

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 18 NOVEMBER 2019

Councillors Present: Phil Barnett (Vice-Chairman), Jeff Beck, Dennis Benneyworth, Graham Bridgman, James Cole (Chairman), Billy Drummond, David Marsh and Martha Vickers

Also Present: Suzanne McLaughlin (Senior Environmental Health Officer), Sean Murphy (Public Protection Manager), Julia O'Brien (Principal Licensing Officer) and Amanda Ward (Licensing Officer), Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Adrian Abbs, Councillor Peter Argyle, Councillor Tony Linden and Councillor Joanne Stewart

PART I

9. Minutes

The Minutes of the meeting held on 24 June 2019 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendment:

Item 6. Convictions Guidance, Page 5, second paragraph replace the word 'man' with 'many'.

10. Declarations of Interest

There were no declarations of interest received.

11. Taxi/Private Hire Licensing Meeting

Julia O' Brien introduced the report (Agenda Item 4) which sought to update the Committee following the taxi and private hire liaison meeting. The meeting had included representatives of the trade, elected Members as well as Officers of the Council.

The Task and Finish Group considered operator licence fees and fares and then a number of other issues were raised during the discussions.

Cabco were invited to come forward with a proposal in relation to fares. The proposal that they put forward was a 9% fare increase for tariffs 1 and 2 but that no increase should be applied to tariff 3. The Committee were asked to consider this proposal which would then be subject to a trade wide consultation.

Councillor Graham Bridgman commented that there was a subtle inaccuracy in paragraph 2.2 of the report. The Licensing Committee did not 'reverse its decision to consult on proposed fares'. What had happened was that the trade had come forward with a new table of fares. Members had initially accepted the revised table but after Councillor Bridgman had done some analysis it became apparent that there were a few inaccuracies in it and therefore a meeting had been held where the decision was reversed. The Committee agreed to revert to the old fares and invited the trade to bring back a table that was arithmetically correct.

LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

In terms of the structure for taxi fares Councillor Bridgman stated because they had grown organically the three tariffs were confusing. He therefore proposed a revised system which was based on tenths of a mile. He proposed a flag charge of £3 for tariff 1, a flag charge of £4 for tariff 2 and a flag charge of £5 for tariff 3. The charges were based on a ratio of 1.5 times tariff 1 (£2.40 per mile) for tariff 2 (£3.60 per mile) and 1.8 times tariff 1 for tariff 3 (£4.30 per mile)

| | Tariff 1 | Tariff 2 | Tariff 3 |
|------------------|----------|----------|----------|
| Flag | £3.00 | £4.00 | £5.00 |
| Factor of tariff | X1 | X1.5 | X1.8 |
| To end of mile 1 | £ 4.95 | £ 6.90 | £ 8.45 |
| 2 | £ 7.35 | £ 10.50 | £ 12.75 |
| 3 | £ 9.75 | £ 14.10 | £ 17.05 |
| 4 | £ 12.15 | £ 17.70 | £ 21.35 |
| 5 | £ 14.55 | £ 21.30 | £ 25.65 |
| 6 | £ 16.95 | £ 24.90 | £ 29.95 |
| 7 | £ 19.35 | £ 28.50 | £ 34.25 |
| 8 | £ 21.75 | £ 32.10 | £ 38.55 |
| 9 | £ 24.15 | £ 35.70 | £ 42.85 |
| 10 | £ 26.55 | £ 39.30 | £ 47.15 |

Councillor James Cole commented that some of the charges were higher than those being proposed by the trade. Councillor Bridgman accepted this but stated that it should be remembered that this would be the maximum amount that they could charge. Councillor David Marsh commented that this appeared to be a rational, reasonable and fair approach and the increases would still be below inflation. It was agreed that Officers should consult on these charges and bring a report back to the next meeting. As Cabco had been involved in the initial work Officers should speak with them ahead of the consultation being undertaken. If any issues were raised it was agreed that authority would be delegated to the Chairman to amend the tariffs that would be consulted on.

Members also felt that the waiting times were also somewhat random and it was agreed that it would be useful to harmonise these too. It was agreed that waiting times of 90 seconds and 30 seconds should also be consulted on.

Complaints had been received in respect of the air pollution being caused by idling taxis. Legislation permitted Officers to issue fixed penalty notices (£20) to drivers who allowed their vehicles to run unnecessarily while stationary on a road. Item 6 on the agenda dealt with the options the Council could consider in order to reduce the environmental impact from licensable activities.

It was noted that the Council did not currently have a maximum age as part of its terms and conditions for the taxi fleet. Officers were asked to establish the age profile of the fleet. It was noted that 55 of the 155 hackney carriage vehicles were eight years or older and 37 of the 165 private hire vehicles were eight years or older.

In response to a query Officers explained that both Bracknell and Wokingham had an age restriction on vehicles. There was however an age exception if, once inspected, the vehicles were deemed to be in good condition. Bracknell also had a mileage clause. Members discussed whether it would be appropriate to harmonise approaches. Members were of the opinion that they supported harmonising policies across the Public Protection

LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

Partnership (PPP) whenever it was appropriate to do so. Members stated that it was important that if any changes were made cognisance needed to be taken of lead in times.

Councillor David Marsh noted that the Council had declared a climate emergency and the age of vehicles could impact on their emissions. In addition he wondered if it would be possible to include an incentive for switching to electric vehicles. Sean Murphy reported that the fees were based on cost recovery and that if it was possible to offer a reduction that this would need to be subsidised. He would explore the legislative framework to see what could be done. He surmised that it had to be permissible as there were other authorities that enacted this approach. Councillor Dennis Benneyworth commented that the table could be modelled on the approach taken to road tax. Councillor James Cole cautioned that the subsidy might need to be time limited as there could come a point when the vast majority of vehicles could be electrically powered.

It was agreed that Officers would bring a fuller paper to a future meeting.

The trade had raised the issue of insufficient taxi ranks on a Saturday night in Newbury and that the ranks were not in the correct location. Highways Officers had considered the queries raised and noted that a report had been taken to the Executive on the 13 January 2011 where the current location of the taxi ranks had been agreed and they had no current plans to revisit this decision.

Members queried if it would be possible to make use of the bus station as a holding rank when it was no longer in use. They therefore asked that Julia O' Brien ask colleagues in Highways if it would be possible for the bus station to be used as a holding rank a half hour after the last bus left the station until circa half an hour before the first bus was due to leave the station. Officers agreed to speak with colleagues and circulate a briefing note to Members outside of the meeting.

In relation to the cost of DBS checks, Officers explained that individuals were not able to process their own checks. The cost was broken down as £49 paid to the provider (£44 for the check plus £5 admin fee), and the Council's HR team charged a £15 admin charge. A half an hour charge for work undertaken by Licensing Officers was then added to the fee. Members discussed whether the taxi drivers could approach the providers directly which would mean they would not have to incur the £15 charged by HR. Officers did not think that this was permissible but Sean Murphy would discuss this issue with the trade at the next liaison meeting.

The final issue that was discussed was that when drivers had a WAV and they were involved in an accident they were required to use a temporary vehicle of the same calibre and it was queried if the requirement could be waived. Officers were concerned that if this change was implemented it could lead to an abuse of the temporary vehicle system. It could also lead to complaints about unfairness from other drivers. Members, while sympathising with the individual, felt that the policy should not be amended. Drivers should be reminded to ensure against loss of earnings. They would revisit the policy if numerous incidents were reported.

RESOLVED that:

- 1. Officers would consult Cabco on the proposals agreed at the meeting in respect of Tariffs for Hackney Carriages fares.**

LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

2. Authority be delegated to the Chairman of Licensing to consider any additional changes they proposed.
3. Officers then to undertake the statutory consultation following which a report would be brought back to the next Licensing meeting (*Post meeting note this would take place on the 27 January 2019*).
4. Officers to bring back a fuller report, providing details on the age profile of the fleet and proposing any changes to the terms and conditions relating to the maxim age of vehicles. Should any changes be proposed cognisance to be taken of lead in times.
5. Julia O' Brien to speak with colleagues in Highways about the possibility of used the bus station as a holding rank for taxis from a half hour after the last bus left the station until circa half an hour before the first bus was due to leave the station and circulate a briefing note to Members outside of the meeting.
6. Sean Murphy to discuss the cost of DBS Checks with the trade at the next liaison meeting.

12. Fees and Charges (Taxis and Animal Welfare)

Suzanne McLaughlin introduced the report (Agenda Item 5). She explained that the fees and charges were based on cost recovery. The Joint Public Protection Committee had discussed the fees and charges, at a meeting on the 07th November 2019, which were set out in this report. Members were being asked to consider the fees and then make a recommendation to full Council in March 2020 as part of the Council's annual budget setting cycle.

She noted that the following amendments needed to be made to the table on page 31 regarding the fees and charges for Animal Welfare licences:

| Description | Wokingham/ West Berkshire/ Bracknell 2019/20 (Excluding VAT) | Proposed Wokingham/ West Berkshire/ Bracknell 2020/21 (Excluding VAT) | Wokingham/ West Berkshire/ Bracknell 2020/21 (Excluding VAT (Rounded Off) |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Dog Day Care | 285 | 399 | 684 |
| Other Fees | | | |
| Variation to the licence fee (inclusive of one visit) | | | £228 |
| Replacement licence fee (lost or stolen paperwork, change of name, etc.) | | | £57 |
| Re-evaluation of star rating (inclusive of one visit) | | | £114 |

LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

| | | | |
|-----------------------------------|--|--|-----|
| Transfer due to death of licensee | | | £57 |
|-----------------------------------|--|--|-----|

It was agreed that the hourly fee should remain at £57 for 2020/21 and that a 2% increase should be applied to discretionary fees which was in line with inflation.

The most significant change in respect of Taxi and Private Hire Related Fees was that the new Operator fees were based on an administration fee for a new or renewal of a five year licence plus one hour for the first vehicle plus 15 minutes for each subsequent vehicle the operator had. This meant that they would be paying for individual vehicles instead of a band. This would be capped at 20 vehicles. The proposed fees would then be subject to the statutory 28 day consultation period.

The increase in costs associated with Animal Welfare Establishments were associated with changes arising from the enactment of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 in October 2018. Costs increased as a result of increased requirements in respect of administration, new higher inspection requirements and the required qualifications for inspectors.

RESOLVED that the amended fees be consulted on and that the Committee would recommend that full Council adopt them, subject to any changes arising out of the consultation, at the 03 March 2020 Council meeting.

13. Reducing Environmental Impact from Licensable Activities

Suzanne McLaughlin introduced the report (Agenda Item 6) which related to actions that could be taken to reduce or avoid unnecessary emissions from licensed vehicles. It was noted that air pollution could have a negative impact on health as well as quality of life and the Council had received a number of complaints pertaining to idling engines.

The report set out three options for Members to consider:

1. Undertake a targeted campaign to effect behavioural change
2. Adopt delegated powers under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 which would permit Officers to issue fixed penalty notices of £20 per ticket if drivers refused to turn off their engines when requested to do so.
3. Installation of road signage around sensitive areas.

Sarah McLaughlin noted that there were two Air Quality Management Areas (AQMA) in the District. The first was in Newbury (A339/A343/Greenham Road roundabout) and the other on the A4 Thatcham. The Council was required to produce an Air Quality Action Plan (AQAP) and within this plan there were measures to be put in place to reduce emissions.

West Berkshire Council's Hackney Carriage and Private Hire Licensing Terms and Conditions required vehicles first licensed by the authority to be less than five years old. No type of Private Hire vehicle license would be issued in respect of vehicles that exceeded eight years of age from the date of the first registration of vehicle.

Vehicles were currently tested according to their age as opposed to the level of maintenance. Those vehicles up to five years old were subject to an annual inspection.

LICENSING COMMITTEE - 18 NOVEMBER 2019 - MINUTES

Vehicles aged over five years had to be inspected every six months and this included an emission check.

Moira Fraser explained to Members that while they could note the content of the report the adoption of any measures would be a matter for the Environment Board as this issue would fall within their remit.

Councillor David Marsh stated that he would favour the adoption of fixed penalty notices and that he would like to see their use expanded to other areas including schools and at the level crossing at Thatcham Train Station.

Councillor Graham Bridgman stated that he supported Councillor Marsh's comments and that the Council wanted to encourage people it had relationship with to switch off idling engines whenever possible.

It was agreed that this issue would be raised with the trade and that an article could be put into the next bulletin as everyone was keen to promote initiatives relating to good air quality.

RESOLVED that an article on idling be included in the next trade bulletin.

(The meeting commenced at 4.30 pm and closed at 6.05 pm)

CHAIRMAN

Date of Signature