

Licensing Committee – Meeting held on Tuesday, 12th June, 2018.

Present:- Councillors Davis (Chair), S Parmar (Vice-Chair), B Bains, M Holledge, Mann, D Parmar, Qaseem (until 8.06pm), Shah, Strutton, Usmani and Wright.

PART 1

1. Declarations of Interest

None were received.

2. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

3. Minutes of the Last Meeting held on 15th February 2018

Resolved – That the minutes of the last meeting held on 15th February 2018 be approved as a correct record.

4. Establishment of a Licensing Sub-Committee and Appointment of Designated Chairs

The Senior Democratic Services Officer introduced a report seeking nominations for the appointment of Designated Chairs to the Sub-Committee for the 2018/2019 municipal year. Members were reminded that the Sub-Committee met during the day and that consideration be given to this when nominations were put forward for designated Sub-Committee Chairs.

It was confirmed that Members of the Sub-Committee were drawn from the membership of the Licensing Committee on a proportional basis (2 Labour, 1 Conservative). The Committee were advised that in the event that a Conservative Member was unavailable to attend a hearing, the Sub-Committee would comprise three Labour Members.

Resolved –

- a) That a Licensing Sub-Committee (drawn from the members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the Appendix to the report.
- (b) That Councillors B.Bains, Davis and S.Parmar be appointed to act as designated Chairs of the Sub-Committee for the 2018/2019 municipal year.

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- (c) In the event a Conservative Councillor is unavailable, the Sub-Committee will comprise of three Labour Councillors.

5. **Revised Proposed Low Emission Standards and New Vehicle Age Policy for Saloon Hackney Carriage and Private Hire Vehicles**

The Chair varied the agenda order to allow consideration of Agenda Item 8 (Proposed Low Emission Standards) first given that there were a number of speakers in attendance for this item.

The Committee received a report updating them on the proposals for low emissions standards for saloon hackney carriage and private hire vehicles in Slough, as part of the Council's draft Low Emissions Strategy (LES); and proposals for a new Vehicle Age Policy to support these proposals.

The Licensing Manager reminded Members that in October 2017 the Committee agreed that a consultation be conducted with the taxi and private hire trade prior to a decision being made on low emissions standards. The revised Low Emission Standards and new proposed Vehicle Age Policy were subject to a full consultation with drivers and operators between 13th April and 16th May 2018. In addition, meetings were also held with the representatives of the Slough Private Hire Driver Association and Slough Taxi Federation to seek their views on the new proposals.

It was explained that the proposed new standards were in line with legislation and the Council's draft LES, which was being developed to reduce emissions from road transport to help improve air quality. Details of the emission standards were outlined and it was noted that a compliance date of September 2019 would be introduced for all new licensing applications and renewals of private hire and saloon hackney carriages. Members were reminded of the number of currently licensed vehicles that would be non-compliant with the revised proposals on a year by year basis as of 1st September 2019. It was highlighted that there would be a significant impact on all current licensed vehicles in that as of the implementation date no current licensed vehicle would meet the revised proposals and all vehicles would have to be replaced at the date of renewal. Furthermore, any current licensed vehicle that was due to be replaced having reached the 9 year vehicle age policy would need to be replaced with a vehicle that met the revised proposals.

It was noted that the trade had put forward alternative proposals as detailed in the appendices to the report. In summary, it was suggested that all current vehicles to run their term until 9 years of age and all new vehicles to be licensed from 1 September 2019 to comply with the proposed revised low emissions criterion.

The Committee were informed that all wheelchair accessible vehicles and vehicles constructed or adapted to carry wheelchairs used for home to school transport would be subject to a separate consultation. It was anticipated that this would be conducted late June/July 2018.

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The Licensing Manager also detailed the proposals for a new Vehicle Age Policy for all saloon hackney carriage and private hire vehicles. It was recommended that the current policy of under 5 years to a maximum of 9 years be amended to under 3 years of age from date of first registration and be licensable up to a maximum of 12 years.

Prior to the Committee receiving submissions by trade representatives, a Member proposed that recommendation (h) - consultation on low emission standards for wheelchair accessible vehicles – be agreed prior to consideration of the other aspects of the report and Committee Members agreed.

Mr Sarfaz Khan representing the Slough Taxi Federation and Mr Aftab Khan representing Slough Private Hire Driver Association had requested to address the Committee and were invited to speak. A number of points were raised including:

- Although supported in principle measures being taken to improve air quality, it was felt that the trade were being unfairly penalised.
- Vehicles would be replaced with ULEV alternatives in due course in accordance with the vehicle age policy.
- The disproportionate financial impact on all drivers of having to replace their vehicles.
- There wasn't much trade in the town.
- It was clarified that the vehicle age policy of under 5 and a maximum of 9 years of age remain.
- There was no infrastructure to facilitate the proposals that had been presented - with only 6 rapid charging points across the Borough.
- Implementation of electric vehicles from 2025 would ensure that there would be a greater range of affordable vehicles on the market for drivers to purchase.

A number of Committee Members raised concerns which ranged from affordability of electric vehicles and the financial hardship that would be caused to a significant number of members of the trade. Furthermore, the Council needed to explore other methods of contributing to improving air quality and that the onus should not solely lay with the taxi trade.

Whilst acknowledging the potential financial impact on a number of drivers, a couple of Members stated that changes had to be made if the targets set in the Council's proposed Low Emissions Strategy were to be met.

A Member stated that prior to any changes in policy being implemented, the Council needed to ensure that adequate facilities were in place to support the all drivers with electric vehicles.

Details regarding the costs of purchasing electric vehicles were discussed. Mr Whittles, from Low Emission Strategies Ltd, was in attendance at the meeting and informed the Committee that an electric vehicle could be purchased for approximately £19k. Although this was a substantial cost it as anticipated that

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as more types of these vehicles became available on the market, costs would reduce accordingly.

The Cabinet Member for Regulation and Consumer Protection sought clarification from the Licensing Manager as to whether the proposed suggestions from the trade, were fair and acceptable with regards to meeting the targets and obligations as set out under the Council's Air Quality Action Plan. It was explained that the proposed emissions standards were already being applied to all new drivers and vehicles and it was envisaged that the Council would be compliant with national guidelines by 2025.

The Environmental Quality Team Manager, Mr Newman, informed the Committee that a meeting was due to be held with Electric Blue, suppliers of electric vehicles, and details including possible incentives for drivers in relation to ULEV vehicles, grants available, home charging, discounts offered, types of vehicle available on the market would be reported to the Cabinet Member for Regulation and Consumer Protection. Responding to the number of rapid electric charging points, it was noted that although there were currently seven in the Borough designated solely for use by the private hire and hackney carriage trade; the infrastructure would be improved in the coming years to cater for an increase in the number of electric vehicles.

A Member queried as to what the costs were likely to be for the installation of electric charging points at residential properties. It was noted that although the anticipated cost was likely to be £300, Government initiatives were currently offering a 75% discount for charging at home.

Officer's recommendations as set out in the report were considered and it was

Resolved –

- a) That details of the report be noted.
- b) That the responses to the consultation be noted.
- c) That the revised low emissions standards as set out below be approved:

| Compliance Dates & Emission Standard | Vehicle to be Licensed All Private Hire and Saloon Hackney Carriages |
|---|---|
| 1st September 2019 CAZ* ULEV** | All licensing renewals i.e. renewals of currently licensed vehicles***. |
| 1st September 2019 CAZ* ULEV** | All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced *** |
| ULEV from 1st September 2025 | All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed. |

Immediately following the vote on recommendation (c), a number of Members stated that they had not fully understood the implications of what the

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Committee had resolved and sought further clarification from the Licensing Manager. It was highlighted that the Committee had resolved to implement that from September 2019 all private hire trade and saloon hackney carriages be compliant with the new low emission standards. A number of Members raised concerns that implementation of the emission standards as agreed would cause a significant financial burden on existing drivers and that a phased implementation would be more preferable. The Senior Democratic Services Officer explained that in order to agree to this alternative approach, the Committee was required to rescind the decision it had just taken in relation to recommendation (c). The Committee therefore

Resolved –

- (d) To rescind the decision taken in relation to recommendation (C) as set out above.

Following clarification from the Licensing Manager relating to the emissions standards and potential implications of for new and existing drivers it was

Resolved –

- (e) That the revised low emissions standards, as set out below be approved:

| | |
|--|--|
| All Currently licensed vehicles to run their term until 9 Years of age | |
| Compliance Dates & Emission Standard | Vehicle to be Licensed |
| 1st September 2018 CAZ Standard (Euro 6 diesel / Euro 5 petrol) | All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced *** |
| 1st September 2020 CAZ Standard (Euro 6 diesel / Euro 6 petrol) | All new vehicles to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced *** |
| ULEV from 2025 | All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed. |
| Any ULEV Vehicle to be aged up to maximum of 12 years | New vehicles only. |

- (f) That the Vehicle Age Policy of under 5 and a maximum of 9 years of age for all saloon hackney carriages and private hire vehicles not be rescinded.
- (g) That a consultation on Low Emissions Standards for Wheelchair Accessible Vehicles, and vehicles constructed or adapted to carry wheelchairs used for home to school transport, to be conducted.

(The meeting adjourned at 8.06pm and re-convened at 8.16pm)

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6. **Code of Conduct/Best Practice Guide for Buskers and Street Entertainers**

The Senior Licensing Officer informed Members that over the years the Council had received complaints from businesses in the town centre regarding buskers and street entertainers. At present, the Council had no authority to move the buskers or street entertainers on or to prevent them from playing unless the noise they made amounted to noise nuisance.

It was noted that outside of London, busking was not covered by any legislation and a number of local authorities had developed their own Codes of Practice for Buskers and Street Entertainers. Members considered details of the proposed draft Code of Practice. The Code would ensure that proportionate and reasonable limits had been determined to balance the rights of the performers and local businesses/residents. It was brought to Members attention that a public consultation would be carried out with relevant businesses and stakeholders and reported to a future meeting of the Committee.

Commenting on the draft Code, a Member requested clarification regarding the minimum age limit of 18 years for buskers/street entertainers and suggested that this be reduced to 16 years of age. The Licensing Manager stated that the age limit should remain at 18 years as lowering it could raise potential safeguarding issues.

Resolved - That a public consultation take place on the draft Code of Practice for Buskers and Street Entertainers.

7. **Adoption of Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades**

The Licensing Manager reminded the Committee that the Council, as a licensing authority, had a duty to have in place a policy and guidance when carrying out its functions relating to the suitability of new applicants for and current licence holders of Hackney Carriage and Private Hire Driver and Operator licences. The current approved policy and guidance was approved in 2008.

Members were informed that in April 2018 the Institute of Licensing published Guidance on Suitability of Applicants and Licensees in the Hackney and Private Hire Trade. The guidance had been produced in partnership with the Local Government Association and a wide range of stakeholders and other interested parties. It was recommended that in the absence of any national or statutory guidance, the IoL had produced the document with a recommendation that it was adopted by local authorities nationally. This would ensure consistency, certainty and confidence in the licensing regime. It was noted that the proposed guidance was not dissimilar to that currently in place by the Council.

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Resolved -

- a) That the new Guidance as attached at Appendix B to the report be adopted.
- b) That the current 'Policy and Guidance on Convictions and Cautions for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators' to be amended to incorporate the recommended types of offences and time periods in relation to convictions and cautions contained within the Guidance.

8. **Gambling Act 2005: Lapse of No Casino Policy, Review of Statutory 'Statement of Gambling Principles' and Development of a 'Local Area Profile'**

The Council currently had in place a 'No Casino Policy' which had been adopted in 2015. It was highlighted that in 2015, the Government confirmed that there would be no changes to the portability of existing or new licences and that this decision would not be reviewed. In view of this, Slough would not be able to accept or consider an application for a casino and therefore the Committee were being asked to resolve that the No casino Policy should lapse.

The Council was required by the 2005 Act to adopt a Gambling Policy, namely a 'Statement of Gambling Principles' which was adopted by Council in December 2006. There was a statutory requirement for the policy to be reviewed every three years and the Licensing Team had commenced planning the consultation on the policy to ensure a new adoption was made by Council in December 2018. Within the policy, the Council was required to consider developing local area profiles - identifying, quantifying and mapping the vulnerabilities and other relevant features of their areas. This information would be used to inform the revised gambling policies. It was noted that this approach represented an opportunity for local authorities to contain the number and distribution of gambling premises and to enforce high standards of operation; whilst respecting the sensitivities of their locality.

The proposed consultation timetable was outlined and it was noted that details of the consultation would be reported to the Committee in October 2018.

Resolved –

- (a) That the 'No Casino Policy' lapse.
- (b) That the consultation exercise for the Gambling Act 2005 'Statement of Gambling Principles' to commence.
- (c) That the development of a 'Local Area Profile' for inclusion in the new policy document be agreed.

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9. Date of Next Meeting - Thursday 18th October 2018

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.49 pm)