

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Wednesday, 2 September 2020 Via public remote access*

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), Dourley, Fry, McDermott, A. McInerney, Nelson, G. Stockton and Wainwright

Apologies for Absence: Councillors P. Hignett and K. Loftus

Absence declared on Council business: None

Officers present: G. Ferguson, K. Cleary, K. Thompson, J. Tully and N. Wheeler

Also in attendance: One member of the public and one member of the press

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

#### REG12 MINUTES

The Minutes of the meeting held on 19<sup>th</sup> February 2020 having been circulated were signed as a correct record.

#### REG13 RESTRICTION ON HACKNEY CARRIAGE VEHICLE NUMBERS IN THE BOROUGH

The Committee were requested to consider two matters. The first was to consider a request to issue additional hackney carriage vehicle licences in addition to the current limit. The second matter was for a recommendation to the Executive Board to adopt / readopt as Council Policy on the numbers of Hackney Carriage Vehicle Licences in the Borough.

In November 2018 the Regulatory Committee met to determine applications for additional Hackney Carriage Vehicle Licences in addition to the current number of Licences.

At that time in view of the overwhelming statistical evidence comparing populations and numbers of Hackney Carriage licences the Committee members resolved to refuse the applications.

One of the applicant's, Mr Roberts appealed the decision of the Committee to the Magistrates Court.

The Court did not accept the statistical evidence and required the Council to undertake an unmet demand survey. It also ordered that the application for additional Hackney Carriage vehicle licences by Mr Roberts be reheard.

The survey was commissioned and the results were attached to the Committee report at Appendix 2.

The conclusions of the unmet demand survey report overwhelmingly supported the decision reached by the Regulatory Committee in November 2018.

Mr Roberts was invited to speak at the Committee meeting but did not take up the invitation and the request for additional vehicle licences was dealt with by members in his absence.

RESOLVED: That

1. having reheard the application by Mr Roberts to refuse to issue the additional Hackney Carriage vehicle plates in addition to the current limits; and
2. the Committee recommends the Executive Board to adopt / readopt as Council Policy the option listed at section 2.10.1 of the agenda (That is, the Council maintains its current policy limiting to 267 Hackney Vehicle licences).

#### REG14 RUNCORN STATION QUARTER - TAXI LICENSING MATTER

The Committee considered a request for two Hackney Carriage stands to be located within the Runcorn Station Quarter area.

The additional stands review had gone through a consultation process via the Taxi Consultative Group.

The policy changes sought by the Committee were required to be adopted by the Council's Executive Board.

RESOLVED: That

1. the information set out in this report and attached appendices were noted by the Committee; and

2. the proposals set out in Appendix A and Appendix B be referred to the Executive Board with a recommendation for approval subject to the Executive Board considering any representations which may be made in respect thereof; and
3. the Executive Board authorise the Operational Director, Legal and Democratic Services to fulfil all procedural requirements relating to the proposals contained within the report in accordance with Section 63 Local Government (Miscellaneous Provisions) Act 1976.

#### REG15 STATUTORY TAXI & PRIVATE HIRE VEHICLE STANDARDS

The Committee were updated on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport in July 2020.

The 2020 Standards have been issued under Section 177 Policing and Crime Act 2017 and this meant the Council was required to 'have regard' to the document when exercising its taxi and private hire licensing functions. Appendix 1 to the report provided an initial analysis of the guidance as a whole. It was apparent that the Council had been following most of the recommendations for some time.

Appendix 2 to the report related to the Assessment of Previous Convictions. When the draft guidance was published in early 2019 the Regulatory Committee endorsed the guidance relating to convictions on an interim basis. Now that the report had been issued the Executive Board would be formally requested to adopt the Assessment of Previous Convictions as Policy.

RESOLVED: That

1. the report be endorsed;
2. further reports to be submitted to the Committee at the earliest opportunity; and
3. the Executive be recommended to resolve the following:
  - a. The Assessment of Previous Convictions provisions in the Statutory Taxi and Private Hire Vehicle Standards (July 2020) be adopted as

Council Policy in respect of its taxi and private hire jurisdiction; and

- b. All existing Relevance of Convictions Policies be revoked.

#### REG16 LICENSING ACT 2003 STATEMENT OF LICENCING POLICY

The Committee was advised that a consultation exercise had been undertaken to review the Councils the Council's Statement of Licensing Policy (SLP).

SLP must be reviewed by the Council for successive five year periods and the current Policy was due to expire at midnight on 6 January 2021.

Members were advised that the consultation process commenced on 6 July 2020 and was completed on 10 August 2020 and that no representations had been made.

A copy of the updated SLP was attached to the Committee item.

The SLP would be considered for adoption by Council on 14 October 2020.

RESOLVED: That the report be noted.

#### REG17 THE 'HALTON'S OPEN INITIATIVE'

The Committee were informed of the Councils 'Halton Open initiative'. This initiative had a wider remit than taxi licensing in that it was devised by the Council to promote all businesses within the local area following the Covid-19 outbreak and the importance of local shopping. However, this item dealt only with taxi licensing.

Following the Deregulation Act 2015 the impact on small borough's such as Halton had been particularly felt and in particular with regard to 'out of town' and 'cross border hiring'.

The impact of 'out of town' drivers operating 'cross border' should not be underestimated and this Council did all that it was able to support the taxi trade.

In Halton the majority of drivers remain licensed by Halton rather than seeking to be licensed by other local authorities.

As part of the initiative the Council would raise awareness of being 'Badged in Halton' how to book a Halton Licensed driver and the impact / or possible consequences of travelling in a non-licensed hackney carriage or private hire vehicle. It would generate visual awareness of Halton Licensed drivers through the use of livery on licensed vehicles and create a new visual identity for drivers. The benefits of 'Badged in Halton' would be communicated to residents and proprietors.

When the initiative was launched for those members of the taxi trade who want to display them, a 'Halton's Open' badge would be displayed on the bonnet of the licensed vehicle. Posters would also be commissioned and distributed to licensed premises, schools and local businesses to inform the public of the importance of the initiative.

RESOLVED: That the report be noted.

REG18 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The Committee considered:

1. Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and
2. Whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A (4) of the Local Government

Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG19 TAXI LICENSING MATTER

Case No 725

RESOLVED: That the Committee was not satisfied that the applicant was a fit and proper person to hold a Single Status Drivers Licence and consequently the application was refused.

*At the conclusion of the meeting the on behalf of the Committee, the Chair thanked Mr Tully for all the work he had carried out for the Council, the Committee and Members and wished him a long and happy retirement.*

*Meeting ended at 8.13 p.m.*