

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE**

Minutes of the Meeting held on 04 February 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Cllr J Bagwell – Vice-Chairman

Present: Cllr S C Anderson, Cllr D Brown, Cllr R Burton, Cllr N Decent,
Cllr B Dion, Cllr D Farr, Cllr A Filer (In place of Cllr B Dove),
Cllr A Hadley, Cllr T Johnson, Cllr D Kelsey and Cllr L Williams

19. Apologies

Apologies were received from the following councillors:

- Cllr B Dove, absent on local government business
- Cllr G Farquhar, absent on local government business
- Cllr D Flagg

20. Substitute Members

Cllr A Filer was substituting for Cllr B Dove for this meeting.

21. Declarations of Interests

There were no declarations of interest on agenda items considered at this meeting.

22. Confirmation of Minutes

RESOLVED that the minutes of the Licensing Committee meeting held on 10 December 2020 and the Licensing Sub Committee meetings held on 11 November and 14 December 2020, be confirmed as an accurate record.

23. Public Issues

The Chair reported that four public statements and two petitions had been submitted in relation to Agenda Item 6 on the Taxi and Private Hire Policies, as follows:

Public Statements:

Mr Chris Culleton – Director, United Taxis

Mr Kevin Diffey – Chairman, PRC Streamline Taxis

Mr David Lane – Poole Taxi Association

Mr Paul Sondheim – Treasurer, Bournemouth Station Taxi Association, on behalf of Bournemouth Hackney Trade

Petitions, submitted by:
Mr David Lane
Mr Paul Sondheim

The public statements and petitions had been circulated to the Committee in advance of the meeting and had been published on the Council's website. Committee members confirmed that they had received these documents.

The Chair welcomed Mr Culleton, Mr Diffey, Mr Lane and Mr Sondheim to the meeting. The Chair had exercised her discretion to invite the four representatives to attend the meeting for this agenda item to enable them the opportunity of reading out their public statements in person. She explained that she would permit the representatives to overrun the five minutes allotted if required to allow them to finish making their points.

The main points raised in the statements and petitions included:

- Supporting the use of dash cams in vehicles.
- Council should be looking to regulate, not deregulate, all three zones.
- Concerns at the proposed increase in Wheelchair Accessible Vehicles, including cost, lack of demand especially hackney carriages, customer choice.
- Impact of deregulation on congestion, emissions, quality of service, and examples where this has failed.
- Not enough opportunity to consult/discuss proposals with the Trade.
- Impact of Covid-19 situation on the Trade.
- Unmet Needs Survey indicates no need to increase numbers.
- Increased pressure on taxi ranks.
- Age of vehicles should be revisited - inconsistencies in timescales for complying with different areas of vehicle policy, including livery and emissions.
- Financial impact of proposals on the Trade.
- Removal of zones seems a foregone conclusion.
- Safety concerns around proposed white livery, advantages of yellow.
- Cost of unmet needs survey.
- Trade already under pressure even before Covid-19.
- Chapter 16 of Vehicle Policy should be removed/deferred for further discussion.

A full copy of the public statements which were delivered at the meeting and the petitions are available on the Council's website at:

<https://democracy.bpcouncil.gov.uk/ieListDocuments.aspx?CId=288&MId=4672&Ver=4>

The Chair thanked Mr Culleton, Mr Diffey, Mr Lane and Mr Sondheim for raising their concerns publicly, and for their contributions to the consultation process. The Committee would take these into account when considering the Policies.

The Chair explained that the development of one set of Taxi and Private Hire Policies for BCP Council was a statutory requirement and had been undertaken thoroughly and diligently with a wide range of input, including from trade representatives, the Member/Officer working group, Chair/Vice Chair briefings, the full Committee, formal public consultation, and advice from officers and Counsel.

The four representatives then left the meeting but were invited to following the rest of the proceedings live on the public broadcast.

24. Taxi and Private Hire Driver, Vehicle and Operator Policies

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book. The Licensing Manager explained that these were the first Taxi and Private Hire Policy documents for BCP Council since the establishment, on the 1st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole. Under the Local Government (Structural Changes) (General) (Amendment) Regulations 2018 the Council as Licensing Authority had 24 months from the date of reorganisation to prepare and publish policies for the new local government area.

The Council had undertaken a four-week consultation period in respect of the proposed Taxi and Private Hire Policies, agreed by members of the Licensing Committee at their meeting on the 17 September 2020. A link to the consultation had been sent to all licence holders. In total, 69 responses were received. The majority of responses related to the proposed Vehicle Policy, in particular the age at first licence and the proposed upper age limit, emissions and livery of vehicles, as well as Chapter 16 relating to the quantitative restrictions on Hackney Carriage vehicle numbers. The Committee now had the opportunity to consider the responses and feedback received, amend the draft policies, and recommend the final version for adoption by full Council. Should the Committee agree to a single Private Hire relevant area, Members would need to recommend to full Council the adoption of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The Chair outlined the main issues raised in the consultation responses. These were: the age of vehicles, emissions, wheelchair accessible vehicles, the number of licences and zones, livery, and taxi meters. The Members Working Group discussed these issues at its meeting on 14 January 2021 and made some suggested changes to the draft policy documents, to strike a balance between the needs of the trade and the needs of the travelling public, alongside the requirement to publish policies for the new Council area.

The Chair explained the process for the Committee to consider each policy in turn, focussing on, but not limited to, the suggested changes as set out in the report. In considering the policies the Committee had regard to all documents provided, including the consultation report and other consultation responses received which had been circulated as appendices to the report.

A summary of the amendments in the report, which were accepted by the Committee unless otherwise specified, and the main points raised in the discussion, and the further amendments agreed by the Committee, is set out below:

Hackney Carriage and Private Hire Driver Policy 2021 - 2025

Section 7.4: Amended to state that training can be undertaken by any approved provider of licensed driver training rather than specify which providers within the document, allowing flexibility to add and remove approved providers as necessary without full review of the policy. The instructions for driver applications, included previously at Appendix A, has been removed from the main policy document as this is primarily an operational document.

Section 9.1: Amended to clarify the timings for driver renewals and how early and late applications should be submitted.

Section 9.2: Reiterates 7.14 that licences are issued for a three-year period. Shorter periods will be considered if requested by an applicant and shall only be issued when the Licensing Authority considers it appropriate due to the specific circumstances of the case.

A Committee Member commented on the difficulty of predicting timescales around ill health (one of the example circumstances given in the report) and whether a better option would be to retire, then hand back the licence. It was explained that the three-year period was standard according to the legislation, but the option of a shorter period offered drivers a level of flexibility and self-determination. It was noted that the wording in Section 9.2 of the Policy did not give specific examples.

Section 9.3: Amended to remove the scheduling of reminder emails to remove any expectation by licence holders which may not be met during busy/exceptional service delivery periods.

Section 10.2: Amended to state that safeguarding training will be required on renewal of three-year licences and not annually as suggested within a consultation response. This was deemed as suitable by the Members Working Group

Sections 10.3 & 10.4: Amended to include approved provider such as the Blue Lamp Trust who offer not only bespoke safeguarding training designed specifically for taxi drivers, but also deliver face to face and remote training

- a flexible approach which ensures continuity of the delivery of this essential training.

The Chair confirmed that the safeguarding training covered all relevant areas, including 'county lines' drug networking, domestic abuse, and sexual exploitation.

Section 14.1, subsection 15: Amended at the suggestion of Counsel to reflect requirements for the use of taximeter and GPS fare calculator within Sections 20.3 and 20.4 of the Vehicle Policy.

The Senior Solicitor explained that currently a GPS system was not included in the definition of a taximeter in the relevant Regulations. As GPS systems offered more in terms of passenger safety the Licensing Authority did not want to exclude the GPS system from its policies and had therefore sought Counsel's advice. Section 20.3 and 20.4 of the Vehicle Policy specified that Hackney Carriages must be fitted with either a taximeter OR a GPS fare calculator.

The Committee agreed to amend subsection 15 to add reference to the Vehicle Policy for clarity, to read:

'Hackney Carriage drivers are expected to comply with sections 20.3 and 20.4 **of the Hackney Carriage and Private Hire Vehicle Policy** relating to the correct use of taximeter or GPS fare calculator.'

Section 15.2, subsection 7: Updated to include reference to denim jeans and track suit bottoms.

Hackney Carriage and Private Hire Vehicle Policy 2021 - 2025

Sections 7.5 & 7.6: Vehicle age and emissions combined into one section. The age of all vehicles to be no more than 3.5 years old from the date of first registration. Emissions must meet euro 6 emission standard (or equivalent) or higher.

The Committee noted that the higher age for wheelchair accessible vehicles (WAVs) was initially suggested within the draft but the Members Working Group agreed that quality vehicles should be encouraged onto the licensed fleet and although brand new vehicles were more expensive, most were purchased second hand and were no more expensive than non WAV counterparts. The age was not amended to 4 years as suggested by Counsel as this would then include ex fleet vehicles which tended to have high mileage and been well used already, and as licensed vehicles can be on the road 24/7. BCP Licensing Authority required the best quality vehicles for new licences.

A Committee Member asked if there was an upper age limit for vehicles and it was explained that this was covered under the renewal of licence in Section 11 of the Policy. The Licensing Manager confirmed that the 3.5 year limit would be a change for the Poole and Christchurch zones (and

subsequently confirmed the figures for Poole as 5 years for hackney carriage and private hire vehicles, and for Christchurch 42 months for hackney carriages and 13 years for private hire). She was asked about the location of the Council's approved designated testing centres. There were currently two, based at the Council depots at Hatch Pond in Poole and Southcote Road, Bournemouth. A third testing centre in Christchurch was being looked into, this was a point raised by Trade representatives.

The Senior Solicitor assured members that the Licensing Committee retained the right to consider individual circumstances which fell outside of existing policies on a case by case basis.

The Committee agreed to amend the first line of Section 7.5 for clarity, to read:

'All vehicles **at first licence** must be no more than 3.5 years old from the date of first registration'

Section 7.13: Amended to show the boot capacity as 370 cubic litres.

The Committee agreed to ask the Licensing Manager to recheck the above measurement and correct as required, in response to a Member querying the calculation.

*Note: This measurement has subsequently been **corrected to 370 litres** as per vehicle specifications as apparently all manufacturers specify in litres.*

Section 11.1: Amended to remove 10-year maximum age for non-wheelchair accessible vehicles and now no renewal will be issued for any vehicle aged 15 years or older from first registration.

The Members Working Group acknowledged that vehicles were mechanically checked twice a year but felt a maximum age limit would encourage replacement and overall improvement of licensed vehicles over time.

Section 11.3: Amended to clarify the timings for driver renewals and how early and late applications should be submitted.

Chapter 16: Quantity Restrictions on Hackney Carriage Numbers

The Chair highlighted the significant amount of consultation feedback on this chapter. The feedback and the subsequent advice of Counsel regarding the easing of quantity restrictions where there was no current unmet demand was considered thoroughly at the Members Working Group and no significant amendments were put forward as a result.

The Senior Solicitor explained that due to the specific concerns raised in the consultation the advice of Counsel had been sought in relation to deregulation, to ensure that what was being proposed in the Policy was

legally correct. The advice of Counsel, an experienced taxi licensing practitioner, confirmed that the Council was able to remove limits previously imposed at any time and that no evidence of unmet demand was required, subject to consideration of what was reasonable/unreasonable (in the legal 'Wednesbury' sense). The Policy proposed a phased approach, to release up to 15 licences per year in the Poole and Bournemouth zones over the next five years, with the intention of removing limits when the Policy was next reviewed. As there was no unmet demand and no method of setting a number, Counsel had indicated that the Council was able to grant an arbitrary number of additional licences. The Senior Solicitor confirmed that the Committee could review this proposal, should relevant information or other factors emerge during the five-year period.

The Licensing Manager reported that the Policy was in line with best practice guidance and removed market forces interference, allowing people the opportunity to apply for a licence and start their own business as they could in other professions. There were currently waiting lists in Poole and Bournemouth. The unmet needs survey was a requirement of regulation and was costly to undertake.

A Committee Member referred to the impact on climate change and the points raised by Trade representatives on the disruption caused by too many cars in city and town centres as a result of deregulation. Even electric cars were capable of causing congestion. A member of the Working Group provided assurance that 'oversupply' had been a significant consideration for the Group, which was why a gradual release of up to 15 licences per year was recommended, as a fair and reasonable approach, balanced against market forces which may well level out the numbers anyway. In terms of environmental considerations there were new regulations and provisions in the Policy to ensure that required emission standards were met. As previously advised, issues such as numbers, congestion and taxi rank supply could be monitored and reviewed by the Committee if required.

Although not opposed to moving away from the current limits, a Committee Member did feel that the Council already had some influence on the market, in its management of roads, congestion and taxi ranks. He asked whether the increase of 15 licences per year was cumulative. It was confirmed that numbers would not carry over into the following year if less than 15 applications were received. He also asked about the rationale for setting a numerical rather than a percentage increase, bearing in mind the difference in the number of existing licences in Poole and Bournemouth (89 and 249 respectively). The Chair referred back to Counsel's advice, which had indicated that as there was no unmet need, the number of additional licences was arbitrary and in effect immaterial. Problems had arisen where some Licensing Authorities had delimited numbers immediately with no lead in period. In some cases, regulation had been reintroduced. However, BCP Council was proposing a phased approach which would enable the impact of the increased numbers to be monitored and reviewed if evidence emerged that it was not working. The item would be retained on the Committee's Forward Plan. Although the number was arbitrary, the release of up to 15 licences per year in Poole and Bournemouth was a step towards

achieving the overall aim of full delimitation and de-zoning in 2025. It was noted that Counsel had provided advice on challenge in the event of a 16th application being received.

Section 16.3: Amended to remove the reference to first come first serve in relation to the administration of issuing new Hackney Carriage vehicle licences.

The Committee agreed to amend the first line of Section 16.3 for absolute clarity, to read:

‘There will be *up to* 15 new Hackney Carriage vehicles licences released each year....’

Section 16.6: Amended to state that all restrictions on the number of hackney carriage vehicle licences will be removed by the next policy review

Section 17 Livery: Proposal maintained, that all new vehicles to be white with a blue stripe. The Working Group was mindful of consultation responses regarding possible confusion in identifying which zone a vehicle was from. This has been addressed within Counsel’s advice and vehicle door insignias will clearly state the zone of each vehicle and can easily be replaced when zones are removed at the next review of the policy in 2025.

A Committee Member referred to the consultation feedback regarding the safety implications of vehicle colour. He asked what options had been considered and by whom. The Chair explained that the Working Group had been mindful of a number of issues when considering the proposed livery, including cost. White was an inexpensive option for the Trade, and together with the blue stripe, it fitted in with the BCP corporate colour scheme. It also signified a fresh start as BCP Council without reference to any particular colour used by the preceding councils. On a practical level it was also likely to ensure vehicles were cleaned on a regular basis.

The Licensing Manager reported that livery had been also been discussed extensively at the Trade workshop and white had been suggested by the Trade. Not only was it cheaper, it also avoided the difficulties which could arise in identifying the exact shade of colour to be used. According to the AA the worst performing colour for safety was black, but this varied depending on weather conditions and time of day/night.

Section 17.4: Amended to allow an additional year for existing licensed vehicles to meet the livery standards, in response to the concerns raised in the consultation.

Chapter 18: The Committee agreed that section numbering be amended to read 18.1, 18.2 and 18.3

Section 20.1 – 20.4: Amended wording on specification of devices used to calculate fares based on distance and time, to reflect suggestions provided by Counsel (and discussed above at Section 14.1 of Driver Policy)

Members acknowledged the advances in technology and the safeguarding benefits of GPS type systems which allowed vehicle routes to be logged and tracked. The use of these systems should be allowed to continue if approved. The Committee was advised that 'Icabbi' was currently the only approved system, but that ongoing developments in technology meant that other systems may come forward to the Licensing Committee for approval.

Appendix A, Section 2.1: List of vehicles considered as executive vehicles amended following consultation to remove reference to the Chrysler and to include the Tesla and additional Jaguar models.

Appendix A – Section 3.2 – No Stretched Limousine/Party Vehicle shall be licensed by the Council where the conversion carried out results in the vehicle being more than 330.2 cm (10 feet, 10 inches) long.

The Committee agreed to ask the Licensing Manager to recheck the above measurement and correct as required, in response to a Member querying the calculation.

*Note: Having consulted with Legal Services and checked the National Standards, the Licensing Manager has subsequently confirmed that the length is not usually specified. **Section 3.2 has therefore been removed from the Policy.***

Private Hire Operator Policy 2021 - 2025

Appendix A, Section 1: Amended to include reference to computer records and acknowledge at g and h that not all bookings will have a name of individuals due to automated systems increasingly being used. Additional information also included within Section 1 to clarify the records required to be kept.

Appendix A, Section 2: Amended with additional item requiring publication of complaints handling policy.

RECOMMENDED that:

- (a) Having considered the consultation responses and feedback, and amended the draft policies, the final versions of the Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the Hackney Carriage and Private Hire Vehicle Policy 2021 – 2025, and the Private Hire Operator Policy 2021 – 2025, be approved for adoption by Full Council.**
- (b) Part II of the Local Government (Miscellaneous Provisions) Act 1976 be adopted by Full Council to enable the creation of a single Private Hire 'relevant area' for BCP Council.**

Voting: Unanimous

25. Forward Plan

The Committee considered its Forward Plan for the forthcoming year and the following updates were provided:

- The Chair confirmed that the Taxi and Private Hire Policies for 2021 – 2025 would remain on the Forward Plan for monitoring as agreed in the discussion on the previous agenda item.
- The Licensing Manager reported that the new BCP Gambling Policy was intended to be finalised for adoption by April 2022, in line with national timescales.

The Chair encouraged members to contact the Democratic Services Officer or the Licensing Manager with suggested items for inclusion on the Forward Plan.

The meeting ended at 12.16 pm

CHAIRMAN