

Confirmed



Minutes of a Meeting of the **Licensing Committee** held remotely via Zoom on **Monday 19 October 2020 at 6.30pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Edward Back, Councillor Jocelyn Bond, Councillor Linda Coulam, Councillor Janet Craig, Councillor John Fisher, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Frank Mortimer, Councillor Trish Mortimer, Councillor Mark Newton, Councillor Keith Patience, Councillor Steve Wiles

Other Members present:

Councillor Peter Byatt, Councillor Mary Rudd

Officers present:

Katherine Abbott (Democratic Services Officer), Teresa Bailey (Senior Licensing Officer), Chris Bing (Legal and Licensing Services Manager), Sarah Carter (Democratic Services Officer)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Keith Robinson.

2 Declarations of Interest

There were no Declarations of Interest.

3 Minutes of the Meeting held on 20 July 2020

It was proposed by Councillor Coulam, seconded by Councillor Newton, and by unanimous vote

RESOLVED

That the Minutes of the Meeting held on 20 July 2020 be confirmed as a correct record and signed by the Chairman.

4 Issued Licences in East Suffolk and an overview of the work of the Licensing Sub-Committees in 2020

The Licensing Committee received report **ES/0533** which provided an overview of the current number and type of licences issued by East Suffolk Council. The report also summarised the applications received and the work of the Licensing Sub- Committee from July 2020 (when the previous report had been received).

The Legal and Licensing Services Manager, at the request of the Cabinet Member with responsibility for Community Health, summarised the report. The Committee was advised that, since the report had been published, the Licensing Sub-Committee had determined to grant a new premises licence for a Co-op in Rendlesham, subject to conditions, and, similarly, to grant a new premises licence to Chapel Barn, Heveningham, subject to conditions.

The Legal and Licensing Services Manager said the report identified trends, where possible. There had been a decrease of one in taxi licences held between July and October 2020; a reduction of two private hire licensed vehicles in the same period; and, a reduction of 13 private hire drivers. The Legal and Licensing Services said this was not necessarily wholly attributed to the on-going pandemic but this was certainly a contributing factor. The Committee was advised that there were no appeals pending to the Magistrates' Court on the Sub-Committee's Licensing Act 2003 decisions, but two appeals had been made to the Court on Sub-Committee taxi-related decisions.

The Chairman invited questions.

A member of the Committee asked if the grounds for the two appeals to the Magistrates' Court could be provided to the meeting. The Legal and Licensing Services Manager said *sub judice* rules applied as these matters awaited the Court's determination and therefore the grounds for appeal could not be discussed in an open forum. The member asked if there was any evidence that a taxi licence had been surrendered as a direct result of the pandemic. The Senior Licensing Officer said that Covid-19 was not solely responsible as the driver concerned had reached retirement age, but the reduced amount of work available had contributed to his decision. She added that applications for new or renewed licences were starting to be received and she felt the next few weeks or months would provide additional evidence of the impact. The member asked how many applications for new licences had been received. The Senior Licensing Officer said that, during lockdown, the Council had stopped taking new applications as it was not possible to meet applicants. Applications had been re-opened at the end of August with specific appointments for new applicants to meet with a Licensing Officer. To date, around 12 applications had been received and were being processed.

Another member of the Committee, with reference to the table within the report to indicate licensing applications determined, asked why Kesgrave Hall had surrendered its licence. The Legal and Licensing Services Manager explained that the original licence had been surrendered because a new Premises Licence had been granted by the Sub-Committee. The member also asked how many new taxi licences had been granted and, of those, how many were private hire and how many were hackney carriage. The Senior Licensing Officer said that new applications were still being processed so no new licences had yet been granted. The member asked if it was possible to put a sign on vehicles to indicate they were private hire; she suggested this was necessary to alleviate some issues with parking. The Senior Licensing Officer replied that the existing main means of identifying a vehicle as private hire were plates on the rear and on the screen; in addition, hackney carriage vehicles had an illuminated sign on the roof. The Senior Licensing Officer added that any concerns be raised with the Licensing team so that specific information could be obtained and investigated. The member asked if it

was mandatory for taxi drivers to wear a mask in the vehicle. The Senior Licensing Officer replied that it was and added that a driver could refuse to take a passenger who was unmasked. The member asked if the Licensing team had corresponded with Operators to confirm that masks were mandatory. The Senior Licensing Officer said the Licensing team had updated all Operators on Government guidance but most monitored this for themselves and were already fully aware. In response to another question about masks, the Senior Licensing Officer said that taxi drivers who were exempt from wearing masks for medical reasons could continue to work as long as they provided evidence of the exemption to the Licensing team.

A member of the Committee suggested that all members of the Licensing Committee should receive a regular update on the licensing and taxi applications that had been determined by the Licensing Sub-Committee. Another member suggested that the Licensing Committee should also receive copies of consultation letters sent out to the licensing or taxi trades. It was suggested that these updates might be provided by email, but the confidentiality of some contents was also noted.

It was proposed by Councillor F. Mortimer, seconded by Councillor Coulam and by unanimous vote

RESOLVED

1. That, having considered and commented upon the report presented, the Licensing Committee members would receive in the most appropriate format and means:
 - (a) A regular and rolling update on the progress of the licensing and taxi applications granted by the Sub-Committee, including the meeting (or otherwise) of any associated conditions;
 - (b) A regular update on all Licensing matters, such as consultations and correspondence; and
 - (c) The first updates, or the proposals for how these would be delivered, to be provided to the January 2021 meeting

5 Application for a taxi fare increase

The Licensing Committee received report **ES/0532** which advised the Committee of an application by Mr Stokell, on behalf of a number of drivers, for an increase in the hackney carriage fare tariffs in the south of the East Suffolk Council district and sought the Committee's consideration of that request.

The Legal and Licensing Services Manager, at the request of the Cabinet Member for Community Health, advised that the maximum scale of fares for hackney carriages had last been revised in 2012. The application by Mr Stokell sought

- a 20p increase in the minimum fare for the first 800 yards - this would result in a minimum fare of £3.60 (Tariff 1)
- a reduction in the subsequent distance from the current 251.4 yards to 220 yards - this would allow an increased charge from £1.40 to £1.60 per mile (Tariff 1)
- a 30p increase in the minimum fare for the first 800 yards - this would result in a minimum fare of £4.20 (Tariff 2)
- a reduction in the subsequent distance from 220 yards to 196 yards - this would allow an increase in charge from £1.60 per mile to £1.80 (Tariff 2)

The Chairman invited questions.

A member of the Committee asked when the last increase in tariffs had been approved. The Senior Licensing Officer said that the last increase had been in the, then, Suffolk Coastal district, now the south of the East Suffolk district, in May 2012. The Cabinet Member said that with the creation of the new Council in May 2019, all other aspects of work had been aligned, however taxi fare tariffs between the south and north (the previous Waveney district) remained different. The Legal and Licensing Services Manager said there was a discrepancy between the tariffs in the south and north and suggested this had been to allow the new Council to 'bed-in' and to minimise disruption to the trade. He added that there was now a need to look at how best to introduce one fare tariff system across the whole district in 2021. The Committee was informed that the application before the Committee was what needed to be determined at this meeting.

Another member of the Committee asked for further detail on the level of discrepancy. This information was provided by the Senior Licensing Officer. She added that aligning the two tariff systems would need to be consulted upon to seek the views of the taxi trade across the district.

A member of the Committee asked why this was only reviewed and considered when an application was made and queried whether the Council should be more proactive in this regard. The Legal and Licensing Services Manager replied that the practice prior to the creation of East Suffolk Council had been that a review would be triggered upon receipt of an application; the assumption being that the trade was content if they were not requesting an increase in tariffs. The member asked about the status of Mr Stokell and it was explained that he was a long-standing member of the taxi trade with approximately 25 hackney carriages under his operation; she added that, as indicated in the report, Mr Stokell had made the application on behalf of a number of drivers with whom he had consulted. The member asked why the Council did not regularly review tariffs. The Legal and Licensing Services Manager repeated that this had been the custom and practice to date; if the Committee wished more regular reviews to be undertaken, this could be done in accordance with statutory consultation requirements. It was suggested that a report be provided to the meeting of the Committee in January 2021 to explore this issue further.

There being no further questions, the Chairman invited debate.

A member of the Committee said she did not feel it was the right time for an increase but also referred to the fact that taxi drivers, in the current circumstances, did need more help. The member also felt that, if the Council decided to undertake proactive reviews, these should be every two years and that increases should be compulsory.

Another member of the Committee said the taxi drivers across the district were best placed to decide what the economic situation was and to apply for an increase if they felt that was appropriate and for the Council to consider that request. He said he was uneasy about the imbalance in tariffs and also acknowledged the significant impact of Covid-19 on the licensing trade generally.

A member of the Committee said that the last increases in tariffs had been small and eight years ago. He considered it the Council's responsibility to take action. The Senior Licensing Officer said any enquiries from taxi drivers about fare increases were always responded to with advice to submit a request for an increase in writing.

Another member of the Committee said he would like to see one tariff across the whole district to reconcile the current imbalance in prices.

There being no further matters raised for debate, the Chairman moved to the recommendation. This was proposed by Councillor Goldson, seconded by Councillor Wiles and by a majority vote it was

RESOLVED

1. That, having received and considered the report, the Licensing Committee approved the application for the fare increase;
2. That a report be received at the January meeting to provide the options for proactive Council reviews of tariffs in future, the requirements as a basis for a rise, the regularity of reviews, statutory consultation requirements etc., for consideration

The Meeting concluded at 7:30pm

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Chairman