

LICENSING COMMITTEE

(These Minutes have been amended. Please see Minutes of 15 March 2011 for amendments)

MINUTES OF THE MEETING HELD ON TUESDAY, 21 DECEMBER 2010

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Geoff Findlay, Manohar Gopal, Roger Hunneman, Tony Linden, Andrew Rowles, Ieuan Tuck and Quentin Webb

Also Present: Paul Anstey (Environmental Health & Licensing Manager) and Brian Leahy (Senior Licensing Officer),

Apologies for inability to attend the meeting: Councillor Mollie Lock and Councillor Gwen Mason

PART I

11. Minutes

The Minutes of the meeting held on 13 September 2010 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

Item 9, page 7, bullet point 6: add 'render' after 'would' in 'it would *render* him redundant'.

12. Declarations of Interest

All Members of the Committee declared an interest in Agenda Item 4, but reported that, as their interest was personal but not prejudicial, they determined to remain to take part in the debate and vote on the matter.

13. Taxi Licensing

(All Members declared an interest in Agenda item 4 by virtue of the fact that they had been lobbied. As their interest was personal but not prejudicial they were permitted to take part in the debate and vote on the matter).

The Committee considered a report (Agenda Item 4) concerning consultation feedback from the taxi trade regarding decisions taken in principle by the Licensing Committee at its meeting of 13th September 2010.

Bryan Leahy informed the Committee that after the in principle decisions taken at the last meeting of this Committee, he had undertaken a 3 month consultation with the trade and Officers' recommendations, following the consultation results, were contained within the report.

Where there had been ambiguity in the consultation results no recommendation had been given, as the Committee were asked to make their recommendation after hearing the views of the taxi trade in attendance.

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

A Cabco representative informed the Committee that his members agreed in principle to all but one of the recommendations. Cabco had objections to recommendation 2, that all drivers were required to take regular assessments. Concern had been raised that

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experienced drivers would not require constant re-testing and that details were not available on the content of the test that would be undertaken.

A representative from West Berkshire Hackney and Private Hire Association informed the Committee that he agreed with the Cabco representative's comments and added his own association's concerns about recommendation 5, that vehicles would only be accepted for first licensing if under the age of 5 years. In response from Members questions, the Committee were informed that his organisation's objections to this proposal were down to the inflated cost of second hand vehicles which were wheelchair accessible.

A private trade representative informed the Committee that he was concerned about the introduction of a five year old vehicle first licence restriction.

The Chairman reinstated standing orders.

Members considered each of the recommendations in turn and voted whether the in principle decisions should be ratified.

With regards to recommendation 1, paragraph 2, page 17, Bryan Leahy informed the Committee that details of the Driver Standards Agency test for new drivers was available on their website.

The Committee voted on the matter and resolved to ratify this decision.

With regards to recommendation 2, paragraph 3, page 18, Members were informed that officers had made no recommendation as views from the trade were mixed. Members were asked to consider the points made by the trade at this meeting and the views highlighted within the report.

In considering if all taxi drivers should be required to have passed a taxi / private hire driving assessment, irrespective of their experience, Members felt that introducing a trade standard was important as over time bad habits could become common place. As there had been very few complaints made against the trade, and if a driver was convicted of an offence their licence would be revoked, Members felt that enforcing additional training for existing taxi drivers would be unnecessary. It was agreed that the new assessment be introduced with officers being instructed that the test should only apply to existing drivers if they failed a points system, details of the points system to be confirmed.

The Committee voted on the matter and resolved that the decision be ratified subject to new arrangements being put in place for existing taxi drivers having to undertake the test by exception.

The Committee considered recommendation 3, paragraph 4, page 18 concerning the introduction of a 'Council Test' equivalent to a MOT. Members asked if there was a means of appeal if a car failed the new test and were informed that this would be done via the Council's complaint procedures. However, officers would work with the trade to resolve any minor issues so that any failure would be limited to serious faults. It was noted that advisory notes would be provided to give the trade an opportunity to resolve minor issues for a re-test.

The Committee voted on the matter and resolved that the decision be ratified.

With regards to recommendation 4, paragraph 5, page 18 concerning the reintroduction of the mile and meter test. Members were informed that the trade were in agreement that this test be re-introduced.

The Committee voted on the matter and resolved that the decision be ratified.

With regards to recommendation 5, paragraph 6, page 19 concerning the acceptable age that a vehicle could be registered for the first time. Members agreed with the concerns

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raised by the trade that if this was introduced during the current economic downturn that this would be detrimental to the trade. Members requested that the decision on this item be deferred for one year.

The Committee voted on the matter and resolved to defer the decision for a one year period.

The Committee considered recommendation 6, paragraph 7, page 19 concerning wheelchair accessible modifications made to vehicles to make sure the modification was certified. Members were informed that the objection based on non-DTI compliance was not valid as the objector had misinterpreted the DTI guidance. The objection, however, had been included in the report so an open decision could be made.

The Committee voted on the matter and resolved to ratify the decision.

RESOLVED that :

- (1) All new taxi drivers, as of the 23rd December 2010 will be required to have passed a taxi / private hire driving assessment with the Driving Standards Agency (DSA) prior to any licence being issued.
- (2) All new taxi drivers will be required to have passed a taxi / private hire driving assessment with the Driving Standards Agency within three years of the proposed implementation date of 23rd December 2010. Officers be instructed to examine the introduction of a test for existing drivers by exception.
- (3) The Council vehicle test be replaced with a test which is the equivalent of an MOT (to be known as the "Council Test").
- (4) The measured mile and meter test is to be reintroduced as a requirement of the Council Test.
- (5) That the following decision be deferred for one year. 'Vehicles will be accepted for first licensing up to the age of 5 years. Any vehicle over 5 years old will be rejected. There is to be no upper limit to the age of a vehicles presented for re-licensing (renewal).'
- (6) All wheelchair accessible vehicles which are not constructed as such at manufacture and presented for initial and replacement vehicle licensing, will only be considered if they are accompanied by a National or Single Type Approval Certificate incorporating any modification.

14. Hackney Carriage and Private Hire Driver Licences

The Committee considered a report (Agenda Item 5) concerning the amalgamation of the hackney carriage and private hire driver's license where a driver wished to hold both types of license.

Brian Leahy informed the Committee that the trade had requested that the Council considered introducing an amalgamation of the two drivers licences currently in place. There would be minor financial savings for all parties concerned but this dual licence was feasible.

In response to questions from Members, Brian Leahy informed that any new style of licence would incorporate the legalities found in the current licences and that taxi drivers currently holding 2 licences had to only take a single medical for both, this would not change.

RESOLVED that a 'dual' licence, in addition to existing taxi and private hire drivers be introduced.

15. Hackney Carriage Licensing

The Committee considered a report (Agenda Item 6) concerning Group 2 Driver Medicals.

Brian Leahy informed the Committee that the report had been produced due to a request from the trade to introduce a new procedure to allow GP's to undertake their medicals.

In response to questions from Members, Brian Leahy informed the Committee that the proposed medical form was based on Government standards and as GP's already used the format for HGV drivers there should be no objections to using the form for taxi drivers.

RESOLVED that the committee accept the request from the trade to allow drivers to arrange their own medicals with whichever practitioner they chose as long as it was their own GP, a GP from the same practice or Occupational Health Service. To use the DVLA standard guidance for medicals and requiring all drivers to attend a medical upon first licensing and then every 5 years between the ages of 45 and 65 with annual examinations every year when over 65.

16. Sex Establishments

The Committee considered a report (Agenda Item 7) concerning the adoption of Section 27 of the Policing and Crime Act 2009.

Brian Leahy informed the Committee that they were being asked to adopt section 27 of the Policing and Crime Act 2009 so that the authority would have the legislative means to regulate sex entertainment venues.

In response to questions from Members, Brian Leahy informed the Committee that there were no such establishments in West Berkshire, however, adopting the legislation would provide safeguards for our communities. An existing licensed establishment could only introduce sex entertainment if they passed a number of legislative procedures.

RESOLVED that the Council adopt Section 27 of the Policing and Crime Act 2009.

17. Street Trading Consent

The Committee considered a report (Agenda Item 8) concerning the Council's Street Trading Consent Policy and Authorisation.

Brian Leahy informed the Committee that Schedule 4 of the Local Government (Miscellaneous Provision) Act allowed the authority to introduce designated areas or Streets for the purposes of street trading.

A report had been brought to the Committee requesting that officers undertake a review of the Council's current policy for re-adoption of the act in 2011. It had been felt that the review was required due to parish boundary changes that affected adopted policy such as the prohibition street zone in Theale.

Members were disappointed that legislation did not allow the policy to cover all street traders such as chuggers and requested that the report include what type of street traders are/are not included. Members also requested that Bryan Leahy email the Committee his guidance notes that he had passed to Thames Valley Police, and that as part of his consultation he presented a discussion on the topic at a District Parish Conference.

RESOLVED that the Council consider the option of re-adopting Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, following consultation with all Parish and Town Councils.

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(The meeting commenced at 6.30 am and closed at 8.05 pm)

CHAIRMAN

Date of Signature