

Runnymede Borough CouncilREGULATORY COMMITTEE29 June 2021 at 8.06pm

Members of the Committee Present: Councillors J Wilson (Chairman), D Cotty (Vice-Chairman), M Adams, T Burton and M Harnden

Members of the Committee Absent: None

119 Minutes

The Minutes of the meeting of the Committee held on 17 March 2021 were confirmed as a correct record.

120 2021 Annual Report on Hackney Carriage and Private Hire Licensing

Members reviewed the work of the Licensing Team during 2020/2021 on matters relating to Hackney Carriage and Private Hire Licensing.

The Committee noted statistical information about the operation of the Taxi trade, acknowledging with regret a significant fall in the number of drivers and vehicles and the resulting effect on the budget of an approximate deficit of £47,600 per year.

The reasons for the decline in numbers of drivers were thought to be a mixture of competition and changes in regulations. Members were keen to assist the trade and asked Officers to work with the Council's Communications team and report a Communications Policy for the promotion of the Runnymede Hackney Carriage and Private Hire 'brand' to a future meeting of the Committee. It was noted that the emphasis should be on the benefits of being a locally licensed service with enhanced checks and a closer relationship with the Licensing authority. Members also commented on the changed landscape of the taxi trade with the increase in app based, cheaper services, utilised by generally younger customers.

Officers reported that the Covid pandemic had made life very difficult for the trade, the loss of work during the lockdown particularly and with a number of drivers unable to work because they had to shield. The Council had given financial assistance to 68 drivers and further details of the grants awarded would be circulated to Members separately. In addition, the team had been more flexible to help drivers stay in business. Officers would provide an update on which drivers that had received grants were still operating in next year's annual report.

Communications with the trade had been maintained by way of texts, emails and on-line via the Council's website. Officers agreed to arrange a taxi forum in person as soon as feasible and a further meeting later in the year.

The Committee was advised that with regard to budgetary matters, a report on the fees and charges would be submitted to the scheduled meeting of the Committee in November 2021. Officers would also consult the trade about Hackney Carriage fares which had remained unchanged since 2014.

The Committee discussed the provision of taxi ranks in the borough, noting the current arrangements with South Western Railways. Although it had been a contentious issue when additional ranks had been discussed in the past, the Chairman informed Members that he would raise the issue of additional ranks in the Egham development, which had previously been promised but not yet materialised, with the Leader and Deputy Leader of the Council and feedback to the Committee in due course. Legal Services would provide Members with advice regarding data related to this issue.

The Licensing Team was thanked for their work during the year.

121 Statutory Guidance in relation to Taxi and Private Hire Vehicle Standards

The Committee's approval was sought to make amendments to the Council's Hackney Carriage and Private Hire Licensing Policy in the light of the statutory guidance which had been issued by the Department for Transport in July 2020, and which had been the subject of a consultation exercise conducted by the Council over the summer period. Officers had also taken the opportunity to re-consult on the Council's policy on tinted windows which was not part of the guidance.

Officers had made observations and recommendations arising from the results of the consultation which Members took into account in arriving at their decisions. It was noted that the Department for Transport expected all the guidance to be implemented unless there was a compelling reason locally not to do so and that this would need to be evidence based with suitable data.

Members welcomed the general commonality of the guidance and agreed with the suggested amendments to the Policy in the following areas:

- **Licensing Policies** to be reviewed every five years instead of every three years; making the next policy review in 2025.
- **Licensee self-reporting** changed from 2 days to 48 hours in respect of notifying the issuing authority of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- **Criminality checks for drivers** so that a driver who appeared on the 'barred list' would not be issued a licence
- **Language Proficiency** to include a verbal and written knowledge test but not to introduce an English Language test as locally there had been no complaints to justify it
- **Criminality checks for vehicle proprietors** to require a basic disclosure from the DBS and an annual check thereafter
- **Criminality checks for private hire vehicle operators** to require a basic disclosure from the DBS and an annual check thereafter
- **Booking and Dispatch staff** to make it a condition of granting an operator licence that the operator keeps a register of staff that take bookings and/or dispatch vehicles and provides the licensing authority with their policy regarding their employment of ex-offenders in roles on the register
- **Use of passenger carrying vehicles (PCV) licensed drivers** to amend the policy so that the use of a driver that holds a PCV licence and the use of a public service vehicle (PSV) requires the prior consent of the person making a booking.

On the last point it was agreed that suitably clarified wording should be agreed in consultation with the Chairman and the Committee. [The agreed wording was subsequently agreed as:

"where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a public service vehicle (PSV) is necessary, and that a public service vehicle (PSV) licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check. The operator must record the fact that the booker has been informed that the driver is the holder of a Public Service Vehicle (PSV) Licence and accepts this"]

With regard to 'in vehicle visual and audio recording – CCTV', the Committee debated whether having consulted on the guidance there was sufficient justification locally to include such a condition mandating the use of CCTV and audio recording in vehicles. Members were advised that only one other local authority in Surrey had this requirement but that their decision should be made on local evidence which it was advised was lacking, together with

the fact that the majority of those responding to the consultation were not in favour. Members also took into account the likely cost of this condition and noted guidance issued by the Local Government Association and the Surveillance Camera Code of Practice which highlighted other issues such as data Protection, proportionality and privacy.

Members noted the background which had given rise to this part of the guidance being introduced and considered that a balance had to be struck between driver and passenger safety and privacy and the prevention and detection of criminal activity and issues around safeguarding and data protection responsibilities that would fall on all parties involved.

The Committee was frustrated that there had been no comment made by Surrey Police on this important subject and a lack of data made it very difficult to make an informed decision at this stage. Therefore, the Chairman undertook to raise data capture of incidents relating to taxis and information sharing from the police with the Chairman of the Crime and Disorder Committee with a view to seeking views from Surrey Police on how this could be improved. Officers would start to collate anonymised data on relevant complaints for inclusion in next year's annual report but also relied on the police to share information. The inclusion or not of a condition regarding CCTV would be kept under review.

The Committee also had a lengthy and constructive debate with regard to whether the Council's current policy (introduced in 2017), on **tinted windows (part 6.46, and appendix F/G of the Policy)** should be amended.

Members noted this too was a contentious matter and discussed whether the extra safeguards in the Council's policy such as mandatory safeguarding training, enhanced checks and vehicle standards negated the need for the policy to continue in its current form.

Officers reported there was no industry standard and that all vehicles had to let a minimum of 70% light through the front and side screen of the driver, and that most vehicles, particularly those models at the high end of the market did tend to have some form of tinting. It was also likely that as vehicles moved in the electric direction, most had tinted windows for environmental reasons.

Members discussed the benefits and disadvantages of tinted windows, noting Runnymede Council was the only one in Surrey with this condition, which the majority of drivers disagreed with, and which could be viewed as a disincentive to be licensed with this borough owing to the condition itself and the cost of complying which was estimated to be between £500 and £1,500. In the current climate and post pandemic Members felt sympathy with the drivers but that there was a lack of data on the impact the condition had and also feedback from the police was sought.

Members agreed that it was a finely balanced argument, and considered that pending additional data and feedback from Surrey Police, the policy should remain unchanged for 12 months and would be reviewed again at that time.

RESOLVED that –

- i) the results of the consultation on Statutory Taxi and Private Hire Vehicle Standards be noted;**
- ii) the recommended changes to the Hackney Carriage and Private Hire Policy; points 1,2,3,4,5,7 and 8 be approved;**
- iii) the recommended change, point 9, be approved, subject to revised wording within the policy being agreed by the Senior Licensing Officer**

in consultation with the Chairman, and shared with the Committee prior to that approval; and

- iv) the Committee voted to retain the current standard on tinted windows (part 6.46, and appendix F/G of the Policy) and invited Officers to seek further data and feedback (particularly from Surrey Police), for a review in 12 months' time**

Chairman

(The meeting ended at 9.50 pm)