

Regulatory Committee

Minutes of a Meeting of the Regulatory Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **16th January 2024**.

Present:

Cllr. Feacey (Chair);
Cllr. Walder (Vice-Chair);

Cllrs. Hallett, Krause, Leavey, McGeever, Michael, Shilton.

In accordance with Procedure Rule 1.2(c) Councillor Leavey attended as Substitute Member for Councillor C Suddards.

Apologies:

Cllrs. Pickering, C. Suddards, L Suddards and Wright.

Also Present:

Environmental Protection and Licensing Team Leader, Principal Litigator, Senior Member Services Officer.

266 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was Chairman of the Ashford Volunteer Centre	268, 269, 270

267 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 17th January 2023 be approved and confirmed as a correct record.

268 Proposed Fee Levels for Licensing Applications – 2024/25

The Environmental Protection and Licensing Team Leader introduced the report which proposed fees for licences for 2024/25 (excluding those previously proposed by the Licensing Committee). He advised that the setting of licensing fees generally allowed the Licensing Authority to recover the costs of processing licence applications, regulation and back office costs associated with the running of the licensing regime. The fees could not be set so as to be profit making and failure to set fees appropriately did open the Council up the legal challenge.

The Environmental Protection and Licensing Team Leader then drew attention to the proposed fees contained within the report.

Sex Establishment Fees

The report proposed that the grant fee be retained at the existing level, but the renewal and transfer fees would increase in line with inflation.

Hackney Carriage and Private Hire Fees

It was proposed that fees be increased generally in line inflation with the exception of the vehicle licence fees and administrative fees which would remain at their current levels.

It was important to note that fees could not be used to deter drivers or operators, cost should cover the cost of enforcement and administrative work only. Attention was drawn to 'licence shopping' whereby operators/drivers applied for their licences from Local Authorities with the least stringent requirements and the holders of those licences then worked some considerable distance from their licensing authority.

Scrap Metal Dealers Fees

The report recommended an increase in fees in line with inflation. The licensing regime for scrap metal dealers had been implemented in 2014, to assist in combatting crime in relation to stolen metals. There was however a reliance on the Police in regard to enforcement operations. Inspections for scrap metal sites were undertaken by the Local Authority, these focused on recording keeping and notice was required prior to these inspections.

Clarification was sought the mechanism for waste disposal carriers. The Environmental Protection and Licensing Team Leader advised that such carriers were licensed by the Environment Agency. The Council were able to prosecute waste carriers who do not have a licence or those that illegally dispose of the waste that they have collected. Incidences of large scale waste disposal, such as that seen recently at Hoades Wood would be prosecuted by the Environment Agency.

Recommended:

That (i) that the sex establishment fees as given below be approved.

RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2024/25

	CURRENT FEES 2023/24	PROPOSED FEES 2024/25
Grant	£3499	£3499
Transfer	£387	£406
Renewal	£387	£406

(ii) that the Hackney Carriage, Private Hire and Operator applications licence fees as given below be approved for the purposes of public consultation.

**RECOMMENDED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2024/25**

	CURRENT FEES 2023/24	PROPOSED FEES 2024/25
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£92.00	£97.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£190.00	£200.00
Additional driver's licence (adding a licence)	£37.00	£39.00
Hackney Carriage Knowledge Test & Re-test	£71.00	£74.00
Replacement badge / Licence	£15.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£346 - New £305 - Renewal	£346 - New £305 - Renewal
Vehicle Plate Internal / External	£26.00	£26.00
Transfer of Vehicle Licence (with or without vehicle plate)	£46.00	£48.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>£32.00</i>	<i>£32.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No Charge</i>	<i>No Charge</i>
Private Hire Operators Licence - New or Renewal (for 5 years)	1-3 vehicles: £200 4-10 vehicles: £590 11-20 vehicles: £1114	1-3 vehicles: £210 4-10 vehicles: £620 11-20 vehicles: £1170
To increase number of vehicles licensed during duration of Operators Licence	1-3 : £200.00 4-10 : £415.00 11-20 : £560.00	1-3 : N/A 4-10 : £436.00 11-20 : £588.00
Fee for Returned (Bounced) Cheques	£22.00	£22.00

(iii) that the scrap metal site and collectors fees as given below be approved.

RECOMMENDED SCRAP METAL SITE AND COLLECTORS LICENSING FEES 2024/25

	CURRENT FEES 2023/24	PROPOSED FEES 2024/25
Grant Site Licence	£411	£432
Grant Collectors Licence	£275	£289
Renewal Site Licence	£275	£289
Renewal Collectors Licence	£137	£144
Variation	£103	£108
Replacement Licence	£14.50	£15

(iv) that the annual licensing summary, at Appendix D to the report, be received and noted.

269 Hackney Fare Tariff Review

The Environmental Protection and Licensing Team Leader introduced the report and advised that the Committee were asked to recommend a Hackney Carriage Fare Scale to Full Council, based on the information and evidence available to it. The fare scale was designed to protect the public from excessive fares and act as a maximum fare that could be charged. Drivers/proprietors were free to charge less or offer discounts, and this was actively encouraged.

As the Committee was aware the Council increased the maximum hackney fare scale by 3% in April 2022, and by a further 10% in August 2022 in light of the increased costs of operating a hackney vehicle – albeit much of that cost was made up of fuel increases. The Committee made no further changes to the set fare scale in January 2023 and the Committee were now asked to consider the fare scale again, as part of the routine annual review. As part their consideration, the Committee noted that only three members of the trade had responded to the consultation, none of whom requested any change to the fare scale. Fuel had reduced slightly in price at the start of 2023, remaining relatively high, rising again at the end of the year. The average price of diesel in 2023 had dropped 19.4 pence per litre when compared to 2022. RPI stood at 5.4% for the period November 2022 to November 2023. Additionally, car insurance premiums had increased by 56% for the same period.

The Committee were reminded that should there be a need to review the fare scale outside of the annual fee setting meeting, this could be undertaken, the most recent example of this being the impact of the war in Ukraine on fuel prices in 2022.

Recommended:

That the Hackney Carriage fare scale for 2024/25 as given in the table below be approved for the purpose of issuing a public notice.

PROPOSED FARES FOR 2024/25

(a) Fares for distance or time: Rate 1	£
If the distance does not exceed 465.5 yards, for the whole distance or for the first 148 seconds of waiting time	2.90
For each subsequent 142.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 45.5 seconds of waiting time or uncompleted part thereof	0.20
(b) Fares for certain times and days: Rate 2	
a) For each hire commenced between 00.00 and 07.00	1½ x Rate 1
b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only.	1½ x Rate 1
(i) Fares for certain times and days: Rate 3	
c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEAR'S DAY	2 x Rate 1
When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable.	

2 Miles	-	£7.30
5 Miles	-	£14.70
10 Miles	-	£27.10

Extras - up to a maximum of £1.20	
(a) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance.	0.20
Note: For the purposes of counting the number of persons <u>that the vehicle is licensed to carry</u>, children under 10 years of age should <u>each be counted as a person</u>. A babe in arms should not be counted as a person.	
(b) for each article of luggage conveyed outside the passenger compartment of the carriage	0.05
(c) for perambulators	0.05
(d) for dogs	0.10

270 Taxi Licensing Policy Review

The Environmental Protection and Licensing Team Leader introduced the report the purpose of which was to extend the current Taxi Licensing Policy until that policy and the new Department for Transport guidance was reviewed, consulted upon, and presented back to the Committee in the summer. The Department for Transport had issued new taxi licencing best practice guidance in November 2023, the first revision of the guidance since 2012.

An overview of the best practice guidance changes were given, which included;

- Amendments to enforcement schemes to require penalty points to remain on record for three years for drivers and five years for operators.
- Requiring drivers to undertake driver training/assessment every three years.
- Requiring drivers to undertake disability awareness training.
- Requiring drivers to complete daily vehicles checks, and retain written checklist records.
- Changing/updating vehicle age limits to take into account other factors such as emissions limits, wheelchair accessibility and NCAP ratings.

The initial stages of the consultation would commence the following day at the Taxi Forum, which was chaired by the Chair of the Regulatory Committee.

In response to questions, the Environmental Protection and Licensing Team Leader advised that there was currently no legal requirement for taxis to display the payment methods they accepted on the vehicle. This would be raised as part of the discussion with the taxi trade. It was important to note that hackney carriage vehicles could not refuse a fare within the Borough without reasonable cause – refusing to take cash was not a reasonable cause. Drivers found to be doing this would be spoken to by the Licensing Team and cautioned against such practices.

The Council had a scheme to promote the use of ultra-low emission vehicles, this was funded through Section 106 monies and was supported by the carbon reduction policy and equated to three years free of licensing charges. There were more hybrid vehicles on the taxi fleet than previously, however the high costs involved in purely electric vehicles was prohibitive for many.

There was some discussion surrounding the vehicle charging points available within the Borough and it was noted that Kent County Council had installed 50KW charging points in a number of neighbouring Boroughs. The Committee agreed that the Chair would write to Kent County Council Cabinet Member regarding the installation of one or more points within the Borough.

At the conclusion of the item, the Environmental Protection and Licensing Team Leader advised that the Governments levelling up white paper had promised to explore the transfer of taxi licensing to the local transport authority, for Ashford this was Kent County Council, to better align the regulatory area with local transport planning. The first consultation had been received on this topic, and he invited the Committee to feed back to him with any comments/views to ensure that the views of the Committee were included in any response. He further undertook to circulate the detail of the consultation to the Committee after the meeting, and invited them to

respond with their feedback. The Committee were of the view that such a proposal would be to the detriment of the residents and drivers of the Borough, and further removed the opportunity for local guidance to be issued.

Resolved:

That

- (i) The publishing of the Department for Transport best practice guidance on taxi licensing be noted.**
- (ii) The planned policy review process be noted.**
- (iii) The Chair of the Regulatory Committee writes to the Kent County Council Cabinet Member in respect of 50KW Charging Points within the Borough.**

Recommended:

- (i) That the current Taxi Licensing Policy 2017-2022 be extended until that policy and the new Department for Transport guidance was reviewed, consulted upon, and presented back to the Regulatory Committee in the summer.**

271 Sex Shops, Sex Cinemas and Sexual Entertainments Venue Policy Review

The Environmental Protection and Licensing Team Leader introduced the report, whilst there was no legal requirement for such a policy, the provision of one enables the public, applicants, Councillors and Officer on matters relating to the provision of sex shops, sex cinemas and sex establishments.

A consultation was carried out for three months, with no comments received. There were no current licensees within the Borough and with no known trade organisations it had not been possible to consult with those parties that would be considered representative of the trade.

Recommended:

That the revised 'Sex Shops, Sex Cinemas and Sexual Entertainments Venue Policy' be approved and adopted.

Queries concerning these minutes? Please contact Members Services
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