

**These Minutes have been amended.
Please see Minutes of 13 September 2010 for amendments.**

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 30 MARCH 2010

Councillors: Jeff Beck, Paul Bryant, Billy Drummond, Adrian Edwards, Geoff Findlay, Tony Linden (Chair), Gwen Mason (Vice-Chairman), Ieuan Tuck and Quentin Webb

Also Present: Liz Patient, Alison Church, Jason Teal, Brian Leahy, Paul Anstey, Valerie Witton.

PART I

14 Apologies

Apologies for inability to attend the meeting were received from Councillors Jeffrey, Argyle, Lock, Rowles and Gopal.

15 Minutes

The minutes of the meeting of the 8th September 2009 were signed as a true and accurate record of the meeting, subject to the following amendments:

- **Page 4; 1st paragraph**- ‘... the condition of current vehicless that might not be compliant’.
- **Page 6, 5th paragraph under item 13**: - ‘... just because a person had a conviction this should **not** prohibit him / her from getting a job’.

16 Declarations of Interest

There were no declarations of interest received.

17 Hackney Carriage Licensing

Brian Leahy (Senior Licensing Officer) introduced the paper reporting on the findings and recommendations of the working group set up to look at issues relating to taxi services in West Berkshire.

The working group - of a cohort of committee members - had been established at the request of the trade to look at issues associated with limiting taxi numbers, but that the remit of the group had been widened to look at a range of issues affecting the taxi trade in West Berkshire.

The working group, in reaching its conclusions, had consulted with – and taken representations from local disability lobby groups, the council’s Access Officer and Senior Transport Services Officer as well as representatives from the trade and trade associations.

As a result the working group had made a set of recommendations for the committee to consider around:

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- Options for the provision and enforced take up of driver training on disability awareness – either a nationally recognised qualification (NVQ) or more bespoke, specific training provided by the council.
- Options on the licensing of disabled access vehicles to drivers who had undertaken appropriate disability awareness training.
- Options on the imposition of an age limit on vehicles.
- Further exploratory work on applying a scale of fees to incentivise low emission vehicles and wheelchair accessible vehicles.

It was noted that depending on the recommendations being accepted, further consultations would be necessary to ensure they were implemented appropriately.

Councillor Findlay thanked Brian for the paper which was a good attempt to get to the heart of a complex set of issues. It was noted however that there was nothing in the paper on green issues – in accordance with the council's priorities – for example around looking at encouraging newer vehicles being used, or encouraging vehicles with better fuel consumption.

Councillor Findlay suggested that it would be useful to set up a further working group to take forward some of the recommendations and look in more detail at proposals, undertaking further consultation on implementation on behalf of the committee where necessary.

Disability Awareness Training

Brian Leahy pointed out that as a council, members had a duty to ensure licensees had an appropriate level of competence to carry out their duties. He stressed that some of the options were cost-free to the trade, but would have resource implications for the council and the officers involved (i.e. in house training), whilst others would have limited impact on the council, but would mean a cost being borne by the trade (i.e. NVQ training).

Valerie Witton (Access Officer) noted that use of the term 'disability' was too narrow and that the committee should not just consider this in terms of physical disability, but also with respect to sensory disability, the needs of the elderly and infirm, as well as people with learning disabilities.

It was noted that West Berkshire Council was trailing the other Berkshire unitaries in not requiring some form of formal training and that only one of the other five Berkshire authorities subsidised this training for licensees. It was a matter for members to determine whether to offer free training to licensees or one with a cost associated: typically around £120 per licensee.

It was noted that the in-house training – or competency certificates - would not be nationally recognised, and therefore transferable to other areas, but being locally designed, would necessarily cover the issues deemed pertinent and appropriate for West Berkshire's needs. Valerie Witton noted however that it was possible to have any training accredited by / registered with the Oxford College Network (OCN) if thought necessary.

Training sessions had been booked for the last Wednesday in a month throughout the year – i.e. away from the busy times – to provide sufficient opportunity for

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licensees to attend. Brian Leahy noted that current interest in the council-provided course was fairly low: around 5 drivers had expressed an interest.

Brian noted that he had recently established a pan-Berkshire officer working group to look at issues around taxis with a view to consolidating policies and training across the county.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.

Mr Nemeth (Chair of CABCO) and Richard Brown (Vice-Chair of the West Berkshire Hackney Carriage Owners Association) proposed to speak.

Mr Nemeth noted that his organisation represented 146 members and that his views were shared by the West Berkshire Hackney Carriage Owners Association. He thanked Brian for a good report, noting that the issues were complex with many vested interests. He welcomed further consultation on the proposals.

Mr Nemeth agreed that disability awareness training was essential for the trade and had no issue with accepting the recommendation made by Councillor Mason introducing a requirement on new and renewed licensees to undertake disability awareness training and that these were recommendations the trade could move quickly on to ensure compliance.

Mr Nemeth noted that NVQs were not especially helpful with regard to disability awareness as they were very generic qualifications focusing more broadly on issues around taxis and that the aspects of disability awareness were not explicit enough within the course's structure.

He concluded that a form of bespoke, in-house training – into which the trade would have some input – would be more valuable.

Mr Brown noted that he concurred wholly with the points made by Mr Nemeth.

Whilst standing orders had been suspended, Councillor Tony Linden asked for the trade's views on the options set out in 9.2.3 of the report (to upgrade the council vehicle test to include mechanical inspections – as required by a standard MOT – a meter seal test and to run a measured mile).

Mr Brown responded that he would like to see this deferred and included as part of the ongoing consultation with the member working group.

The Chairman reinstated standing orders.

Councillor Mason proposed that the options set out in 9.1.1 (all new licensees must attain a certificate of competence provided by the council) and 9.1.2 (all renewed licensees must attain a certificate of competence provided by the council) be approved by the committee. This was seconded by Councillor Linden. Members voted unanimously in favour to accept this.

Resolved that:

1. Members approve a condition whereby all applicants for new licenses from 1st April 2010 must provide a certificate of competence in disabled access training issued by the council or a training body approved by the council.

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2. Members approve a condition whereby all applicants for licence renewals must provide a certificate of competence in disabled access training issued by the council / training body approved by the council. The date when this should come into affect to be agreed by working group in consultation with the trade.

Vehicles

Brian Leahy noted that because members had opted for the less formal approach to training then it naturally followed that 9.2.2 (a condition on the vehicle on which the disabled access licence applies, that may only be driven by someone who has a certificate of competence) would apply.

Valerie Witton noted that by having the monthly training dates already booked in, there should not be an issue with all licensees having had ample opportunity to attend the training by the proposed implementation date of 1st November 2010.

Councillor Findlay noted that there would likely be some issue around implementation – as we would be putting a retrospective condition on licences - and he welcomed hearing the trade's views on this recommendation.

It was also noted that should it be accepted, the penalty for breaching this condition – i.e. driving a disabled access vehicle, without being in receipt of a certificate of competence – would be a criminal offence and therefore members needed to be aware of the seriousness of the implications for default. Brian Leahy reminded members that the option set out in 9.2.2 could be accepted, but that the date it would take affect could be amended.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.

Mr Nemeth and Mr Andrew Lutter (Chair of the West Berkshire Hackney Carriage Owners Association) proposed to speak.

Mr Nemeth concurred that the condition set out in 9.2.2 would be acceptable for new applications. Existing licensees however should only be expected to comply upon renewal of the licence – therefore the condition should be universally applied after 3 years – i.e. once all licences had been renewed.

Mr Lutter concurred adding that this condition would in effect be creating a criminal offence where none had previously existed.

Brian Leahy reminded members that it was not possible in law to attach a condition to a licence – only to an application for a licence.

The Chairman reinstated standing orders.

Brain Leahy reminded members that if the November 2010 date was changed then the committee would need to agree the format or process for agreeing a subsequent date – i.e. through the proposed working group.

Councillor Webb suggested that a 2 year time period was appropriate although Councillor Geoff Findlay felt that this was relatively arbitrary and a date needed to be set in agreement with the trade.

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Councillor Mason proposed to accept the option set out in 9.2.2 (a condition on the vehicle on which the disabled access licence applies, that may only be driven by someone who has a certificate of competence) with effect from 1st April 2010 for new licences and for the ultimate compliance date for existing licensees to be agreed by the working group. This was seconded by Councillor Linden. Members voted unanimously in favour to accept this.

Resolved that:

1. Members approve a condition whereby the vehicle to which a new disabled vehicle licence applies can only be driven by a person who has attended a course approved by the council on disability awareness training. To be implemented as of 1st April 2010.
2. Members approve a condition whereby the vehicle to which a renewed disabled vehicle licence applies can only be driven by a person who has attended a course approved by the council on disability awareness training. The implementation date to be consulted on by the committee working party and reported back to the Licensing Committee at its next meeting in September

Member Working Group

Councillor Webb proposed that a working group be established to look at the implementation dates and also to look at the options put forward from 9.2.4 – 10, plus restrictions on the age of age of vehicles. This was seconded by Councillor Beck.

Brian Leahy suggested that it was appropriate for the committee to agree participation in the group. He suggested that this should include representations from: the trade associations, the council's Access Officer, the Disability Alliance and other lobby groups, the Chamber of Commerce as well as representatives of the travelling public (although he conceded that it was not clear at this stage how input from this latter group could be elicited). Brian Leahy also felt that it was important to elicit the views of those licence holders not represented through either trade associations.

It was agreed that members should be the same as on the previous working group: Tony Linden, Gwen Mason, Geoff Findlay, Jeff Beck and Ieuan Tuck. The working party would meet after the general election in May and report back at the next committee meeting in September 2010.

As a point of clarity, it was noted that only committee members would have powers to make recommendations and would take representations from those participating in the group.

Councillor Findlay suggested an amendment so that the format of the group would be the same as the previous working group. Namely that members formed the group rather than being inclusive of other representatives and interested parties as described by Brian Leahy. Councillor Webb did not accept the amendment.

Members voted in agreement with the original proposal that a working party of five members be formed with elicited input from groups cited above in order to provide recommendations to the September committee meeting. Two members abstained from the vote.

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Resolved that:

1. A committee sub-group comprising of Councillors Linden, Mason, Findlay, Beck and Tuck be set up to develop further recommendations which would be considered by the committee in September. Input from the trade associations, the council's Access Officer, the Disability Alliance and other lobby groups, the Chamber of Commerce, representatives of the travelling public and licence holders not represented through either trade associations would be elicited.

18 Taxi Tariff 2010/11

Brian Leahy introduced the paper informing the committee of the application from the trade for an increase in the taxi tariff.

Brian noted that this was an annual application, although the trade had not taken the opportunity in 2009/10 as they had previously (successfully) petitioned for a further 50p surcharge increase in 2008/9 to take account of increases in fuel costs. Appended to the paper was the letter from Mr Nemeth applying for the changes. A further paper was distributed which compared the proposed fare with that already in effect from July 2008. If this increase was agreed this evening then this would take effect on 22nd April 2010.

It was noted that the trade had not asked for a change in fare, but for the distance within which the fare increases to be reduced.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.

Mr Nemeth noted that the increases effectively amounted to a 4% increase in the average fare, against an ~16% increase in fuel costs over the past year. This would mean that the average (£5) fare would rise by 20p. He also reiterated that the trade had not applied for an increase in fare for 2009/10 as they had successfully applied for two increases the previous year to take account of increases in fuel costs.

The Chairman reinstated standing orders.

Councillor Bryant proposed the increased fare. This was seconded by Councillor Beck.

Councillor Edwards noted that he had opposed the 50p increase 18 months ago as he felt that this would be disproportionately borne by those living in more rural areas. He would be interested in establishing the impact of this flat fare increase on those more vulnerable and elderly members of the community living in the rural areas of the district.

Councillor Bryant left the meeting

In Councillor Bryant's absence, Councillor Beck proposed the increased fare - this was seconded by Councillor Drummond.

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In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.

Mr Nemeth clarified to members that what was being applied for was the *maximum fare*. He noted that a lot of independent traders waived the 50p surcharge in the daytime – especially for regular, elderly customers. He noted that quite a few people were in receipt of travel tokens which were provided to help elderly people living in the countryside to use taxis to get into town.

The Chairman reinstated standing orders.

Members voted in agreement for the proposed increase in fares for 2010/11. One member voted against.

Resolved that:

1. The proposed changes to the fares for Hackney Carriages be approved with effect from 22nd April 2010.

19 Licensing Training

Councillor Linden reminded members that they had a legal duty under the constitution to have undertaken appropriate training at least once a year. He also noted that quite a few members had not attended the training provided in the previous year and that it was important to maintain members' competence on licensing matters.

Councillor Bryant rejoined the meeting

He noted that training was required for all committee members in 2010/11 - with the exception of Councillor Rowles who had recently undertaken some training.

There was a discussion on the rushed nature of arranging and last year's training and was accepted that this was largely a factor of trying to get the most effective training available – which was as a result, unfortunately, at short notice.

Brian Leahy noted that the training was ostensibly on legal issues. Liz Patient (Solicitor) noted that there would be significant resource implications on officer time, should the training be run in-house.

Brian noted that the cost of outsourcing the training – to the same person who ran last year's session in Maidenhead – was in the order of £1,800 for a day's session in Newbury, or ~£240 per member / day for individual training on a prearranged course.

Councillor Edwards suggested that this training should be built into the annual council programme.

Resolved that:

1. Brian Leahy would look at cost effective ways of undertaking training post the general election – maybe through joint-training with the other Berkshire UAs, or joining in with other neighbouring authorities – such as in Hampshire, Oxfordshire or Wiltshire – and report back to the chairman.

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(The meeting commenced at 6:30pm and closed at 9:00pm)

CHAIRMAN

Date of Signature