

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 24 MARCH 2015

Councillors Present: Peter Argyle (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Sheila Ellison, Manohar Gopal, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck and Quentin Webb

Also Present: Catalin Bogos (Performance Research Consultation Manager), Sarah Clarke (Team Leader - Solicitor) and Brian Leahy (Senior Licensing Officer), Jo Naylor (Principal Policy Officer)

PART I

11. Minutes

The Minutes of the meeting held on 16 December 2014 were approved as a true and correct record and signed by the Chairman.

12. Declarations of Interest

There were no declarations of interest received.

13. West Berkshire Taxi Tariff 2015/16

Mr Brian Leahy introduced (Agenda Item 4). He explained that the Licensing Committee had the powers to set a maximum fare charged by Hackney Carriages. This meant that the taxi trade could not charge more than the fares or fees specified but were clearly permitted to charge less.

There were two elements of this decision; a revision to the way fares would be calculated and a new tariff card (or list of fares). The proposal submitted by the West Berkshire Hackney and Private Hire Association was shown at Appendix B.

The report (Item 4) included consultation responses on the proposed new tariffs from the taxi trade with all feedback reported in its entirety.

Following the start of the consultation, a revised table of fares was submitted and based on legal advice this was considered as a response to the consultation process (shown at Appendix C) but this would not mean that the consultation process need to be restarted.

Brian Leahy (Licensing Manager) explained that there were more objections received as part of the consultation to the proposed changes (described in Appendix B) than responses in favour of change. Members had to decide between changing the tariff structure to one of the suggested options shown at (Appendix B or Appendix C) or keeping fares the same as at present.

Brian Leahy brought to the Committee's attention Mr Castle's comments on page 52 of the agenda papers which suggested that Tariff 3 could be adopted 24 hours a day 7 days a week as a further alternative to the proposed changes, as an absolute maximum tariff.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow Members of the trade to participate in the discussion and respond to questions Committee members might have. This was seconded and the Committee voted in favour of this proposal.

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Councillor Peter Argyle asked the representatives of the trade if they would like to speak for 10 minutes for and against the proposal. There were no representatives to speak against the matter.

Mr Sheikh, from the West Berkshire Hackney and Private Hire Association, spoke on behalf of the local taxi trade. He informed the Committee that he had worked with both Matt Castle and Richard Brown (Theale Taxis) on the new proposal and they considered this to be a simple and concise way to calculate the new maximum tariffs. This was a collective view of the trade which had been worked up over six months.

Mr Sheikh mentioned that there had been no increase of the maximum tariffs since April 2013 and stated that the increase in fares under the new proposal was marginal. Furthermore the trade wanted to use restructuring of the fares to create a system that was easier for the public to understand. There would actually be a reduction in fare between the hours of 10pm to 12 midnight. He explained that whilst fuel costs had decreased that there were other indicators which showed the taxi costs had generally increased.

Councillor Webb enquired about the actual percentage of taxi users that would benefit from the reduction in fares.

Mr Sheikh explained that it was dependent on the night as there was a different rate for Monday to Wednesday which increased on a Sunday. However his observations were that many younger people were requiring taxis into the town centre later in the evening i.e. during the 10pm to 11pm period and these would benefit from cheaper rates.

Mr Castle (Dolphin Taxis) added that this change would make taxis more affordable option for people and would encourage people to use taxis rather than relying on lifts from friends.

Members queried whether the new table of fares might be too difficult for users to follow. Mr Sheikh considered that the new table of fares proposed presented more information than was currently available. He also expressed the view that a marginal increase of 10p to a £5 journey was not a significant increase.

Councillor Edwards referred to a consultation response which stated that the insurance cost for a new Seat Toledo had decreased and asked the trade representatives to comment as to whether this equally applied to their cars.

Mr Sheikh explained that he had not seen a reduction in current costs and also that it actually took significant negotiations with his insurance company to retain the existing level of annual premium. Mr Vass also added that insurance was higher for wheelchair accessible vehicles.

Councillor Tony Linden highlighted that a number of taxi providers were against the proposal and asked for clarification on numbers shown in the report. Mr Brown of the taxi trade explained that he felt the numbers against had been inflated by those with more than one licensed vehicle having more than one vote.

The Chairman was not aware of multiple votes and referred to Appendix D which clarified that 23 individuals had signed a single petition against the proposed changes.

Mr Sheikh pointed out that the petition was objecting to the night-time tariff reduction between 10pm and midnight and that this approach was not assisting the public.

The Chairman questioned if the fouling fine maximum of £150 was reasonable. Mr Sheikh responded that if a passenger fouled the vehicle it could cost the driver the entire evening's fares to clean this up. Mr Vass added that the charges had been thought out

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and this was considered a reasonable maximum fee for cleaning costs and loss of earnings.

Councillor Bryant asked if it was fair to say that the majority of the trade and public wished to see the tariffs kept as they were. Mr Sheikh responded that generally people disliked change and Mr Vass confirmed that the current system was suitable to some proprietors.

Councillor Paul Bryant commented on the complexity of the fare structure. He had some concerns that not all taxi proprietors had read or understood the new tariff. He was disappointed there had not been a greater response to the consultation overall. Mr Sheikh responded that the changes would result in typically 10p more on an average fare.

Members of the Committee then decided to reintroduce Standard Orders to not allow any more comment from the public.

Councillor Webb commented that use of the five tariffs structure created flexibility and people could clearly see and understand the tariffs. He commented that he did not see the proposal making a significant change to the current tariffs charged.

The Chairman highlighted that it was important for the tariff card to be easily understandable.

Councillor Bryant questioned the font size of the table of fares shown in the agenda papers and felt a larger font size should be used and prominently displayed within the taxi.

Brian Leahy informed the Committee that taxis were obliged to have a table of fares available that was legible.

Councillor Mayes asked for an explanation of the £7 flag fare for Tariff 4. It was confirmed that this would be charged between the hours of 2am to 6am.

Councillor Bryant mentioned that for those taking longer journeys a reduction in fare would be seen under the new proposal (shown at Appendix B)

Councillor Mayes wanted to understand why the table of fares was complicated by the use of yards to measure distance. Brian Leahy explained that, traditionally the table of fares included information both in yards and in metres. In addition, the law allowed taxi drivers to charge for time or distance and thus drivers were compensated for longer waiting times

RESOLVED that Members considered and approved the revised tariff of fares shown at Item 4 Appendix B for use by all West Berkshire Council Licensed Hackney Carriages.

14. Taxi Livery and Advertising

Brian Leahy introduced the report on Taxi Livery and Advertising (Item 5). He summarised that there were standards in place which restricted the size and content of advertising which could be displayed on West Berkshire Hackney Carriage vehicles. Brian Leahy explained the difficulties of effectively enforcing a policy of advertising on vehicles and the officer view was to withdraw all advertising other than basic livery (i.e. a light and two door stickers).

Councillor Tony Linden asked if the livery included 'no smoking' signs. Brian Leahy clarified that 'no smoking' signs were a requirement under different legislation.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow Members of the trade to participate in

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the discussion and respond to questions Committee members might have. This was seconded and the Committee voted in favour of this proposal.

Mr Sheikh welcomed the move towards a uniform approach but wished to see opportunities to advertise within limits as described in his correspondence published at Appendix C.

The Chairman expressed the view that the Council could potentially be open to challenge on any criteria brought in to approve advertisements.

Mr Brown proposed that the same size advertising as the front door sticker should be allowed and that this could be enforced during the annual licence approval process.

Councillor Quentin Webb asked if the trade wanted to only advertise the name of the operator or whether other products or brands were being suggested. Mr Sheikh confirmed that they only wished to advertise their own services and these adverts would be the same size as those currently permitted on the doors.

Councillor Bryant did not see any significant harm from additional advertisements on vehicles so long as the standard livery was still visible. He equally commented that this was common to advertise other companies on London cabs and believed this could provide an added source of revenue for the taxi operators.

Mr Brown explained that there was a need for consistency. The trade wished to see their cars looking smart and having a uniform look. He felt that large amounts of advertising on vehicles might be covering up rust or damage underneath.

Councillor Billy Drummond did not see this as a problem so long as the car was still roadworthy and safe to use as a taxi.

Members of the Committee then decided to reintroduce Standard Orders to not allow any more comment from the public.

Councillor Mollie Lock commented that it was nice to have uniformity on such vehicles as it helped provide a sense of identity and pride for the taxi operators. She acknowledged that control of the advertising could not be effectively enforced.

Brian Leahy informed the Committee that if members were minded to agree with the proposals they must consider the difficulties this presents to officers in enforcing the conditions. Members could defer their decision until the June meeting where further options could be presented.

Councillor Mollie Lock suggested to the Committee that the current conditions for Hackney Carriage advertising should be retained.

Councillor Rowles queried the need to defer to the June meeting unless other critical information to help inform the decision could be brought forward. He could see no issue with taxi firms promoting themselves as operators so long as they conformed to the rules set by the Council's Licensing Team.

Councillor Bryant repeated his view he could not see any concerns with banning wider advertising.

Councillor Webb commented that if the trade were asking to advertise other companies he felt it would be a better option to keep the standard advertising vinyl, with the standard sizing, etc. and this could helpfully be discussed further at the June meeting of the Committee. Whilst, Councillor Edwards suggested that some benchmarking work could be undertaken to see how other Local Authorities managed this issue.

The Chairman asked Members to vote on the proposal to defer the matter of taxi livery and advertising to the next meeting of the Licensing Committee.

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RESOLVED that the proposed changes to the terms and conditions with regards to Taxi Livery and Advertising (Item 5) was deferred for consideration at the June 2015 meeting of the Licensing Committee.

(The meeting commenced at 6.30 pm and closed at 7.30 pm)

CHAIRMAN

Date of Signature