

# Notice of Meeting

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## Licensing Committee

**Tuesday, 15th March, 2011 at 6.30 pm**  
in Council Chamber Council Offices  
Market Street Newbury

Date of despatch of Agenda: Monday, 7 March 2011

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jessica Broom on (01635) 519591  
e-mail: [jbroom@westberks.gov.uk](mailto:jbroom@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at  
[www.westberks.gov.uk](http://www.westberks.gov.uk)



## Agenda - Licensing Committee to be held on Tuesday, 15 March 2011 (continued)

To: Councillors Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Geoff Findlay, Manohar Gopal, Roger Hunneman, Tony Linden, Mollie Lock, Gwen Mason (Vice-Chairman), Andrew Rowles, Ieuan Tuck and Quentin Webb

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# Agenda

## Part I

	Page No.
1. <b>Apologies</b> To receive apologies for inability to attend the meeting (if any).	
2. <b>Minutes</b> To approve as a correct record the Minutes of the meeting of this Committee held on 21 <sup>st</sup> December 2010.	1 - 6
3. <b>Declarations of Interest</b> To receive any Declarations of Interest from Members.	
4. <b>Taxi Tariff 2010/11</b> <i>Purpose: To inform the Committee of a request from the Taxi Trade to increase taxi fares.</i>	7 - 16
5. <b>Hackney and Private Hire Conditions</b> <i>Purpose: To inform the Committee of a request from Thames Valley Police to add a condition to the Council's conditions for Hackney Carriage and private hire drivers.</i>	17 - 22
6. <b>Regulation of the Cosmetic and Skin Colouring Business</b> <i>Purpose: To inform the Committee of section 120 schedule 6 of the Local Government Act 2003.</i>	23 - 40
7. <b>Taxi Demand Survey</b> <i>Purpose: To discuss the draft report commissioned by the Council on the Taxi Demand Survey (Please ensure you bring your previously circulated copy of the report to the meeting).</i>	41 - 44

Andy Day  
Head of Policy and Communication

**Agenda - Licensing Committee to be held on Tuesday, 15 March 2011** *(continued)*

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If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



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

## LICENSING COMMITTEE

### 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<sup>th</sup> September 2010 were approved as a true and correct record and signed by the Chairman subject to the following amendment:

**Item9, 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 13<sup>th</sup> 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

## LICENSING COMMITTEE - 21 DECEMBER 2010 - MINUTES

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.

## LICENSING COMMITTEE - 21 DECEMBER 2010 - MINUTES

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 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.

## LICENSING COMMITTEE - 21 DECEMBER 2010 - MINUTES

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.



**LICENSING COMMITTEE - 21 DECEMBER 2010 - MINUTES**

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.

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

**CHAIRMAN** .....

**Date of Signature** .....

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# Agenda Item 4.

<b>Title of Report:</b>	<b>TAXI TARIFF 2010/11</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	15 <sup>th</sup> March 2011
<b>Forward Plan Ref:</b>	

**Purpose of Report:** To inform Members of a request from the taxi trade to increase taxi fares

**Recommended Action:** To consider the request

**Reason for decision to be taken:** Trade request

**Other options considered:** To approve, refuse or amend the rate of tariff

**Key background documentation:** OfT Report on taxi services

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic downturn** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce crime and the fear of crime**

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:  
 Ensuring that, if approved, the tariff charged does not exceed the maximum agreed thus protecting the taxi using public from overcharging and by creating a consistent approach to charging for taxi operators and drivers.

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	3rd March 2011

Contact Officer Details	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Senior Licensing Officer
<b>Tel. No.:</b>	01635 42400
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## Implications

- Policy:** Although not a mandatory requirement, it has been the Council's policy to set a maximum tariff for taxis.
- Financial:** None  
 If there are any financial implications contained within this report this section **must** be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.
- Personnel:** None
- Legal/Procurement:** The Council has a duty to advertise the fares and publish a date by which any objections must be received.
- Property:** None
- Risk Management:** None
- Equalities Impact Assessment:** EIA carried out  
 Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.
- Corporate Board's Recommendation:** To be completed after the Corporate Board meeting.

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>

## **Executive Summary**

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### **1. Introduction**

- 1.1 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.
- 1.2 Members have the option to not set a tariff at all, relying instead on market forces to establish the going rate and at the same time promoting competition. The taxi trade, through the West Berkshire Hackney Carriage and Private Hire Operators Association and the CABCO Association, have always been opposed to such a proposal citing potential threats from the public as the main reason, along with the possibility of more mercenary drivers charging unreasonably high fares. Although if no tariff were set, the latter would not be illegal, Thames Valley Police have been consulted regarding the effects of either setting a maximum fare, or not. Their views will be made known at the meeting.

### **2. Proposals**

- 2.1 To consider the trade's proposals, set out in Appendices A and B.

### **3. Conclusion**

- 3.1 It is intended that any changed tariff will be implemented from 1<sup>st</sup> April 2011 and be effective for 1 year.

# Executive Report

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## 1. Introduction

1.1 Currently, the fare regime for the district is staged at 38 in a national council league table of 380 authorities.

1.2 The national average (tariff) fare and neighbouring councils fares are as follows;

Tariff 1	At 1 mile	At 5 miles	Flag
<b>National Average</b>	<b>£3.44</b>	<b>£10.20</b>	<b>£2.54</b>
West Berks	£4.00	£11.80	£2.50
Reading	£4.00	£13.20	£2.20
Wokingham	£4.00	£12.00	£3.00
Bracknell	£4.00	£ 9.80	£3.00
Slough	£5.00	£10.40	£3.00
Vale o WH	£4.10	£12.10	£3.50
Swindon	£4.30	£11.30	£2.90
Windsor & M	£3.40	£ 9.80	£2.60
Basingstoke & Deane	£4.00	£ 9.60	£2.80

West Berkshire is therefore 2nd most expensive together with 4 other authorities at 1 mile, 4<sup>th</sup> cheapest at 5 miles and 2<sup>nd</sup> cheapest at flag.

Tariff 2 (applies between 22.00hrs and 06.00hrs and on Sundays & Bank Holidays, in West Berkshire);

<b>National Average</b>	<b>£4.56</b>	<b>£13.44</b>	<b>£3.37</b>
West Berks	£5.25	£16.95	£3.00
Reading	£5.20	£14.80	£3.20
Wokingham	£6.00	£18.00	£4.50
Bracknell	£6.00	£14.70	£4.50
Slough	£6.80	£12.20	£4.80
Val OWH	£5.55	£17.55	£4.65
Swindon	£4.90	£11.90	£3.50
Windsor & M	£5.10	£14.70	£3.90
Basingstoke & Deane	£6.00	£14.40	£4.20

It can be seen that West Berkshire fares are the 4<sup>th</sup> cheapest at 1 mile, the 3<sup>rd</sup> most expensive at 5 miles and the cheapest, at flag.

## 2. Annual Review 2010/11

2.2 The fare structure currently in place was set by Members in 2010 and showed an increase over the previous tariff of approximately 20p on the average West Berkshire taxi fare. (Trade assessment)

## 3. Annual review 2011/12

- 3.1 Cabco have written to the Council on behalf of themselves and the West Berkshire Hackney & Private Hire Association, letter dated 1st February 2011 and shown as Appendix A, outlining their case for an increase of tariff for 2011/12. Their submission is that this proposed tariff change will increase the average taxi fare, in West Berkshire, by about £0.20p.
- 3.2 Members may wish to suspend standing orders and invite trade representatives to address the Committee to further explain their request.

#### **4. The Office of Fair Trading Report**

- 4.1 The report does not recommend that Councils remove pricing restrictions for taxis. It recognises that whilst there are some good reasons for deregulating fares, on balance, those for applying controls are stronger. Overall, the OFT believes that fare deregulation will lead to higher charges. The report makes clear that when setting fares the Council should make it clear that the fare set, is the maximum that can be charged. This statement is shown on the tariff card issued to all vehicle proprietors.
- 4.2 A copy of the OFT report is available at the OFT web site at, <http://www.of.gov/Market+Studies.taxis.htmnts>

#### **5. Taxi Fares for 2011/12**

- 5.1 The current taxi fares/tariff and the proposed tariff, as requested by the trade, are shown at appendix B to this report.
- 5.2 The trade submission equates to an increase of roughly 15.5%, by virtue of reduced distance at flag and 4.5% for each subsequent distance completed or part thereof in tariff 1. The same proposal for distance applies at tariffs 2 & 3. The proposed flag increase at tariff 2 equates to 16.6% with the proposed increase at flag for tariff 3 being 12.5%.
- 5.3 The Consumer Price Indices (CPI) annual inflation as of January 2011 stood at 4.0%, up from 3.7% in December 2010. Two of the main factors that had an impact on the January data were the increase in the rate of VAT and the rise in the price of crude oil. The main upward pressures to inflation came from petrol and diesel, restaurants and cafes, furniture and furnishings, alcoholic beverages and the purchase of vehicles.
- 5.4 Annual inflation as recorded by the retail prices index (RPI) stood at 5.1% in January, up from 4.8% in December.
- 5.5 The change in CPI 12 month rate is calculated by comparing the price changes between the latest two months and the same two months a year ago. This year the CPI rose by 0.1% between December and January compared with a fall of 0.2% between the same two months a year ago. The 1 month movement was therefore 0.3 percentage points stronger this year and this led to an increase in the CPI 12 month rate from 3.7% in December 2010 to 4.0% in January 2011.



- 5.6 The most significant upward contributions to the change in the CPI 12 month rate between December 2010 and January 2011 came from:

Transport: prices, overall, rose by 1.0% between December and January this year compared to a 0.1% decrease between the same 2 months a year ago. The largest upward effects this year came from fuels and lubricants where the increase of VAT, fuel duty and the price of crude oil led to prices increasing by 4.4% between December 2010 and January 2011. There was also an upward effect from the purchase of vehicles, where prices, overall, rose by 2.1%. The largest upward contribution came from the purchase of new cars where the increase of VAT contributed to prices, overall, increasing by 2.4%.

Please Note: the facts quoted above were compiled from the latest available figures immediately prior to the submission of this report on the 1<sup>st</sup> March 2011.

## 6. Comparisons

- 6.1 The Public Carriage Office has announced that a black cab fare will rise broadly in line with UK average earnings. The new tariff, which was considered by the Transport for London boards, takes into account;

- Increases in taxi operating costs;
- Increases in national average earnings;
- Compensation to drivers for consolidation charges for luggage and extra passengers and;
- Part compensation (£1) for airport charges for journeys starting from Heathrow

- 6.1.1 The new fares ensure a fair and simple tariff for drivers and passengers. These include:

- No change for the minimum fare of £2.00
- The average tariff 1 (weekdays 6am – 8pm) fare will increase by 2.8%, in line with the cost index
- Tariffs 2 and 3 (covering late evenings, nights and weekends) will increase by an average 2.8% plus an additional 12p per journey, bringing the average increase at these times to about 4%; and
- £1 additional charge for journeys within London starting at Heathrow Airport.

**Please Note: the above is taken from the Transport for London website; which also states that the consultation on taxi tariff and licence proposals were done with the taxi trade.**

- 6.2 A survey of the all the authorities listed in 1.2 above indicates the following intentions with regard to 2011/12 tariffs:

West Berks                      As notified in this report.

Reading	Tariff will be addressed 8 <sup>th</sup> April 2011 – possibly 1 – 2%
Wokingham	Following consultation with the trade there are no anticipated increases in tariff until December 2011.
Bracknell	Tariff to be looked at with a view to determining a formula which could address increases between 4% - 10%.
Slough	Tariff set in 2010 and no immediate plans to change.
Vale of WH	Officers have been asked to look at the tariff during May/June 2011.
Swindon	No immediate plans for an increase however it will be considered.
Windsor & M	Large % increase in 2009 (circa 18%, offset by a reduction at flag from £3.00 to £2.60). This was due to no increases being made over the previous few years.
Basingstoke & D	A tariff increase was agreed in November 2010 which related directly to mileage. This ranged from 2.1% to 6.5%

## **Appendices**

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Appendix A – Letter from Cabco & West Berkshire Hackney & Private Hire Association.

Appendix B – Tariff cards – To be provided at the meeting.

## **Consultees**

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**Local Stakeholders:** CABCO Association, West Berkshire Hackney & Private Hire Association, Independent Taxi/Private Hire drivers, operators and vehicle owners

**Officers Consulted:** Paul Anstey

**Trade Union:** None

## **APPENDIX A**

Mr Brian Leahy  
Senior Licensing Officer  
West Berkshire Council  
Council Offices  
Faraday Road  
Newbury  
Berkshire  
RG14 2AF

1<sup>st</sup> February 2011

Dear Mr Leahy,

Setting of the maximum chargeable fares for Hackney Carriages W.E.F the 1<sup>st</sup> April 2011

The members of the above mentioned association and the West Berkshire Taxi Association have instructed me to apply to you for an increase in charges.

Our application is as follows:

- 1) Initial distance not exceeding 380 yards or part thereof  
Initial waiting time 120 seconds or a combination of time and distance £ 2.50
- 2) For each subsequent 86 yards completed or part thereof. 10p.
- 3) For every period of 18 seconds or part thereof. 10p

The associations also propose a small change in the premium rate charged for tariff 2 and tariff 3, details of which are shown in the attached revised tariff card.

The above proposals represent an increase of 20p on the average West Berkshire taxi fare.

In calculating our increase we have used the formula agreed and set out by the TGWU and the Public Carriage Office. Calculations are based on the following criteria, are based on 4 different methods.

- a) Purchase new and run for 6 years.
- b) Purchase new and run for 3 years.
- c) Purchase at 3 years and run for 6 years.
- d) Lease.

1. Vehicle Spares:

basket of 15 components is taken into account, along with tyre costs from 3 manufactures. A

2. Garaging and Servicing:

These are divided into property derived costs (rent, rates, heating, lighting), using the Hillier-Parker rent index for industrial premises and labour derived costs using the TGWU National Joint Council for the Motor Retail Repair Industry's Minimum rates of pay index.

4. Fuel costs:

The price of derv per gallon is taken from the Petroleum Times Energy Source, and assumes typical consumption of 25 miles to the gallon.

5. Insurance:

Three insurance companies provide quotes; this figure is then averaged out.

6. Miscellaneous costs:

- 1) Licence fees
- 2) Class 2 NI contributions
- 3) MOT

7. Earnings:

As taxi fares comprise taxi drivers main income the formula takes account of earnings as 45% off the overall calculation for a fares increase. The earnings figure is derived from the average earnings index for the whole economy.

We would be obliged if you could consider the above and arrange for the appropriate Committee to consider our application at their earliest convenient meeting in order that the proposed increase can be implemented from the 1<sup>st</sup> April 2011.

We will be pleased to have a representative at the committee meeting to answer any questions councillors might have.

Yours faithfully,



Mr R.Nemeth

For and on behalf of the Cabco Owners and Drivers Association and the West Berkshire Hackney Carriage Owners Association

<b>Title of Report:</b>	<b>Hackney &amp; Private Hire Driver Conditions</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	15 <sup>th</sup> March 2011
<b>Forward Plan Ref:</b>	

**Purpose of Report:** Request from Thames Valley Police to add a condition to the Council's conditions for hackney carriage and private hire drivers.

**Recommended Action:** To consider the request

**Reason for decision to be taken:** Request from Thames Valley police

**Other options considered:** To not adopt

**Key background documentation:** None

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic downturn** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce crime and the fear of crime**

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
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- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
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- CPT13 - Value for Money**
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- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:  
Safeguarding vulnerable people

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	3 <sup>rd</sup> March 2011

Contact Officer Details	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Senior Licensing Officer
<b>Tel. No.:</b>	01635 42400
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## Implications

- Policy:** The Council has a policy of attaching approved conditions to licences where appropriate
- Financial:** None  
If there are any financial implications contained within this report this section **must** be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.
- Personnel:** None
- Legal/Procurement:** None
- Property:** None
- Risk Management:** N/A
- Equalities Impact Assessment:** EIA completed  
Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.
- Corporate Board's Recommendation:** To be completed after the Corporate Board meeting.

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	

Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>

# Executive Summary

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## 1. Introduction

- 1.1 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act 1976 are the areas of legislation that allow the Council to regulate taxi and private hire services.
- 1.2 West Berkshire Council have a set of standard conditions and or byelaws for which compliance is a mandatory requirement for all drivers

## 2. Proposals

- 2.1 Thames Valley Police have requested that the Council consider adding a condition to all driver licences regarding the conduct of drivers.

## 3. Conclusion

- 3.1 Thames Valley Police believe that the addition of the proposed condition will protect both drivers and members of the public using public hire vehicles.



# Executive Report

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## 1. Introduction

- 1.1 Thames Valley Police have requested all of the Thames Valley Unitary Authorities to consider including the following condition on drivers licences:
- 1.2 “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”.

## Appendices

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\*There are no Appendices to this report.

## Consultees

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**Local Stakeholders:** All taxi and private hire drivers.

**Officers Consulted:** None

**Trade Union:** None

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<b>Title of Report:</b>	<b>Regulation of Cosmetic Piercing &amp; Skin Colouring Businesses</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	15 <sup>th</sup> March 2011
<b>Forward Plan Ref:</b>	

**Purpose of Report:** To inform members of Section 120 Schedule 6 of the Local Government Act 2003

**Recommended Action:** To Adopt Byelaws

**Reason for decision to be taken:** The introduction of adoptive byelaws that allow authorities to regulate Cosmetic Piercing and Skin-Colouring Businesses

**Other options considered:** None

**Key background documentation:**

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic downturn** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce crime and the fear of crime**

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:  
Regulating skin piercing and and skin colouring businesses and adopting the byelaws for the control of hygiene in such premises.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	3 <sup>rd</sup> March 2011

Contact Officer Details	
Name:	Amanda Ward
Job Title:	Licensing Officer
Tel. No.:	01635 519209
E-mail Address:	award@westberks.gov.uk

## Implications

<b>Policy:</b>	The Council currently has adoptive provisions and byelaws for the registration of tattooists, ear piercers, electrolysis and acupunctureists
<b>Financial:</b>	Amendments via section 120 Schedule 6 could mean a small increase of income for the Council. However, the level of income will be dependent upon the number of new businesses being registered, which is unquantifiable. If there are any financial implications contained within this report this section <b>must</b> be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	Inclusion of Section 120 Schedule 6 would bring operators of cosmetic pircing and skin colouring practices/businesses under the legal control of the Council
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Equalities Impact Assessment:</b>	EIA completed Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.
<b>Corporate Board's Recommendation:</b>	To be completed after the Corporate Board meeting.

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

# Executive Summary

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## 1. Introduction

- 1.1 The council resolved to adopt the provisions of the Local Government (Miscellaneous Provisions) Act 1982 Sections 14 and 15 in relation to Tattooing, ear piercing, electrolysis and acupuncture in 1984.
- 1.2 This report advises Members that the Local Government (Miscellaneous Provisions) Act 1982 has been amended by the Local Government Act 2003 Section 120 Schedule 6.
- 1.3 This amendment enables 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.
- 1.4 Section 120 introduces new terminology for simplicity and clarity as follows:  
  
ear piercing and cosmetic body piercing are encompassed in the single term “cosmetic piercing”, and  
  
micro-pigmentation, semi-permanent make-up and temporary tattooing are covered by the umbrella term “Semi-permanent skin-colouring”.
- 1.5 Semi-permanent skin colouring is defined as “the insertion of semi-permanent colouring into a person’s skin”.
- 1.6 It is not known how many premises in West Berkshire are presently offering cosmetic piercing and semi-permanent skin colouring services. The adoption of the byelaws would require all local business involved in the practices outlined above to register and comply with standards intended to protect public health.

## 2. Proposals

- 2.1 To adopt the model byelaws for Cosmetic Piercing and Semi-Permanent Skin-Colouring shown as Appendix A and B.

## 3. Conclusion

- 3.1 The benefits of adoption of the Model Byelaws are consistent with the Council Plan Theme

# Executive Report

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## 1. Introduction

- 1.1 Cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micropigmentation, semi permanent make-up and temporary tattooing) has grown in popularity over the years. These processes like tattooing and ear piercing carry a potential risk of BBV transmission if infection control procedures are not observed. (ie. the use of sterile equipment for each client in hygienic premises).
- 1.2 Until the change in legislation local authorities in England, outside London and in Wales did not have powers to make byelaws controlling the cleanliness and hygiene of premises used for these practices, other than those used in conjunction with the business of tattooing, ear piercing, electrolysis and acupuncture, for which the Council introduced Byelaws in 1984.
- 1.3 Within the West Berkshire District there are 28 premises currently registered for the conducting of tattooing, ear piercing, electrolysis and acupuncture. Present byelaws control standards of those activities, as stated.
- 1.4 Officers are aware that, mainly tattooists have been engaged in the unregulated practice of body piercing and may be undertaking other practices which Section 120 Schedule 6 seeks to control.
- 1.5 It is not known exactly how many premises in West Berkshire are presently offering those services which will be covered by the introduction of Section 120 Schedule 6 proposals. However, the introduction of Byelaws will enable officers to ensure that current, best hygiene practices are being observed in all premises covered by the Act.

## 2. Adoption Procedure

- 2.1 Where a Council has already adopted the 1982 Act in relation to tattooing, ear-piercing, electrolysis and acupuncture it can move straight to the introduction of byelaws.
- 2.2 Should members agree to the adoption of the model byelaws shown as Appendix A and B, the required application to the Secretary of State to seek confirmation of the byelaws would be made under Section 236 of the Local Government Act 1972.

### **3. Transitional Provisions**

3.1 Section 120 Schedule 6 of the 2003 Act provides for transition from the current legislation to the amended legislation and to avoid disruption to local authorities and businesses by providing that:

- persons and premises already registered for activities covered by section 15 of the current legislation (i.e. tattooing, ear piercing, electrolysis and acupuncture) are unaffected
- where a local authority has already resolved that sections 14 & 15 of the 1982 Act should be brought into force in their area for tattooing, ear piercing, electrolysis and acupuncture, then the local authority will be automatically enabled to apply the registration and byelaws regime to cosmetic piercing and semi-permanent skin colouring.
- a person and premises already registered for ear piercing shall be counted as registered for cosmetic piercing until that person subsequently provides another form of cosmetic piercing, or those premises are subsequently used to provide another form of cosmetic piercing (i.e. cosmetic piercing of a part or parts of the body other than the ear), when a new registration would be required.

### **Fees**

The Council already has a fee structure in place, it would therefore be appropriate to charge a registration fee in line with the existing charges for tattooing, etc.

### **Appendices**

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Appendix A – Model Byelaws for Cosmetic Piercing

Appendix B - Model Byelaws Semi-Permanent Skin-Colouring

### **Consultees**

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**Local Stakeholders:** None

**Officers Consulted:** Brian Leahy

**Trade Union:** None



## MODEL BYELAWS

### Cosmetic piercing

Byelaws for the purposes of securing the cleanliness of premises registered under sections 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in those premises and of registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of cosmetic piercing made by ..... in pursuance of sections 15(7) of the Act.

#### Interpretation

1.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;

- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
  - (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

**3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
  - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
    - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
    - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
  - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
  - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
  - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
  - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
  - (i) adequate facilities and equipment for—
    - (aa) cleansing; and
    - (bb) sterilization, unless only pre-sterilized items are used.
  - (ii) sufficient and safe gas points and electrical socket outlets;
  - (iii) an adequate and constant supply of clean hot and cold water on the premises;
  - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

**4.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
  - (i) keeps his hands and nails clean and his nails short;
  - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
  - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
  - (v) does not smoke or consume food or drink in the treatment area; and
- (b) shall provide—
- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
  - (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health  
on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

Member of the Senior Civil Service

Department of Health

**NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture** (see section 14(8) of the Act).*

## MODEL BYELAWS

### Semi-Permanent Skin-Colouring

Byelaws for the purposes of securing the cleanliness of premises registered under sections 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in those premises and of registered persons and persons assisting them and the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of semi-permanent skin-colouring made by ..... in pursuance of sections 15(7) of the Act.

#### Interpretation

7.—(1) In these byelaws, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

8.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

- (i) immediately after use; and
- (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.

(2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

(3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;

(b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

**9.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
  - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
    - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
    - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
  - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
  - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
  - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
  - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
  - (i) adequate facilities and equipment for—
    - (aa) cleansing; and
    - (bb) sterilization, unless only pre-sterilized items are used.
  - (ii) sufficient and safe gas points and electrical socket outlets;
  - (iii) an adequate and constant supply of clean hot and cold water on the premises;
  - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

**10.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—

- (a) shall ensure that an operator—
  - (i) keeps his hands and nails clean and his nails short;
  - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
  - (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
  - (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
  - (v) does not smoke or consume food or drink in the treatment area; and



(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

**11.** A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

**12.** The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health  
on \_\_\_\_\_ and shall come into operation on \_\_\_\_\_

Member of the Senior Civil Service

Department of Health

## NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist **applies only to acupuncture (see section 14(8) of the Act).***



<b>Title of Report:</b>	<b>Taxi Demand Survey</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	15 <sup>th</sup> March 2011
<b>Forward Plan Ref:</b>	

**Purpose of Report:** To discuss the Draft Report commissioned by the Council on a Taxi Demand Survey

**Recommended Action:** None

**Reason for decision to be taken:** N/A

**Other options considered:** N/A

**Key background documentation:** West Berkshire Hackney and Private Hire Survey January 2011

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic downturn** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce crime and the fear of crime**

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

There are no proposals at this time

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	3 <sup>rd</sup> March 2011

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 42400
E-mail Address:	bleahy@westberks.gov.uk

### Implications

**Policy:** There is no council policy on this subject

**Financial:** None known  
If there are any financial implications contained within this report this section **must** be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.

**Personnel:** None

**Legal/Procurement:** N/A

**Property:** N/A

**Risk Management:** N/A

**Equalities Impact Assessment:** Not required  
Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.

**Corporate Board's Recommendation:** To be completed after the Corporate Board meeting.

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

# Executive Summary

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## **1. Introduction**

- 1.1 The Licensing Committee commissioned a taxi demand survey to be carried out by Halcrow Group Ltd in the latter part of 2010.
- 1.2 The report was intended to survey the current position with regard to taxi provision within West Berkshire District.
- 1.3 A draft of the report has now been published and has been sent to Members of the Committee and the Chairmen of the 2 recognised taxi associations.

## **2. Proposals**

- 2.1 Members and the trade to hold a preliminary discussion on the report and its outcomes.

## **3. Conclusion**

- 3.1 Discussion is imperative prior to the implementation, or not, of the recommendations contained in the report.

# Executive Report

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## 1. Introduction

- 1.1 The report commissioned by West Berkshire Council and funded jointly by the taxi trade and the Council has now been published in draft form.
- 1.2 In order to fully consider the implications of the report, if any, it is important that at least a preliminary discussion is held in open format, followed by any more detailed discussions on the reports content between officers and the trade.
- 1.3 Due to the length of the report, it has not been submitted as an appendix to this report. Instead the full report has been sent by e mail to all Licensing Committee Members and to the Chairs of the 2 taxi associations.

## Appendices

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\*There are no Appendices to this report.

## Consultees

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**Local Stakeholders:** All taxi licence holders

**Officers Consulted:** Paul Anstey

**Trade Union:** None