingly for public consultation with the results to be considered at the meeting of the Committee in November.

RESOLVED that –

- i) **that the draft revised Charity Collections Policy 2020 – 2023, be approved for public consultation; and**
- ii) **the results of the consultation be submitted to this Committee for further discussion in November 2020, prior to approving the final version of the policy, to be effective from December 2020.**

34. **URGENT ACTION – STANDING ORDER 42**

The Committee noted pro-forma 967 detailing action taken after consultation with the Chairman and Vice-Chairman of the Committee. Officers provided a brief explanation of the action which was to make provisions in the Council's Taxi Licensing policy in respect of the use of protective bulkhead screens in Hackney Carriage and Private Hire vehicles to ensure the safety of drivers and passengers during the current Covid pandemic.

Chairman

(The meeting ended at 8.50pm)