

Runnymede Borough CouncilRegulatory CommitteeWednesday, 19 June 2024 at 7.55 pm

Members of the Committee present: Councillors M Harnden (Chair), E Kettle (Vice-Chair), K Lee and J Wilson.

Members of the Committee absent: Councillor D Clarke.

In attendance: Councillors M K Cressey and P Tucker-Brown.

1 Notification of Changes to Committee Membership

There were no changes to the Committee membership.

2 Minutes

The Minutes of the meeting of the Committee held on 13 March 2024 were confirmed and signed as a correct record.

3 Apologies for Absence

Apologies for absence were received from Councillor D Clarke.

4 Declarations of Interest

There were no Declarations of Interest.

5 2024 Annual Report on Hackney Carriage and Private Hire Licensing

The Committee received for information the annual report on matters relating to Hackney Carriage and Private Hire Licensing for the period 1 April 2023 to 31 March 2024.

Officers presented a series of statistics for the trade from mileage, and age of vehicles, to vehicle emissions. Members were pleased that although the overall number of drivers was 48% fewer than in 2019, there had been a modest increase of 5.4% in the last year. However, the number of vehicles had decreased by 2.5%.

Officers reported that although they had received 6 complaints about drivers/operators, the details of which were noted, there had been no suspensions, refusals or revocations in the last year.

Members were informed that regular communications were issued to drivers and operators, and the taxi forum took place approximately three times a year. The last one in June, although poorly attended was useful for exchanging views and receiving helpful feedback.

The increase in taxi fares had come into effect on 8 April 2024, with drivers having submitted their certificates to show that their meters had been calibrated.

In terms of new and proposed legislation, Members were advised that an updated Department for Transport Best Practice Guidance had been issued in November 2023. Officers would be taking this into account when undertaking the next review of the Council's Hackney Carriage and Private Hire Licensing Policy. It was planned to submit this for approval to consult at the next scheduled meeting of the Committee in September

2024.

Members recalled that the National Register of Taxi Licence Revocations and Refusals (NR3) continued to be used as required when considering new or renewal applications for drivers.

The Committee noted that South Western Railways (SWR) would be taking back control, contract management and supervision of the Hackney Carriage ranks at all their stations in the borough from 1 January 2025. This would discontinue the current, and unusual arrangement wherein the Council held a contract with SWR on behalf of the drivers at a reduced rate. In future, drivers who wanted to use the ranks would have to enter into individual contracts at a much higher rate. It was hoped that a representative from SWR would attend the next taxi forum to explain what the future arrangements would be.

Officers highlighted a government consultation that was open regarding the potential tax impacts of recent High Court judgements on transport legislation. The consultation invited views on potential government interventions that could help mitigate any undue adverse effects on the Private Hire Vehicle sector and its passengers. The trade had been encouraged to respond but Officers confirmed that the Council would not be submitting a response as it concerned tax rather than policy.

Officers were thanked for their report which was duly noted.

6 **Amendment of Pavement Licensing Policy**

The Committee's approval was sought to issue a public consultation on revisions to the Council's Pavement Licensing Policy first approved in July 2020.

Members recalled that Pavement Licensing which was transferred from the County to Borough Councils in 2020 purely covered the ability for premises such as cafés, restaurants and pubs to put tables and chairs outside their premises on land designated as the public highway to serve customers outside. This had provided flexibility during the covid pandemic and assisted businesses to operate more safely while restrictions were in place. There had been a temporary cap on the fees and a fast track application process.

Officers reported that the pavement licensing provisions as laid out in the Levelling Up and Regeneration Act 2023 introduced a permanent pavement licensing regime in England replacing the temporary arrangements under the Business and Planning Act 2020. This had happened sooner than expected and Officers had acted promptly to update the policy.

Officers outlined the six key changes to the Council's Pavement Licensing Policy. These were to:

- amend upwards the fees Councils could charge for new licences and renewals to a maximum of £500 and £350 respectively;
- extend the public consultation period and council determination period from 7 to 14 calendar days;
- extend the maximum duration of pavement licences from 1 to 2 years;
- provide that pavement licences could be amended by the local authority with the consent of the licence holder if it was deemed that the licence conditions were not being met;
- only allow for pavement licences to be issued if applicable rather than exercising the provisions of the old tables and chairs regime under the Highways Act 1980
- provide powers of enforcement to local authorities to issue a notice and remove furniture placed on the highway without a pavement licence being in place

There were also several minor changes to the accompanying statutory guidance. Officers advised that in Runnymede there were only 4 Pavement Licences in place. Three of these were in Egham (Magna Square) and the other was in Addlestone. These were all due for renewal at the end of September 2024. Members were advised that if an application for a Pavement Licence was refused or revoked where breaches had occurred, there was no statutory appeal process.

Members noted that once a Pavement Licence had been granted the premises would also benefit from deemed planning permission for the furniture for the duration of the licence. In addition, the temporary amendments to the Licensing Act 2003 provided automatic extensions to the terms of on-sales alcohol licences to allow for off-sales until 31 March 2025. A public consultation on these would be issued by the government with a view to making this easement permanent by a Legislative Reform Order.

The Committee noted the Equalities and Environmental implications set out in the report.

Officers confirmed that all non-food and/or related premises could still apply for pavement licences under the Highways Act. The new regime only related to the public highway. Therefore, premises with private forecourts were unaffected.

Members were content with the proposed changes to the Policy but considered that a longer consultation period was appropriate. Therefore, it was agreed to extend this from 4 to 8 weeks, which would still allow for consideration of the consultation outcome and the policy to be submitted for approval at the next scheduled meeting in September 2024.

It was noted that Officers would update the Council's Constitution to include a specific reference to the Pavement Licensing Policy in the terms of reference for the Regulatory Committee.

Resolved that –

- i) Urgent Action Standing Order 42 proforma 969 be noted;**
- ii) Following legislative change, to note that a revised Pavement Licensing Policy is required to be approved;**
- iii) The revised Pavement Licensing Policy be approved for public consultation for a period of 8 weeks; and**
- iv) Approval for adoption of the amended Policy be submitted to the next scheduled meeting of this Committee in September 2024**

7 Exclusion of Press and Public

There were no exempt or confidential items on the agenda.

(The meeting ended at 8.35 pm.)

Chair