

LICENSING COMMITTEE

Minutes of the meeting held on 1 November 2018 commencing at 6.10 pm

Present: Cllr. Clark (Vice Chairman) (In the Chair)

Cllrs. Dr. Canet, Clack, Esler, McArthur, Parkin, Pett and Raikes

Apologies for absence were received from Cllrs. Abraham, Halford, Kelly, Lake and Mrs. Morris

Cllr. Firth was also present.

9. Minutes

Resolved: That the Minutes of the meeting of the Licensing Committee held on 9 July 2018, be approved and signed by the Chairman as a correct record.

10. Declarations of interest

No additional declarations of interest were made.

11. Actions from the previous meeting

There were none.

12. Gambling Act 2005 - Statement of Principles of Gambling Policy

The Head of the Licensing Partnership presented a report which sought a decision from the Committee on options for reviewing the Council's Statement of Gambling Policy, which expired on 30 January 2019. Following a consultation held between 20 August 2018 and 14 October 2018, the Committee was asked to assess the feedback received and decide upon any proposed amendments as set out in Appendix F to the report, before recommendation to Council. It was advised that the amendments would bring Sevenoaks in line with partners at Tunbridge Wells and Maidstone. Members considered written representations from various interested parties.

The Chairman brought the Committee's attention to minor errors within the draft policy, which the Committee agreed could be corrected, in consultation with the Chairman, before submission to Council.

The Committee also considered the section on Gambling Prevalence and Problem Gambling and questioned if enough was included on how the policy would tackle the issue of problem gambling.

It was suggested that an extra consideration could be added to Club Gaming Permits to include 'Whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.'

Members questioned the accuracy of suggesting a club having shareholders indicated that it was a business venture when assessing Club Gaming Permits applications. It was agreed that the question should be changed to 'Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)'

The Chairman moved the recommendations as set out within the report subject to all the amendments discussed above and it was

Resolved: That

- a) it be recommended to Council that the revised Statement of Gambling Policy as amended by (b), (c) and (d) below be adopted as from 31 January 2019;
- b) a number of minor errors be amended in consultation with the Chairman, prior to Submission to Council;
- c) the sentence 'whether the club operates a written policy to identify problem gamblers with a view to restricting their participation.' be added as a consideration in assessing clubs on page 18 of the Policy; and
- d) the condition that currently reads 'Are there shareholders or members. Shareholders indicate a business venture rather than a non-profit making club,' be amended to read 'Are there shareholders or members? (Shareholders could indicate a business venture rather than a non-profit making club.)', prior to submission to Council.

13. Amendments to The Hackney Carriage and Private Hire Policy

The Licensing Officer presented a report which sought approval for a 6 week consultation on amendments to the Hackney Carriage and Private Hire Licensing Policy which came into effect on 21 July 2016. The Council was required to regularly review its Taxi Licensing Policy. The results, consultation feedback and the draft amended policy would be reported to the next meeting.

The Chairman brought the Committee's attention to some minor errors within the report which it was agreed could be amended in consultation with the Chairman.

The Council's current practice was to pay for two thirds of the required annual medical tests for taxi drivers over 65 years of age. Officers advised that the other authorities in the partnership did not follow this practice and drivers who were self-employed should be able to reclaim the cost of medical tests through the tax

system. In addition to the cost of the medical tests, the Council incurred costs from a retainer with the contracted medical centre and the cost of processing the expenses. Drivers had previously reported long waiting lists for the contracted medical centre which was often further away than their local GP and would not have the drivers' full medical records.

Members discussed the proposal from a driver that the new Ultra Low Emission Vehicles (ULEVs) be exempt from the requirement for Wheelchair Accessible Vehicles. It was noted that electric vehicles and wheelchair accessibility vehicles which were significantly more expensive. Questions were raised regarding which testing practice was used to calculate fuel consumption and emissions for ULEVs. It was noted that from 1 September 2018 new cars were required to comply with the Worldwide Harmonised Light Vehicle Testing Procedure (WLTP). It was agreed that the consultation process for ULEVs should also refer to vehicle compliance with the WLTP.

The effects of the new proposal were discussed, considering the current low levels of wheelchair accessible Hackney Carriage vehicles. Members raised concerns about altering conditions which may further deplete the accessible Hackney Carriage stock. Despite accessible Hackney Carriage vehicles being below the average across the Licensing Partnership, the private hire stock in the Sevenoaks District had a much higher proportion of accessible cars. No complaints had been received by the Licensing Partnership relating to the accessibility of vehicles in the District. The benefits of electric vehicles were noted and also the likelihood of future regulations to monitor emissions output. Members were advised that any changes made could be reviewed in the future. Members were interested in the views of the public and drivers which would be sought in the consultation.

Action 1: The Head of the Licensing Partnership to monitor the condition currently in place aimed at increasing numbers of wheelchair accessible vehicles within the fleet and advise the Committee within the next year on how successful the policy has been.

Members considered each of the proposed Policy amendments in the report and agreed their inclusion in the consultation.

The Chairman moved the recommendations within the report subject to the amendments discussed above and it was

Resolved: That

- a) the draft amended Hackney Carriage and Private Hire Policy be approved for public consultation subject to minor amendments to be agreed in consultation with the Chairman;
- b) the proposed amendment to Wheelchair Accessible Vehicles as listed in the supplementary agenda be amended to ensure measurement against the Worldwide Harmonised Light Vehicle Testing Procedure (WLTP); and

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- c) the practice of the Licensing Authority paying for the annual medical tests for drivers aged over 65 cease, with effect from 31 March 2019.

14. Local Government (Miscellaneous Provisions) Act 1976, Section 65 Request to Increase Hackney Carriage Maximum Fares

The Licensing Officer introduced a report to consider a request from the Hackney Carriage trade to increase the maximum chargeable fares payable by the travelling public for Hackney Carriage journeys. After receiving the request for an increase from a Hackney Carriage Driver, all the Hackney Carriage drivers licensed by this Licensing Authority were balloted on the option, in addition to an option of no change to the current fares. The Committee noted that the last fare increase took place in 2015.

Members were advised that the option favoured by most of the Hackney Carriage Drivers (42 of the 78 who supported an increase in fares) was set out in Appendix C and would include increasing the maximum fare to £4.20 for the first 7/10 of a mile. It was noted the fare distance unit of measurement had been changed from metric to imperial as required by the law.

Resolved: That

- a) the proposed fare increase as set out in Appendix C to the report be agreed;
- b) the Chief Officer Environmental and Operational Services be authorised to publicise the proposed fare increase; and
- c) if no unresolved objections are received, the proposed fares take effect on 1 January 2019.

THE MEETING WAS CONCLUDED AT 7.15 PM

CHAIRMAN