

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 27th September, 2023

Present: Cllr C Brown (Chair), Cllr C J Williams (Vice-Chair), Cllr B Banks, Cllr M A Coffin, Cllr A Cope, Cllr D W King, Cllr W J Mallard, Cllr R W G Oliver, Cllr R V Roud and Cllr M Taylor

Apologies for absence were received from Councillors D Keers and K S Tunstall.

PART 1 - PUBLIC

LA 23/14 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

LA 23/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 5 July 2023 be approved as a correct record and signed by the Chairman.

LA 23/16 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 9 August 2023, 11 August 2023 and 8 September 2023 (Taxis) and 16 August 2023 (Premises) be received and agreed as a correct record, subject to the presence of Panel Members being rectified as follows:

- 11 August 2023 (Taxi Hearing) – Cllr D W King (Chairman), Cllr R W G Oliver and Cllr C J Williams
- 8 September 2023 (Taxi Hearing) – Cllr M A Coffin (Chairman), Cllr B Banks and Cllr K S Tunstall

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 23/17 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2023-2028

A revised Hackney Carriage and Private Hire Policy 2023 – 2028, attached at Annex 4, which went out for public consultation from 10 July 2023 to 1 September 2023, and a list of proposed changes within the consultation, attached at Annex 1, were presented for consideration.

Responses to the consultation, including a response in the form of a petition from 31 drivers, were detailed in Annex 2 and Annex 3 respectively.

Members had due regard to the legal implications and risk assessment set out in the report whereby the need for the Borough Council to adopt a new policy was explained – this was due to the policy lasting for a maximum of five years and would by law lapse after five years unless reviewed and adopted by Full Council again.

RECOMMENDED*: That

- (1) the following proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be approved:
 - payment by credit/debit card be accepted for all Hackney Carriage journeys;
 - the Disclosure and Barring Service (DBS) checks be outsourced to an external third party, where a driver does not hold an online account update service;
 - the length of time for lost property to be kept be reduced from 12 months to 2 months;
 - for any Hackney Carriage driver failing to take a passenger on a journey, regardless of distance, or charging more than the fare shown on the metre when taking payment by credit/debit card, 9 penalty points and a two-week suspension be imposed on their TMBC driving licence, and subsequent offences be referred to the Licensing and Appeals Committee;
 - membership of the Chauffeurs Guild as mechanism to bypass the requirement to take the knowledge test be removed;
 - colour restriction for designated wheelchair accessible vehicles (WAV) be removed; and
 - a higher than 50 percent Manufacturer tint for back passenger windows be allowed for plate exempt vehicles undertaking Chauffeur work.
- (2) further investigation work by Officers in respect of the following areas, as identified in the proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be undertaken and reported to a future meeting of the Committee:
 - CCTV in all licensed vehicles (Hackney Carriage and Private Hire);

- Colour restriction of a Hackney Carriage Vehicle; and
 - Drivers badge for school runs only with specially defined plate.
- (3) the revised Hackney Carriage and Private Hire Licensing Policy 2023 – 2028, attached at Annex 4, be approved with the above agreed changes detailed in Recommendation (1) incorporated.

*** Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS

LA 23/18 THE SCRAP METAL DEALERS POLICY 2024-2029

The report of the Director of Central Services and Deputy Chief Executive presented a review of the current Scrap Metal Dealers Policy which was published in 2019 and had a life span of five years. The Policy outlined the requirements of the Scrap Metal Dealers Act 2013 and aimed to give guidance to new applicants, existing licence holders, consultees and members of the public as to how the Borough Council would administer and enforce the requirements of the Act.

A copy of the draft new policy and a copy of the Feedback form for the Policy were attached at Annex 1 and Annex 2 respectively. The report set out the timescale for the consultation to be undertaken between 9 October 2023 and 30 November 2023.

RESOLVED: That the draft Scrap Metal Dealers Policy 2024 – 2029, attached at Annex 1, be approved for consultation.

LA 23/19 LICENSED VEHICLE EMISSIONS DISCUSSION

Given the Borough Council's Carbon Neutral 2030 aspiration, Members had an in-depth discussion with regard to licensed vehicle emissions with reference made to emissions standards and ever advancing technologies, which provided valuable insights for Officers to take into consideration in order to bring a paper back to a future meeting of the Committee for Members to review in respect of this important climate change agenda.

MATTERS SUBMITTED FOR INFORMATION

LA 23/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8:50 pm