

Runnymede Borough CouncilRegulatory CommitteeTuesday, 20 June 2023 at 8.00 pm

Members of the Committee present: Councillors J Wilson (Chairman), M Harnden (Vice-Chairman), D Clarke and R Davies.

Members of the Committee absent: None

In attendance: Councillor T Burton.

1 **Minutes**

The Minutes of the meeting held on 15 March 2023 were confirmed and signed as a correct record.

2 **Declarations of Interest**

There were no declarations of interest.

3 **2023 Annual report on Hackney Carriage and Private Hire Licensing**

The Committee noted matters relating to Hackney Carriage and Private Hire Licensing for 2022/2023.

Members reviewed the statistics held by the Licensing Team on the number of licensed drivers (92) and vehicles (82) and details of the vehicles themselves in terms of age, mileage and ULEZ rating. It was very much hoped that the number of licensed drivers would start to recover post pandemic.

Officers reported that in 2022/2023, no drivers had been suspended or had their licences revoked. The Team took a pro-active approach to assist drivers with keeping their paperwork up to date to prevent any delays in the process.

With regard to engagement with the trade, Officers advised that the taxi forums were generally not well attended. Nevertheless it was a useful opportunity to meet the drivers and operators informally on a fairly regular basis.

The Committee noted that 7 complaints about drivers had been received; these had all been resolved through issuing a warning or provided with some advice.

Officers would submit a report reviewing fees and charges to the meeting in November 2023 and conduct another survey with the trade with regard to Hackney Carriage fares. The last survey had attracted only three responses which was not considered representative enough to proceed with a formal review.

Members were pleased that the Council subscribed to the national register of taxi licence revocations and refusals; NR3, as approved by the Secretary of State and maintained by the National Anti-Fraud Network. This gave re-assurance that drivers were 'fit and proper' and identified those whom other authorities may have concluded were not.

The Committee noted the legislation that had come into force during 2022, including the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 and the Taxis and Private

hire Vehicles (Safeguarding and Road Safety) Act 2022. Officers were asked to confirm how many drivers had completed the disability awareness training.

Officers were asked to clarify the requirements for drivers with regard to seatbelts. It was confirmed that Hackney Carriage drivers did not have to wear a seatbelt, and private hire drivers only when they were carrying a passenger.

Officers also clarified the position with regard to the display of badges by app based firms. Whilst details could be obtained via a public website, it was agreed that they were not particularly visible in the actual vehicles.

Officers confirmed that updated best practice Guidance from the Department for Transport was still awaited. Officers also highlighted the Government's Levelling Up White Paper dated 2 February 2022, which announced the Government's plans to explore transferring control of taxi licences away from local authorities to combined and upper tier authorities, although it was thought that this would not happen in the short term. Officers would keep the Committee informed.

The report was duly noted.

4 **Taxi Driver Medicals Consultation**

Following a period of public consultation, the Committee's approval was sought to amend the Council's policy with regard to the medical assessments undergone by hackney carriage and private hire drivers.

Officers advised that it was timely to review the current policy to bring it into line with the draft best practice guidance which recommended adoption of the DVLA Group 2 frequency for medicals. This would reduce the cost to drivers, by approximately £100 to £150 per medical, which would be less frequently required. It also reduced the amount of Officer time needed sending reminders to drivers and then checking the medicals when received. Officers were also aware of the difficulty drivers were experiencing getting appointments and Officers had also concluded that there was no evidence to suggest that going above the DVLA requirements was justified.

Officers reported that although all the other licensing authorities in Surrey also used the Group 2 standards, they varied with regard to the frequency and age requirements.

The Committee was satisfied that the response rate to the survey was such that a change to the policy was positive and would benefit the drivers.

An Equality Impact Screening Assessment had been undertaken and considered by the Council's Equalities Group. This demonstrated compliance with the Council's Public Sector Equality Duty.

Members agree to adopt the following change to the policy:

"A Group 2 medical assessment will be required at the following frequencies:

(i) on submission of a new hackney carriage or private hire driver licence application (Thereafter drivers renewing a licence up to the age of 45 must, as part of the renewal application, declare any change in their medical condition and provide evidence of such to the Council)

(ii) At age 45 and thereafter every five years until the age of 65

(iii) At age 65 and thereafter on an annual basis

(iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's licensing section whilst the grant of a licence is in force"

RESOLVED that –

The proposed amendments to Runnymede's Hackney Carriage and Private Hire Licensing policy with regard to the assessment of a person's medical fitness to drive hackney carriage and private hire vehicles be approved

5 Review of Public Charitable Collections Policy Consultation

The Committee was asked to review some minor amendments to the Council's Charity Collections Policy prior to its issue for public consultation, in line with the requirements set out on the Council's Constitution.

Officers advised that the policy provided guidance on what activities the Council licensed, from street collections of cash, or sale of goods for charity, and door to door collections of cash, clothing and direct debit appeals.

Members noted that the nature of charity collections had changed over the years. It used to be mostly street collections but now there was far more on-line fundraising and commercial participators giving a proportion of the proceeds raised to registered charities. This latter process involved looking more closely at the companies who applied for a licence and only licensing those companies and organisations Officers considered were giving a significant proportion of the proceeds to the charity.

Officers reported that applications from individuals raising money on behalf of a charity were now few and far between.

Members agreed that the formal policy, introduced in 2017, had served the Council well and only needed a few amendments.

Firstly, it was proposed that the policy would run for 5 years instead of 3, in line with other licensing related policies. Officers had shortened the policy by removing the appendices and making these links to the relevant regulations and incorporating other text such as the definition of charitable purposes into the main document.

A reference to the Council's Safety Advisory Group had been added so that outdoor events were covered; and to highlight partnership working with the County Council's Highways department and Surrey Police when there were applications to hold events such as 'pram races' to ensure the safety of all involved.

The Committee agreed with the approach in the application process that tacit approval did not apply. It was noted that some Councils that took applications through the .gov.uk website allowed for charities to go ahead if they hadn't received a licence within a specified time. However, Members and Officers considered that every fundraising activity that needed a licence should be licensed.

Members noted that all licensed collections were listed on the Council's website charity diary.

With regard to commercial clothing collections it was proposed that a new clause be added

to require applicants to provide evidence of holding a waste carrier's licence or certificate or relevant exemption. The Committee agreed this was likely to provide more assurance that applicants were fit and proper in terms of the way they ran their businesses.

In terms of consultation, it was agreed that a period of 12 weeks was sufficient. Officers would publicise the survey with the assistance of the Web and Communications teams. Members noted the list of formal consultees but anyone would be able to access the survey and respond.

Officers would report back post consultation in November with the aim of issuing the updated policy mid November to run until November 2028.

The Committee was pleased to approve the draft policy for consultation with one amendment to add 'door to door' after the reference to 'House to House' to clarify that these licences applied to residential and business premises.

RESOLVED that –

- i) the consultation exercise on the revised public charitable collections policy, as amended, be approved to run for 12 weeks; and**
- ii) the results of the consultation to be submitted to this Committee for further discussion in November 2023, prior to approving the final version of the policy, to be effective from 13 November 2023 to 12 November 2028**

6 Exclusion of Press and Public

There were no confidential or exempt items on the agenda.

(The meeting ended at 8.40 pm.)

Chairman