

Notice of Meeting

Licensing Committee

Tuesday, 23 June, 2015 at 6.30pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Monday, 15 June 2015

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Catalin Bogos / Jenny Legge on (01635) 519102

e-mail: cbogos@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: Councillors Peter Argyle, Howard Bairstow, Jeff Beck (Chairman), Paul Bryant, Jeanette Clifford, Billy Drummond, Adrian Edwards (Vice-Chairman), Sheila Ellison, Nick Goodes, Manohar Gopal, Tony Linden and Quentin Webb

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 24 March 2015 and 19 May 2015.	5 - 12
3. Declarations of Interest To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Taxi Tariff 2015/16 <i>Purpose: To consider objections raised following the mandatory public notice of a variance in taxi fare as approved by the Committee on 24 March 2015.</i>	13 - 26
5. Taxi Livery and Advertising <i>Purpose: To provide Members with further material following Licensing Committee meeting of 24 March 2015.</i>	27 - 32
6. Amendment to Hackney Carriage Proprietors (Vehicle) Conditions and Hackney Carriage Vehicle Drivers Conditions and Byelaws <i>Purpose: To advise Members of the need to make urgent changes to some of the standard conditions for hackney carriages.</i>	33 - 38
7. Licensing Annual Report <i>Purpose: To update Members on Licensing progress in 2014/15.</i>	39 - 44

Andy Day
Head of Strategic Support

Agenda - Licensing Committee to be held on Tuesday, 23 June 2015 (continued)

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

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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, 24 MARCH 2015

Councillors Present: Peter Argyle (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Sheila Ellison, Manohar Gopal, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck and Quentin Webb

Also Present: Catalin Bogos (Performance Research Consultation Manager), Sarah Clarke (Team Leader - Solicitor) and Brian Leahy (Senior Licensing Officer), Jo Naylor (Principal Policy Officer)

PART I

11. Minutes

The Minutes of the meeting held on 16 December 2014 were approved as a true and correct record and signed by the Chairman.

12. Declarations of Interest

There were no declarations of interest received.

13. West Berkshire Taxi Tariff 2015/16

Mr Brian Leahy introduced (Agenda Item 4). He explained that the Licensing Committee had the powers to set a maximum fare charged by Hackney Carriages. This meant that the taxi trade could not charge more than the fares or fees specified but were clearly permitted to charge less.

There were two elements of this decision; a revision to the way fares would be calculated and a new tariff card (or list of fares). The proposal submitted by the West Berkshire Hackney and Private Hire Association was shown at Appendix B.

The report (Item 4) included consultation responses on the proposed new tariffs from the taxi trade with all feedback reported in its entirety.

Following the start of the consultation, a revised table of fares was submitted and based on legal advice this was considered as a response to the consultation process (shown at Appendix C) but this would not mean that the consultation process need to be restarted.

Brian Leahy (Licensing Manager) explained that there were more objections received as part of the consultation to the proposed changes (described in Appendix B) than responses in favour of change. Members had to decide between changing the tariff structure to one of the suggested options shown at (Appendix B or Appendix C) or keeping fares the same as at present.

Brian Leahy brought to the Committee's attention Mr Castle's comments on page 52 of the agenda papers which suggested that Tariff 3 could be adopted 24 hours a day 7 days a week as a further alternative to the proposed changes, as an absolute maximum tariff.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow Members of the trade to participate in

LICENSING COMMITTEE - 24 MARCH 2015 - MINUTES

the discussion and respond to questions Committee members might have. This was seconded and the Committee voted in favour of this proposal.

Councillor Peter Argyle asked the representatives of the trade if they would like to speak for 10 minutes for and against the proposal. There were no representatives to speak against the matter.

Mr Sheikh, from the West Berkshire Hackney and Private Hire Association, spoke on behalf of the local taxi trade. He informed the Committee that he had worked with both Matt Castle and Richard Brown (Theale Taxis) on the new proposal and they considered this to be a simple and concise way to calculate the new maximum tariffs. This was a collective view of the trade which had been worked up over six months.

Mr Sheikh mentioned that there had been no increase of the maximum tariffs since April 2013 and stated that the increase in fares under the new proposal was marginal. Furthermore the trade wanted to use restructuring of the fares to create a system that was easier for the public to understand. There would actually be a reduction in fare between the hours of 10pm to 12 midnight. He explained that whilst fuel costs had decreased that there were other indicators which showed the taxi costs had generally increased.

Councillor Webb enquired about the actual percentage of taxi users that would benefit from the reduction in fares.

Mr Sheikh explained that it was dependent on the night as there was a different rate for Monday to Wednesday which increased on a Sunday. However his observations were that many younger people were requiring taxis into the town centre later in the evening i.e. during the 10pm to 11pm period and these would benefit from cheaper rates.

Mr Castle (Dolphin Taxis) added that this change would make taxis more affordable option for people and would encourage people to use taxis rather than relying on lifts from friends.

Members queried whether the new table of fares might be too difficult for users to follow. Mr Sheikh considered that the new table of fares proposed presented more information than was currently available. He also expressed the view that a marginal increase of 10p to a £5 journey was not a significant increase.

Councillor Edwards referred to a consultation response which stated that the insurance cost for a new Seat Toledo had decreased and asked the trade representatives to comment as to whether this equally applied to their cars.

Mr Sheikh explained that he had not seen a reduction in current costs and also that it actually took significant negotiations with his insurance company to retain the existing level of annual premium. Mr Vass also added that insurance was higher for wheelchair accessible vehicles.

Councillor Tony Linden highlighted that a number of taxi providers were against the proposal and asked for clarification on numbers shown in the report. Mr Brown of the taxi trade explained that he felt the numbers against had been inflated by those with more than one licensed vehicle having more than one vote.

The Chairman was not aware of multiple votes and referred to Appendix D which clarified that 23 individuals had signed a single petition against the proposed changes.

Mr Sheikh pointed out that the petition was objecting to the night-time tariff reduction between 10pm and midnight and that this approach was not assisting the public.

The Chairman questioned if the fouling fine maximum of £150 was reasonable. Mr Sheikh responded that if a passenger fouled the vehicle it could cost the driver the entire

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evening's fares to clean this up. Mr Vass added that the charges had been thought out and this was considered a reasonable maximum fee for cleaning costs and loss of earnings.

Councillor Bryant asked if it was fair to say that the majority of the trade and public wished to see the tariffs kept as they were. Mr Sheikh responded that generally people disliked change and Mr Vass confirmed that the current system was suitable to some proprietors.

Councillor Paul Bryant commented on the complexity of the fare structure. He had some concerns that not all taxi proprietors had read or understood the new tariff. He was disappointed there had not been a greater response to the consultation overall. Mr Sheikh responded that the changes would result in typically 10p more on an average fare.

Members of the Committee then decided to reintroduce Standard Orders to not allow any more comment from the public.

Councillor Webb commented that use of the five tariffs structure created flexibility and people could clearly see and understand the tariffs. He commented that he did not see the proposal making a significant change to the current tariffs charged.

The Chairman highlighted that it was important for the tariff card to be easily understandable.

Councillor Bryant questioned the font size of the table of fares shown in the agenda papers and felt a larger font size should be used and prominently displayed within the taxi.

Brian Leahy informed the Committee that taxis were obliged to have a table of fares available that was legible.

Councillor Mayes asked for an explanation of the £7 flag fare for Tariff 4. It was confirmed that this would be charged between the hours of 2am to 6am.

Councillor Bryant mentioned that for those taking longer journeys a reduction in fare would be seen under the new proposal (shown at Appendix B)

Councillor Mayes wanted to understand why the table of fares was complicated by the use of yards to measure distance. Brian Leahy explained that, traditionally the table of fares included information both in yards and in metres. In addition, the law allowed taxi drivers to charge for time or distance and thus drivers were compensated for longer waiting times

RESOLVED that Members considered and approved the revised tariff of fares shown at Item 4 Appendix B for use by all West Berkshire Council Licensed Hackney Carriages.

14. Taxi Livery and Advertising

Brian Leahy introduced the report on Taxi Livery and Advertising (Item 5). He summarised that there were standards in place which restricted the size and content of advertising which could be displayed on West Berkshire Hackney Carriage vehicles. Brian Leahy explained the difficulties of effectively enforcing a policy of advertising on vehicles and the officer view was to withdraw all advertising other than basic livery (i.e. a light and two door stickers).

Councillor Tony Linden asked if the livery included 'no smoking' signs. Brian Leahy clarified that 'no smoking' signs were a requirement under different legislation.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow Members of the trade to participate in

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the discussion and respond to questions Committee members might have. This was seconded and the Committee voted in favour of this proposal.

Mr Sheikh welcomed the move towards a uniform approach but wished to see opportunities to advertise within limits as described in his correspondence published at Appendix C.

The Chairman expressed the view that the Council could potentially be open to challenge on any criteria brought in to approve advertisements.

Mr Brown proposed that the same size advertising as the front door sticker should be allowed and that this could be enforced during the annual licence approval process.

Councillor Quentin Webb asked if the trade wanted to only advertise the name of the operator or whether other products or brands were being suggested. Mr Sheikh confirmed that they only wished to advertise their own services and these adverts would be the same size as those currently permitted on the doors.

Councillor Bryant did not see any significant harm from additional advertisements on vehicles so long as the standard livery was still visible. He equally commented that this was common to advertise other companies on London cabs and believed this could provide an added source of revenue for the taxi operators.

Mr Brown explained that there was a need for consistency. The trade wished to see their cars looking smart and having a uniform look. He felt that large amounts of advertising on vehicles might be covering up rust or damage underneath.

Councillor Billy Drummond did not see this as a problem so long as the car was still roadworthy and safe to use as a taxi.

Members of the Committee then decided to reintroduce Standard Orders to not allow any more comment from the public.

Councillor Mollie Lock commented that it was nice to have uniformity on such vehicles as it helped provide a sense of identity and pride for the taxi operators. She acknowledged that control of the advertising could not be effectively enforced.

Brian Leahy informed the Committee that if members were minded to agree with the proposals they must consider the difficulties this presents to officers in enforcing the conditions. Members could defer their decision until the June meeting where further options could be presented.

Councillor Mollie Lock suggested to the Committee that the current conditions for Hackney Carriage advertising should be retained.

Councillor Rowles queried the need to defer to the June meeting unless other critical information to help inform the decision could be brought forward. He could see no issue with taxi firms promoting themselves as operators so long as they conformed to the rules set by the Council's Licensing Team.

Councillor Bryant repeated his view he could not see any concerns with banning wider advertising.

Councillor Webb commented that if the trade were asking to advertise other companies he felt it would be a better option to keep the standard advertising vinyl, with the standard sizing, etc. and this could helpfully be discussed further at the June meeting of the Committee. Whilst, Councillor Edwards suggested that some benchmarking work could be undertaken to see how other Local Authorities managed this issue.

The Chairman asked Members to vote on the proposal to defer the matter of taxi livery and advertising to the next meeting of the Licensing Committee.

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RESOLVED that the proposed changes to the terms and conditions with regards to Taxi Livery and Advertising (Item 5) was deferred for consideration at the June 2015 meeting of the Licensing Committee.

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

CHAIRMAN

Date of Signature

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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, 19 MAY 2015

Councillors Present: Peter Argyle, Howard Bairstow, Jeff Beck (Chairman), Paul Bryant, Nick Goodes, Manohar Gopal, Tony Linden and Quentin Webb

Apologies for inability to attend the meeting: Councillor Jeanette Clifford, Councillor Billy Drummond, Councillor Adrian Edwards and Councillor Sheila Ellison

PART I

1. Election of Chairman

RESOLVED that Councillor Jeff Beck be elected Chairman of the Licensing Committee for the 2015/16 Municipal Year.

2. Appointment of Vice-Chairman

RESOLVED that Councillor Adrian Edwards be elected Vice-Chairman of the Licensing Committee for the 2015/16 Municipal Year.

(The meeting commenced at 8.17pm and closed at 8.19pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.

Title of Report:	TAXI TARIFF 2015/16
Report to be considered by:	Licensing
Date of Meeting:	23 June 2015
Forward Plan Ref:	n/a

Purpose of Report: To consider objections raised following the mandatory public notice of a variance in taxi fares as approved by the Committee on 24 March 2015

Recommended Action: To not set a tariff and allow market forces to prevail

Reason for decision to be taken: Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 requires that a decision is made for implementation no later than 30 June 2015

Other options considered: Confirm the decision made on the 24 March 2015 or amend the tariff.

Key background documentation: Licensing Committee Report and minutes 24 March 2015

Published Works: Local Government (Miscellaneous Provisions) Act 1976 section 65

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - Tel 07825 733280
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	11 June 2015

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519494
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy: The Council's policy is to consider requests for tariff changes from the trade.

Financial: None

Personnel: None

Legal/Procurement: If the Council sets a maximum tariff, this is the highest rate that can be lawfully charged in each time zone.

Property: None

Risk Management: None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Is it a major policy, significantly affecting how functions are delivered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Will the policy have a significant impact on how other organisations operate in terms of equality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Does the policy relate to an area with known inequalities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at http://intranet/EqIA	<input type="checkbox"/>		
Not relevant to equality	<input checked="" type="checkbox"/>		

Executive Summary

1. Introduction

- 1.1 At the Licensing Committee meeting held on the 24th March 2015, a decision was taken to approve a revised table of fares submitted by some members of the trade for introduction in 2015, following the mandatory period as specified in legislation.

2. Proposals

- 2.1 To consider the objections received following the publishing of the statutory notice

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

4. Conclusion

- 4.1 Members may confirm the decision taken on the 24th March 2015 with or without modification to become effective no later than 30th June 2015.

Executive Report

1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 section 65 allows for a council to fix the table of fares for taxis within the district, for a time as well as distance.
- 1.2 At the Licensing Committee meeting held on the 24th March 2015, Members considered a proposal from some trade members and a number of objections from others.
- 1.3 A decision was taken to accept the proposal and introduce the revised table of fares as the maximum that may be charged throughout the district.
- 1.4 Section 65 (2) (a) of the Act requires the Council to publish in at least one local newspaper circulating in the district, a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
- 1.5 This notice was published on the 2nd April 2015.
- 1.6 Section (4) of the Act requires that, if objection is made and is not withdrawn, the district council shall set a further date, not less than two months after the first specified date, on which the table of fares shall come into force with or without modification as decided by them, after consideration of the objections.
- 1.7 The notice specified that objections should be submitted to the Council no later than the 21st April. If no objections were received, the variation would take effect from the 30th April 2015.
- 1.8 In accordance with section 65 (4) the table of fares must come into operation no later than 30th June 2015 regardless of whether the Council decides to modify or not. However it must consider objections received as a result of the notice.
- 1.9 During the period between the 2nd April 2015 and the 21st April 2015 the following valid objections were received;

1.10 Letters from:

Mr Paul Higgins	Taxi owner and driver	Appendix A
Mrs Freda Hammond	Taxi owner and driver	Appendix B
Mr M B Elliott	Newbury Resident	Appendix C

A petition: signed by 46 members of the trade. Of these 10 appear to be driver only with the others being proprietors and although Mr Paul Higgins has signed the petition he has submitted a written objection in his own name. Appendix D

There were 3 letters of support from members of the public.

2. Legal Position

- 2.1 It is clear from section 65 (4) that the Council must make a decision for implementation no later than 30th June 2015.
- 2.2 The Council can confirm the table of fares agreed on the 24th March 2015 in both format and price.
- 2.3 The Council can modify the table of fares both, in format, and price, or by either.
- 2.4 If modifying the table of fares the Council can revert back to the tariff already in place in both format and price.
- 2.5 The trade representatives, who submitted the variation approved on the 24th March 2015 have offered no alternative. The objections appear to be in part, no increase and keep the current three tariffs although no alternative template has been provided. The Chairman may wish to consider suspending Standard Orders to listen to the views of both objectors and the proposers of the original table of fares.
- 2.6 Members should be clear that when a maximum table of fares is set, it is illegal for any taxi driver to charge more than this tariff.
- 2.7 By virtue of R v Liverpool City Council ex parte Curzon Ltd (Kelly) it is clear that legal opinion is that a driver is entitled to charge what he likes up to a prescribed maximum, his meter is accurate if it is set according to his own scale of charges.
- 2.8 The driver is only entitled to charge what is displayed on his meter or less.
- 2.9 It must therefore follow that any driver/operator can set his meter to any rate that is not greater than the rate set by the Council as a maximum.

3. Individual Options

- 3.1 Members can confirm the decision taken on the 24th March 2015. Those drivers who wish to set their meters to this table of fares can do so.
- 3.2 Those who do not wish to set five tariff rates can set their meters to a tariff which is not greater, possibly the current rate of three tariffs. However, if the approved table has five tariffs those who prefer to keep three tariffs must make appropriate calculations to ensure that at each rate of tariff 1 - 3, their meters are set to a rate that is not greater than the maximum set by the Council in the same time zones.
- 3.3 The issues here are therefore twofold:
- 3.4 The rate can be set over five tariffs, or three or any other number of tariffs that the Council sees fit to approve.
- 3.5 The actual charge set on the meter in either format must not be greater than the maximum set by the Council.

4. Recommendation

- 4.1 If a maximum fare is set then drivers do not have to apply that rate, they must simply ensure that the rate that they charge and to which the meter is set is not greater regardless of the number of tariff rates. This can lead to multiples of tariff

rates being applied across the district. In a sense this already applies, in part, as each driver can charge what he likes up to a set maximum although the majority of proprietors have set their meters to the table of fares set by the Council.

5. Conclusion

- 5.1 It may be argued that a free for all will ensue with a possible price war situation if no rate of fare is set however the objections received clearly indicate that there are local issues with change, at this time.
- 5.2 Regardless of the decision taken, Members must ensure that in coming to that decision they have considered all material information provided at this committee meeting and be aware that legal challenge could follow should the decision be considered irrational, unlawful or unreasonable, by any aggrieved licence holder.

Appendices

Appendix A - Letter from Mr Paul Higgins

Appendix B - Letter from Mrs Freda Hammond

Appendix C - Letter from Mr M B Elliott

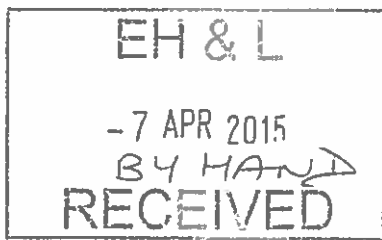
Appendix D - Petition

Consultees

Local Stakeholders: West Berkshire Taxi Owners and Drivers, West Berkshire taxi users

Officers Consulted: Sarah Clark Solicitor Team Leader, Julia O'Brien Principal Licensing Officer, Paul Anstey Environmental Health & Licensing Manager

Trade Union: None



APPENDIX A


Plate No 758
Licence No 2091
Vehicle Reg. No VN59 YTU

Dear Brian,

I am writing to you in response to

the advert I saw in the Newbury Weekly News on Thursday 30/04/15 alluding to the proposed tariff changes put forward to the Council by the Hackney Association.

I wish to let you know that I object in the strongest possible terms to any tariff change whatsoever at this time. I object because fuel is the cheapest it has been for a few years, and I feel it is just greed on our part if we change the tariff. Also the Association does not speak for me and many of my fellow taxi drivers, and I resent the fact that they pretend that they do. Thankyou for reading this letter and I hope you forward this to the relevant people on the Council.

yours faithfully 

APPENDIX B

Cheryl Lambert

From: Cheryl Lambert
Sent: 20 April 2015 19:59
To: Licensing
Cc:
Subject: Proposed Increase Taxi Fare

Dear West Berkshire Council,

I am an independent Hackney Carriage Taxi operator (Taxi Plate Number: 49; Badge Number: 2020) and wish to register my opposition to the proposed increase in taxi fare tariff in the strongest possible terms. The increase is unfair and must not be imposed under any circumstances.

Many of my customers are pensioners who live out of town and have no choice but to use a taxi given the infrequent and unreliable public transport service. These stalwarts of our society find it extremely difficult to maintain a living wage in this time of austerity without being penalised by these proposed fare tariffs.

Perhaps WBC could explain to me and my fellow taxi service providers the justification behind the increase, especially relevant, when we are informed that our great nation is currently in a situation of economic deflation?

I look forward to your response.

Regards

Freda Hammond

Mrs F. Hammond

APPENDIX C

Sharon Gavin

From: Sharon Gavin
Sent: 16 April 2015 09:00
To: Licensing
Subject: Taxi Fares - Proposed Increase
Importance: High

I would like to raise an objection to the proposed fare increase application being made by the West Berkshire Hackney and Private Hire Association. There has already been a major reduction in fuel costs which has not been passed onto taxi passengers. That means the taxi firms and independent drivers are already in receipt of a substantial increase in their margins through the reduction in a large element of their costs. I would like to see that passed on to taxi users in reduced rather than increased fares.

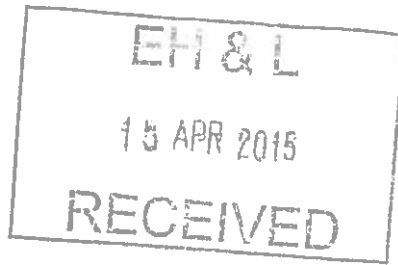
In addition, the official rate of inflation is now zero, reflecting overall economic stability. Members of the public who use taxis are generally being held to zero or minimal increases in their incomes. In the circumstances I would suggest that there is no justification for any increase in taxi fares. I do not see any reason why taxi firms and independent drivers should benefit from an increase that has no justification in the market in which all forms of pricing are being made to conform to the market forces prevalent in the national economy.

M.B. Elliott
Newbury Resident.

(46)

APPENDIX D

April 2015



Dear Mr Leahy

**Local Government (Miscellaneous Provisions) Act 1976 sec 65
Fixing of Fares for Hackney Carriages.**

Further to the notice set out in the Newbury Weekly News dated April 2 2015.

Myself and the following Hackney Carriage license holders and Proprietors would like to challenge the proposal to change the current 3 tariff system to a more complicated 5 tariff system.

Our objections are unanimous, and we would like you to accept the attached sheet of signatures as our opposition to the proposed changes.

Our main objection is the huge increase in the start fare; (particularly Tariff 4) which we consider to be too high. At a time when the public are more price conscious than they have ever been, this excessive increase is going to cause drivers a lot of problems and abuse, and drunken arguments will be inevitable.

The current trend of Facebook cabbies will certainly benefit from these new tariffs as people consider licensed cabs too expensive.

We ask that the council consider the wishes of the drivers that actually work the ranks day and night and not a small group of association members who barely work the ranks at all.

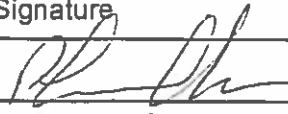

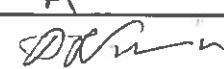




We trust the licensing team will see sense and not allow these changes.

Thanks

Andy Keast (On behalf of the attached list)

Driver Name	Badge	Plate	Signature	Date
ANDY KEAST	2093	840		8/4
E. white	2235	825		8/4
S. FRY	2121	720		8/4.
L. Chittaro	2270	738		8/4
R. P. [unclear] ^{Recent Prints}	2161	61		8/4
K. McLaughlin	2189	765		8/4
RAY PRIOR	2180	616		8/4
STEVEN HALL	2157	691		9/4/15
P. WESTBROOK	2211	VARIOUS		9/4/15
M. J. [unclear]	2159	724		10/4/15
LACOM WATERHOUSE	193	53		1/4/15

Driver Name	Badge	Plate	Signature	Date
PAUL HIGGINS	2091	758	<i>Paul Higgins</i>	08/04/15
CARL TAYLOR	216	567	<i>Carl Taylor</i>	08/04/15
STEVE BRANTON	2186	N/A	<i>Steve Branton</i>	08/04/15
NABIL ALI AL	2233	858	<i>Nabil Ali</i>	8/4/15
MARTIN BOOTA	2049	65	<i>Martin Boota</i>	8.4.15
MICHAEL SIMPSON	2173	609	<i>Michael Simpson</i>	8.4.15
Richard Rowe	2168	N/A	<i>Richard Rowe</i>	8-4-15
JOHN KENNEDY	2065	808	<i>J. Kennedy</i>	8/4/15
Geoff Williams	608	740	<i>Geoff Williams</i>	8/4/15
James Higgins	2238	810	<i>J. Higgins</i>	9/4/15
John Burns	2077	617	<i>John Burns</i>	9.14.15
S DODD	2090	N/A	<i>S Dodd</i>	9.4.15
J DAVIS	2009	711	<i>J Davis</i>	9.4.15
A CLARK	2223	N/A	<i>A Clark</i>	9/4/15
M MEHTA	2066	713	<i>M Mehta</i>	9/4/15
A. GADDER	2205	N/A	<i>A. Gadd</i>	9/4/15
P KENNEDY	2138	58	<i>P Kennedy</i>	09/04/15
L. VERNACE	2166	868	<i>L Vernace</i>	09/04/15
D. BINDING	2276	802	<i>D. Binding</i>	09.4.15
K MEZSE	2184	N/A	<i>K Meze</i>	09.4.15
M. SMITH	2029	38	<i>M Smith</i>	09/4/15
B. RICHARDS	2194	795	<i>B Richards</i>	09/4/15
W. HINES	2241	N/A	<i>W Hines</i>	09/4/15
P. TEIXEIRA	2039	64	<i>P Teixeira</i>	10.4.15
L. CANNING	771	N/A	<i>L Canning</i>	10/4/15

Driver Name	Badge	Plate	Signature	Date
Pete. TREVEITHAN	2255	N/A		10-4-15
ABDUL LUMID	2267	836	A. Lumid	10-4-15
SHIBBI AHMED	2275	829		10-4-15
MOHAMMED OAHID UDDIN	2224	824	M. Oahid	10/4/15
Abdulla Ali Mamun	2243	N/A	A. Ali	10/4/15
AMIR HUSSAIN	2190	838		10/9/15
MR RAHMAN	2185	772		10/9/15
MR MOHAMMED	2279	858		10-4-15
Mohammad AHMED	2174	816		10/04/15
MOHAMMED S HUSSAIN	2176	819		10/4/15

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Agenda Item 5.

Title of Report:	Taxi Livery and Advertising
Report to be considered by:	Licensing
Date of Meeting:	23 June 2015
Forward Plan Ref:	n/a

Purpose of Report: To provide Members with further material following from Licensing Committee Meeting 24 March 2015

Recommended Action: Require the Councils livery only to be displayed on hackney carriages and private hire vehicles

Reason for decision to be taken: Request from the trade

Other options considered: Allow any description of advertising in addition to the Council's livery.

Key background documentation: Committee Report from meeting held on 24 March 2015

Published Works: Local Government (Miscellaneous Provisions) Act 1976
West Berkshire Council Hackney Carriage Conditions

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	E mailed to Portfolio Holder 11/6/2015

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519494
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy:	The Council currently has a condition regarding livery and advertising
Financial:	None
Personnel:	None
Legal/Procurement:	Conditions can be subject to appeal through the Magistrates' Court
Property:	None
Risk Management:	None

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Not relevant to equality		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 Members agreed at their meeting on the 24th March 2015 to task officers with carrying out some benchmarking on livery standards and to provide photographic material showing current styles of advertising.

2. Proposals

- 2.1 To consider the report and the photographic material provided.

3. Equalities Impact Assessment Outcomes

- 3.1 This item is not relevant to equality.

Executive Report

1. Introduction

- 1.1 A number of authorities have been contacted and asked to provide their livery/advertising standards as requested by Members.

2. Council Responses

2.1 Reading Borough Council

- Allow an application process and fee in respect of livery. Don't accept anything of a sexual or religious nature to be displayed. Accept full wrap rounds, half wraps (sides and bonnet)

2.2 Chiltern District Council

- Other than the Chiltern door stickers, no signs, notices advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any licensed vehicle except as required by any statutory provision or with approval of Chiltern District Council.
- All advertising material must be approved by the licensing team prior to use or display, a £10 administration fee will be payable per batch of advertising. With the exception of Chiltern DC issued private hire stickers, any advertising material must not use the Council's logo.

2.3 South Bucks District Council

- No sign, notice advertisement, mark, letters, figures, symbols, emblems or devices shall be used if it contains anything of a religious or political nature or advertises tobacco, alcohol, sex or a sex establishment, or contains any matter likely to cause offence. Full approval of the type and extent of any advertising must be sought from a licensing officer.

2.4 Royal Borough of Windsor and Maidenhead

- Only the Council's livery is permitted.

2.5 Slough Borough Council

- Suitable advertisements may be displayed on or in hackney carriages subject to written approval from the Council being obtained before advertisements are applied to the vehicle.
- Advertisements must be of a form and quality that cannot become easily dissolved, defaced or detached.
- Only one product or service may be advertised at any one time in addition to any livery advertising the name and telephone number of the company for which the hackney carriage is working.
- Livery may be the whole vehicle, externally on side panels or externally on the edge of the roof/top of the doors to the vehicles.

2.6 Bracknell Forest Council

- All advertising must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and is the responsibility of the agency or individual seeking the Council's approval to ensure that they do so.
- Advertising containing political, ethnic, religious, sexual or controversial texts, those for massage parlours or escort agencies, nude or semi-nude figures, those seeking to involve the driver as an agent of the advertisers, those likely to offend public taste or those that seek to advertise more than one company will not be approved.
- A fee of £35 is charged for new applications and £20 for annual renewals.

3 Photographs

- 3.1 A number of photographs of existing livery and advertising on West Berkshire taxis will be available for Members to peruse at the meeting

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: Taxi trade

Officers Consulted: Julia O'Brien Principal Licensing Officer

Trade Union: None

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Agenda Item 6.

Title of Report:	Amendment to Hackney Carriage Proprietors (Vehicle) Conditions and Hackney Carriage Vehicle Drivers Conditions & Byelaws
Report to be considered by:	Licensing
Date of Meeting:	23 June 2015
Forward Plan Ref:	n/a

Purpose of Report: To advise Members of the need to make urgent changes to some of the standard conditions for hackney carriages.

Recommended Action: To approve the changes

Reason for decision to be taken: Current licensing conditions are not fit for purpose.

Other options considered: No change to licensing conditions

Published Works: Equality Act 2010
Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	e mailed to Portfolio Holder 15/6/15

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519494
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy: Covered by existing arrangements

Financial: None

Personnel: None

Legal/Procurement: The Council has a legal duty to protect the disabled and vulnerable in society

Property: None

Risk Management: Covered by existing arrangements

Is this item relevant to equality?	Yes	No
Please tick relevant boxes		
Does the policy affect service users, employees or the wider community and: <ul style="list-style-type: none"> • Is it likely to affect people with particular protected characteristics differently? <input checked="" type="checkbox"/> <input type="checkbox"/> • Is it a major policy, significantly affecting how functions are delivered? <input checked="" type="checkbox"/> <input type="checkbox"/> • Will the policy have a significant impact on how other organisations operate in terms of equality? <input checked="" type="checkbox"/> <input type="checkbox"/> • Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics? <input checked="" type="checkbox"/> <input type="checkbox"/> • Does the policy relate to an area with known inequalities? <input checked="" type="checkbox"/> <input type="checkbox"/> 		
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)		
Relevant to equality - Complete an EIA available at http://intranet/EqIA		<input checked="" type="checkbox"/>
Not relevant to equality		<input type="checkbox"/>

Executive Summary

1. Introduction

- 1.1 The Council has the duty of licensing Hackney Carriages (taxis) and their drivers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 In order to effectively control and enforce under the above legislation the Council has added conditions to licences that cover a wide range of subjects. One of these is the provision of taxis accessible by people with disabilities.
- 1.3 A number of complaints have been received that this access is not being afforded to people with disabilities in some cases however, to date, it has not been possible to gather sufficient evidence to withhold complaints. The proposed changes are intended to make the taxi licensing conditions clear regarding the requirements and how they should be met.

2. Proposal

- 2.1 To adopt revised conditions for taxi vehicle licences and add to the standard driver conditions to improve understanding and transparency.

3. Equalities Impact Assessment Outcomes

- 3.1 An Equalities Impact Assessment has been provided which improves and clarifies the impact that a change of conditions will make to persons within protected characteristics, namely the disabled.

4. Conclusion

- 4.1 Officers believe that these changes are necessary to make the Council's taxi policy in respect of disabled persons more robust and less open to abuse.

Executive Report

1. Introduction

- 1.1 The Council has determined a number of conditions under statute which frame the requirements for the operation of hackney carriages (taxis) and their drivers in the District. This includes provisions to ensure vehicles are reasonably accessible to people with disabilities
- 1.2 Recent incidents and complaints both from the trade and the public have highlighted some areas within the conditions do not provide sufficient clarity and therefore require updating improve understanding.
- 1.3 It is suspected that a small number of drivers are not complying with the taxi conditions including drivers failing to ensure that mechanical or other aids to assist with the safe transportation of disabled passengers are not being provided on the vehicle. This leads to drivers refusing to pick up persons confined to a wheelchair.
- 1.4 To date there has not been sufficient evidence to take formal action against any driver or operator and it is felt that the lack of clarity in the standard conditions is partly at fault.

2. Proposal

- 2.1 It is proposed that the following conditions are added to the Hackney Carriage Proprietors (vehicle) conditions;
 - (1) Any taxi which is licensed as a wheelchair accessible vehicle (WAV) must have available on the vehicle at all times whilst working, suitable approved equipment (ramps, hoist or other lifting device) for facilitating wheelchair access into the vehicle and such approved straps, belts of other safety restraining equipment as is necessary to ensure that the customer is secure and safe whilst in the vehicle. All such equipment shall be in full working order and where non metal fabrics are used, not broken, frayed or torn.
 - (2) All ramps and other non manufacturers standard equipment provided as disabled access facilities must be stamped, if of metal construction, with the registered number and licence number of the vehicle and all non metal equipment similarly marked by means approved by the Council. Both types of marking shall be of such proportions as to be easily readable and in the case of non metal equipment, shall be indelible.
 - (3) Any vehicles fitted with a swivel seat shall ensure that the seat is in good repair and is tested regularly to ensure free movement.
 - (4) Where a temporary licence is applied for in the event of a vehicle having to be taken off the road due to accident damage or breakdown, a licence may be issued for a period of one month. This may be extended in exceptional circumstances for a further two months in total at one monthly intervals.

- (5) Any replacement vehicle will be required to be like for like. i.e. if a wheelchair accessible vehicle is replaced, it must be substituted with a similar accessible vehicle. If a swivel seated vehicle is replaced it must be substituted for a wheelchair accessible vehicle. A protected vehicle which is not required to provide disabled access by virtue of the licence may be substituted by a like for like type of vehicle.

2.1.4 These conditions will replace condition 2. q) of the Hackney Carriage (Proprietors) Vehicle Conditions.

2.2 It is also proposed that the following are added to the Hackney Carriage Vehicle Drivers Licence Conditions & Byelaws as an informative.

2.3 **Town Police Clauses Act 1847 section 53**

A driver of a hackney carriage standing at any of the stands for hackney carriages appointed by the commissioners, (the Council) or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, (within the West Berkshire Council district), to which he is directed to drive by the person hiring or wishing to hire such carriage, shall be guilty of an offence. (The penalty currently stands at a fine not greater than £500)

2.4 **Equality Act 2010**

The Act makes it an offence for any person to discriminate against any other person who comes within protected characteristics; these are;

- a) age;
- b) disability;
- c) gender reassignment;
- d) race;
- e) religion or belief;
- f) sex;
- g) sexual orientation

therefore, a person (A) (taxi or private hire driver) discriminates against another (B) (potential customer) if, because of a protected characteristic (A) treats (B) less favourably than (A) treats or would treat others.

Consultees

Local Stakeholders: Taxi and Private Hire Trade Liaison Group

Officers Consulted: Paul Anstey Environmental Health & Licensing Manager, Julia O'Brien Principal Licensing Officer, Sarah Clark Solicitor Team Leader

Trade Union: None

Agenda Item 7.

Title of Report:	Licensing Annual Report
Report to be considered by:	Licensing
Date of Meeting:	23 June 2015
Forward Plan Ref:	n/a

Purpose of Report: To update Members on Licensing Progress in 2014/15

Recommended Action: To note progress.

Reason for decision to be taken: N/A

Other options considered: None

Portfolio Member Details	
Name & Telephone No.:	Councillor Keith Chopping - Tel 07825 733280
E-mail Address:	kchopping@westberks.gov.uk
Date Portfolio Member agreed report:	

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519494
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy: None
Financial: None
Personnel: None
Legal/Procurement: None
Property: None
Risk Management: None

Is this item relevant to equality?	Please tick relevant boxes		Yes	No
Does the policy affect service users, employees or the wider community and:				
• Is it likely to affect people with particular protected characteristics differently?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?			<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)				
Relevant to equality - Complete an EIA available at http://intranet/EqIA				<input type="checkbox"/>
Not relevant to equality				<input checked="" type="checkbox"/>

Executive Summary and Report

1. Introduction

- 1.1 Officers have published this report for information, regard recent changes in legislation and some proposals for the future in the field of licensing.

2. Review of all Administrative Procedures

- 2.1 The team has reviewed procedures for most licensing administration and provided Quality Management Systems for each type of licensing procedure. By looking at each type of licence in turn it has been possible to streamline and bring both Councils systems into one common shared service policy.
- 2.2 In particular taxi administration has been revised by the introduction of a three year driver licence and by not requiring drivers to be interviewed for renewals. This practice has freed up officer time and allowed for a reduction in fees for the trade. This work is ongoing.

3. Local setting of fees for Premises licences.

- 3.1 This proposal has been scrapped by Government. Fees will therefore continue to be applied at the mandatory levels.

4. Law Commission Review of taxi and private hire legislation

- 4.1 As previously reported, the Government instructed the Law Commission to undertake an extensive review of all taxi and private hire legislation. The review was completed and culminated in a draft Bill which was due to undergo further consultation and debate. The deadline for consultation to begin is 23rd May 2015. If consultation does begin, in time, then it will last for 6 months prior to any legislation being produced.
- 4.2 Notwithstanding the Draft Bill, the Government has introduced the Deregulation Act 2015 which contains some provisions for taxis and private hire licences. These are;
- 4.3 The introduction of 3 year only driver licences for hackney carriage and private hire vehicles other than in the circumstances of an individual case, not because of a blanket policy.
- 4.4 The introduction of 5 year private hire operator licences other than in the circumstances of an individual case, not because of a blanket policy.
- 4.5 The sub contracting of bookings from one licensed operator to another notwithstanding where the operators are located.

5. Personal Licences for the sale of alcohol and other Licensing Act 2003 changes

- 5.1 The Government introduced the Deregulation Act 2015 immediately prior to the election.
- 5.2 Amendments to the Licensing Act 2003 are:

- The requirement to renew personal licences has been abolished.
- The offence of selling liqueur confectionary to children under 16 is repealed. Any person of any age may now buy liqueur confectionary in England and Wales.
- The requirement to report lost or stolen licences to the police before applying for duplicates is abolished.
- The limit on the number of temporary events that can be held at single premises will increase from 12 to 15 per year from 1 January 2016.
- Changes to regulated entertainment take effect from 6 April 2015.

6. Live Music

Live amplified music in on-licensed premises authorised and open for the sale of alcohol does not require a licence for audiences up to 500 (up from 200) until 11pm. This includes beer gardens and terraces if they are included in the licensed premises. Live music related conditions do not apply unless they are re-imposed at a Review. If a beer garden is not shown on the licensed plans then it is unlikely to nevertheless be a workplace which benefits from a similar exemption. Karaoke is considered live music. Live unamplified music does not need a licence anywhere and with no audience limit between 8.00am and 11pm.

6.1 Entertainment Facilities

Entertainment facilities (stages, karaoke machines, microphone stands, even electrical sockets) have not been licensable since October 2012. Even though these may still appear on licences previously issued, they are no longer relevant to licensing. These conditions will be removed from licences as and when licences are reviewed.

6.2 Recorded Music

Recorded music in on licensed premises benefits from the same exemption as live music above, with the same audience limit. This covers DJ's and disco's and is a new development, as hitherto most recorded music above background level has been licensable under the Act. There is no equivalent workplace exemption. Background live and recorded music continues to be exempt.

6.3 New Exemptions from 6 April 2015

6.4 Local Authorities

Live music or recorded music between 8am and 11pm at the non-residential premises of a local authority provided that:

- The audience does not exceed 500, and
- The organiser gets the consent for the performance on the relevant premises from the local authority concerned.
- Any entertainment provided by or on behalf of a local authority on their own premises between 8am and 11pm.

6.5 Schools

Live music or recorded music between 8am and 11pm on school premises provided that;

- The audience does not exceed 500, and
- The organiser gets consent for the performance on the premises from the school proprietor concerned
- Any entertainment provided by or on behalf of a school proprietor on their own school premises between 8am and 11pm.

6.6 Hospitals

Live music or recorded music on hospital premises provided that

- The audience does not exceed 500, and
- The organiser gets consent for the performance on the hospital premises from the healthcare provider concerned.
- Any entertainment provided by or on behalf of a healthcare provider on their own hospital premises between 8am and 11pm.

6.7 Community Premises

Live music or recorded music between 8pm and 11pm in a:

Church hall

Village Hall

Community hall or other similar premises that is not licensed to sell alcohol provided that:

- The audience does not exceed 500, and
- The organiser gets consent for the performance from a person who is responsible for the premises.

6.8 Circuses

Any entertainment (excluding films and boxing or wrestling entertainment) taking place at a travelling circus, provided:

- It takes place within a moveable structure that accommodates the audience, and
- That the travelling circus has not been located on the same site for more than 28 consecutive days.

6.9 Performance of Plays, Indoor Sporting Events and Performances of Dance

Plays include any type of performance intended to entertain the public using actors whether paid or not. Performances of Dance include any non paying customer dancing that is intended to entertain an audience. Since June 2013, for audiences up to 500 (and in the case of indoor sporting events, up to 1000) from 8am to 11pm. None of these activities require authorisation under the Licensing Act. Lap dancing and other forms of sexual entertainment on up to 11 occasions per year remain

regulated under the 2003 Act (any more will require a Sexual Entertainment Venue Licence).

6.10 Films

The showing of pre-recorded films which are incidental to some other activity (for example eating, drinking or playing pool) is not licensable.

6.11 Exhibition of Films in Community Premises

No licence is required for “not for profit” film exhibition held in community premises between 8am and 11pm provided that the audience does not exceed 500 and the organiser:

- Gets consent to the screening from the person who is responsible for the premises, and
- Ensures that each such screening abides by age classification ratings.

6.12 Boxing and Wrestling

This activity remains regulated under the Act (and now explicitly includes martial arts) apart from Greco-Roman and freestyle wrestling.

7. Review of the provision of Disability Awareness/Manual Handling training for taxi drivers.

7.1 Work has commenced on this subject and it is anticipated that a report will be presented to the Committee during the forthcoming year.

8. Local Alcohol Action Area Project

8.1 Although West Berkshire Council is not involved in this project it was felt that the outcomes would be of interest to the Council. To date results have not been published.

9. Government Proposals for a Review of licensing laws

9.1 This project has not proceeded and will therefore be struck from the list of this year's actions.

Appendices

There are no Appendices to this report.