

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 15 MARCH 2011

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, Roger Hunneman, Tony Linden, Mollie Lock, Gwen Mason (Vice-Chairman), Ieuan Tuck and Quentin Webb

Also Present: ,

Apologies for inability to attend the meeting: Councillor Geoff Findlay and Councillor Andrew Rowles

Councillor(s) Absent: Councillor Billy Drummond

PART I

18. Minutes

The Minutes of the meeting held on 21 December 2010 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

- **Page 3: Item 13, 2nd resolution:** Should read 'All taxi drivers' instead of 'All new taxi drivers'.
- **Page 3: Item 13, 2nd resolution:** Deletion of the second 'of' in the last sentence.

19. Declarations of Interest

There were no declarations of interest received.

Prior to the considering the reports as set out in the Agenda, Sarah Clarke addressed the Committee regarding an item of procedure. Two written submissions had been made: A memo from Mr Andrew Lutter (Chairman of West Berkshire Hackney and Private Hire Association) dated 14th March and a letter from Kevin Archibald (Representing CABCO) dated 9th March 2011. As these submissions were not received within five clear working days of the meeting, they could not be considered by the Committee. Members were asked that if they had received or seen these items that they disregard them. This was standard policy for Planning and Licensing Committees and was set out in the Council's Constitution.

20. Taxi Tariff 2010/11

Brian Leahy presented the report on the request from the Taxi Trade to increase tariffs. Councils are not obliged to set a maximum taxi fare (tariff) for their area but may do so if they wish. In the past, West Berkshire Council and its predecessor have set a maximum taxi fare structure. It is usually reviewed annually to commence as soon as possible at the start of the new financial year. The Office of Fair Trading also advises that it is good practise to set a maximum tariff. The report included information on the Consumer Price Index, London Black Cabs as well as neighbouring and similar local authority areas. Brian Leahy highlighted that Members might want to consider the affects of the recent rise in fuel and associated costs. The 15.5% rise that was stated in the report had been contested by the Trade and it was suggested that Standing Orders be suspended to allow the Trade to speak on this issue.

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Councillor Jeff Beck clarified the statement on p10 paragraph 1.2, regarding consulting Thames Valley Police about the effects of setting or not setting a maximum tariff and their views being made known at the meeting. Despite chasing, no response had been received from Thames Valley Police.

It was confirmed, following a query from Councillor Roger Hunneman, that the Committee would be setting a maximum tariff but the taxis must always charge what the meter was showing.

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.

A representative of the Trade, Mr Rodney Nemeth, Director of CABCO, addressed the Committee. His representation was made on behalf of CABCO and also the West Berkshire Hackney and Private Hire Association. He was therefore representing over 200 owners and drivers. They were asking for a 20 pence increase on a journey over 1.5 miles. With the fuel increase, increasing insurance, servicing and tyre costs, their running costs were increasing. However, 7 out of 10 West Berkshire customers were still paying less for their taxi fares than they were 3 years ago. Three years ago there was a 50pence emergency increase in fares due to the fuel crisis. This was put in effect as a booking fee. A lot of members of the association believe it is once again, a crisis. They did not necessarily need a 'booking fee' to be implemented, just a fair average increase in fares. Mr Nemeth stated that a local shopping trip to Tesco would be a similar price to taking the bus. In response to questioning from Members, Mr Nemeth made the following points:

- Some taxi drivers charge less than the average rate – accurate quotes can be given to customers;
- 20 pence would be the average increase on the daytime tariff. An average taxi journey was 1.5 miles.
- The previous 50 pence increase was only applied to daytime tariffs, they now requested that the increase apply to night time tariffs as well. The night time increase would therefore equate to 75 pence. However there were no booking fees at night.
- A Newbury to Chieveley journey would increase by an estimated 50 pence. It currently would cost around £12.00. At night this would increase by approximately £1.25;
- 80% of their day time trade were the elderly or disabled and they always tried to look after the interests of their customers;
- Customers can negotiate prices at the rank – ask for quotes and obtain the best fare.
- The minimum charge was £2.50 and each mile after this would be an increase from £1.86 to £1.95 which was a 4% rise.

Rodney Nemeth also raised an issue from the Survey, where people had stated that fares were too high. He believed that everyone would state prices are too high when asked.

Brian Leahy clarified that the Tariff card was standardised and used across the country. A member of the Trade, Richard Brown (Vice chairman of Hackney Carriage and Private Hire Association) explained the metering to the Committee; the meter would increase by 10 pence not 20 pence. If someone was taking a journey from Hermitage to Chieveley they could phone to make a booking and negotiate a price.

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The Chairman reinstated standing orders.

Councillor Peter Argyle stated that considering the rising costs of fuel he thought that a 4% increase was very reasonable and he proposed that this increase in tariffs be accepted by the Committee.

Councillor Paul Bryant queried how Windsor and Maidenhead had arrived at the £3.90 figure and Brian Leahy stated that this would have been agreed by Members at that Authority. Not all Local Authorities set tariffs each year.

The Committee voted unanimously in favour of adopting the Trade's request.

RESOLVED that the proposal for an increase in taxi tariffs be accepted.

21. Hackney and Private Hire Conditions

Brian Leahy presented the report regarding the request from Thames Valley Police that all of the Thames Valley Unitary Authorities consider including the following condition on drivers licences:

"A driver may not initiate any dialogue of a sexual nature or become involved sexually, or have sexual contact with, any customers in a licensed vehicle even if they consent".

The question was whether or not this issue was covered by other legislation and Brian Leahy believed that existing legislation was sufficient. What this new condition did do was to make it very clear to drivers that any kind of sexual contact in a taxi was not acceptable and removed any ambiguity.

As Chairman of the Safer Select Committee, Councillor Quentin Webb proposed that the Committee accept the condition.

In response to a question from Councillor Peter Argyle, Brian Leahy stated that this would be enforced in the same manner as other conditions, in that evidence would need to be presented. He believed that enforcement was secondary to the purpose of the condition.

Councillor Roger Hunneman stated that he was in favour of this condition but there needed to be absolute clarity with the wording – would it be acceptable for drivers to have a monologue with themselves for example.

Councillor Adrian Edwards pointed out the results of the Taxi Demand Survey which highlighted that people generally felt safe when using a taxi in the District.

Councillor Gwen Mason thought that adopting the condition would bring stability to the Thames Valley region and would also help with new taxi drivers in being clear about how they should conduct themselves.

Councillor Paul Bryant was not in favour as he thought that this was a step further towards a nanny state and that this should be an issue for the Police to deal with.

The Committee voted in favour of adopting the condition with two abstentions.

Resolved that the condition regarding sexual conduct of taxi drivers be adopted.

22. Regulation of the Cosmetic and Skin Colouring Business

Brian Leahy presented the report which advised Members that the Local Government Act 1982 had been amended. This amendment enabled local authorities to adopt byelaws which are intended to increase health protection and reduce the risk of transmission of blood-borne virus (BBV) infections such as HIV, Hepatitis B and C and other infections in relation to Cosmetic Piercing and Skin-Colouring Businesses as well as for tattooing, ear piercing, electrolysis and acupuncture.

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Brian Leahy explained that this was a widening of the current legislation to include the rest of the body and included semi-permanent tattoos. His recommendation was to accept the model byelaws presented.

In response to questions from Members of the Committee, Brian Leahy explained that he would not anticipate this added extra work for officers as those establishments that were already registered were those carrying out this work. Face painting was not included in the legislation but semi-permanent tattooing was. This was a registration for life for the premises and the person undertaking the practise away from the premises. The fee was £380 per year for either the premise or the person.

The Committee voted unanimously to adopt the by-law.

Resolved that the byelaw be adopted.

23. **Taxi Demand Survey**

The Licensing Committee commissioned a taxi demand survey to be carried out by Halcrow Group Ltd in the latter part of 2010. The report was intended to survey the current position with regard to taxi provision within West Berkshire District. A draft of the report had now been published and had been sent to Members of the Committee and the Chairmen of the two recognised taxi associations.

Brian Leahy stated that some errors had been found and fed back to the company. It was suggested that Members and the Trade read the report and discuss it's findings at a Trade Liaison meeting, giving the Trade chance to make representations to the Committee, when the item would be discussed in full and recommendations from the Trade and Officers could be made.

In response to a question from Councillor Webb, Brian Leahy stated that there were comparisons with other areas made within the report – the company had looked at other similar authority areas.

Resolved that:

- (1) the final report on the survey be discussed at a Trade Liaison meeting;
- (2) recommendations from this meeting be brought back to the Licensing Committee in June.

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

CHAIRMAN

Date of Signature