

<b>TITLE</b>	<b>Hackney Carriage and Private Hire Licensing Policy Amendments</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee on 20th January 2009
<b>WARD</b>	None Specific
<b>LEAD OFFICER</b>	Julia O'Brien – Principal Environmental Health Officer, Licensing Service Mark Moon - General Manager, Place and Neighbourhood Services

**PURPOSE OF REPORT**

This report seeks the Committee's views on the revision of several aspects of the Hackney Carriage and Private Hire Licensing Policy in the light of representations from drivers and operators in their specific circumstances and from operational queries resulting from the application of the policy.

**RECOMMENDATIONS**

The Committee is recommended to consider changes requested in particular circumstances of classic type vehicles;

and that the following suggested proposals be agreed:

1. Wheelchair accessible Hackney Carriage guidance
2. Hackney Carriage Vehicle age restriction

**SUPPORTING INFORMATION**

The current Hackney Carriage and Private Hire Licensing Policy agreed by the Licensing and Appeals Committee in March 2008 and implemented in June 2008 lays down specific requirements relating to acceptable standards to allow drivers and vehicles to be licensed. Several of the changes made then came about from a change in legislation affecting drivers and vehicles who had not had a need to be licensed previously, i.e. those that operated under a 'chauffeur type' exemption.

Several queries have been raised from drivers and operators, who in the main had not fallen under the licensing regime previously and who it could be said do not fall 'neatly' within the private hire licensing requirements.

Classic Cars

Mr Neale, the owner of Christopher Cars has brought to our attention that for certain operators some of the policy requirements may cause difficulties when wishing to use the same vehicles for weddings and 'private hire' work such as Prom's, Birthday's etc. Mr Neale makes the point that Bracknell Forest interpret the legislation in a different manner although we were very much guided in our interpretation in the writing of the policy by our legal advisors. Mr Neale also raised several other concerns in his e-mail to us (Appendix One), as follows:

- Need for local knowledge test – as all drivers work is pre-booked and largely outside Wokingham Borough- is it necessary for drivers to take this particular test?
- Requirement for vehicles to be fitted with seat belts – many classic cars do not have them fitted
- The policy specifies seat sizes – many classic cars do not conform to these
- The policy requires vehicles of a certain age to be tested every 6 months – Mr Neale makes the point that these vehicles are low mileage unlike the more traditional hackney carriage/private hire vehicle so would some exemptions be possible?
- Many classic cars would not be able to pass the Hackney Carriage/Private Hire vehicle test, due to for example no seat belts etc – could these cars just have the government MOT instead?
- Even if a vehicle could be licensed as a Private Hire vehicle – it would always need to be driven by a licensed driver as per our policy – Mr Neale asks would there be a possibility for drivers doing only weddings not to be licensed?

#### Wheelchair Accessible Hackney Carriages

Several drivers have asked for more definitive guidance on exactly what they should be looking for when buying these types of vehicles. There are currently no national guidelines available due to the difficulty of defining a 'typical' wheelchair and thus the dimensions required of a vehicle which we have been waiting for since the legislation was introduced in 2000. It is proposed to wait for definitive guidance from the government as and when it becomes available.

#### Hackney Carriage Vehicle Age Restriction

Currently there is no age restriction on vehicles that can be licensed as long as they are wheelchair accessible. Concerns have been raised by several drivers over the condition of some of the older vehicles. It is proposed to mirror the requirements for private hire vehicles on first application to be no older than five years old and it is suggested that they not be licensed over 10 years old. Other neighbouring Authorities have the same restrictions as these suggested ones. If the proposal is accepted it is suggested that a two year grace period is allowed prior to it being brought in to give drivers time to change their vehicles and not be unduly disadvantaged. It is estimated that this would affect about 40 out of the 90 vehicles we currently have licensed.

#### **Background**

Queries raised as a result of the existing Hackney Carriage and Private Hire Licensing Policy.

#### **Analysis of Issues**

Amendments to existing policy in the light of representations since its inception.

#### **Corporate Implications**

No financial impact on the Council.

#### **Reasons for Decision**

Not Applicable

#### **Alternative Options considered, if any**

Not Applicable.

#### **Reasons for considering the report in Part 2**

Not Applicable

<b>List of Background Papers</b>
Hackney Carriage and Private Hire Licensing Policy -June 2008

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<b>Date</b> 30 December 2008	<b>Version No.</b> One

From: Christophers Cars [<mailto:carhire@christophers.co.uk>]  
Sent: 30 June 2008 14:44  
To: Yvonne Jones  
Subject: Classic Cars

Dear Yvonne

Further to our telephone conversation with regards to licensing of our replica and classic vehicles being used for school proms and special occasions.

From a commercial view point the current policy of Wokingham Council is making it impossible for it to be cost effective to licence these cars and drivers. We have spoken to other authorities including Barry Winslade at Bracknell Council and we are of the understanding that under current legislation it is possible to apply a more flexibility approach to the way in which these vehicles can be licence in order to meet both the needs of our business and to comply with the legislation. We would ask you therefore to review the following:

- 1) We understand that you require drivers to take a local knowledge test. You will appreciate that all our bookings are taken in advance and drivers are given their jobs several days before the booking and fully aware of the route and what is required. The vast majority of our bookings are not in the Wokingham area anyway and to expect drivers to take this test is both impractical and unnecessary and does not serve the public needs for the type of work we do.
- 2) Many of these classic cars do not have seat belts but they are able to pass the current MOT requirement and this needs to be taken into account when testing.
- 4) There needs to be some flexibility with regards to seat sizes since some seats are quite small but nevertheless are quite adequate for passenger safety and comfort.
- 5) These vehicles are very low mileage. Under the current requirements they need to be tested every 6 months but this is again an unnecessary expense for our company. It would be much more practical to have the test annually or test more than once/year if the vehicles exceed a specific mileage, say 5000 miles/year.
- 6) The vast majority of work is for weddings and we have drivers who only drive for weddings. Since weddings are exempt from licensing we would like to be able to use unlicensed drivers for wedding bookings only and licensed drivers for proms and special occasion bookings. This is a crucial point and would be impossible for us to licence the 20 drivers we currently employ for wedding work in order to drive a licensed vehicle for weddings.

I am sure you will appreciate there are several companies in the area in the same position as ourselves and by taking the needs of our company into account it will make much easier to persuade other classic cars owners in the area to licence their cars for private hire as well.

Please do not hesitate to contact me on 0118 976 0845 if you need any further information.

Regards

Craig Neale  
Christophers Cars

<b>TITLE</b>	<b>Hackney Carriage Tariff Review</b>
<b>FOR CONSIDERATION BY</b>	Licensing & Appeals Committee on 20th January 2009
<b>WARD</b>	None Specific
<b>LEAD OFFICER</b>	Julia O'Brien - Principal Environmental Health Officer, Licensing Service Mark Moon - General Manager, Place and Neighbourhood Services

**PURPOSE OF REPORT**

Determine the Hackney Carriage tariff for the next twelve months.

**RECOMMENDATIONS**

To approve the current Hackney Carriage tariff remain, with a review in October 2009

**SUPPORTING INFORMATION**

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to fix the rates for fares and other related charges in connection with the hire of hackney carriages. The Licensing & Appeals Committee agreed in March 2005 to review the taxi tariffs on an annual basis. As the last tariff increase was in 2007/8 a review is now due.

The Licensing service is mindful, through the media and discussions with drivers, that we should bear in mind the financial pressures that customers may be under as well as the costs drivers' experience, particularly in relation to fuel and insurance.

Realistic rates must be set by the Council that balances the economic needs of licensees, whilst ensuring that persons using hackney carriages are not overcharged. There is also the need to ensure that hackney carriage proprietors are not priced out of the market to private hire firms.

The views of the drivers were sought with a letter being sent to all hackney carriage drivers totaling 90 and the larger Private Hire Operators letters totaling 10 in November 2008 (actual total of 100) asking if they wished the tariff to remain unchanged with a view to consulting again next year, or if they would like an amendment, asking for suggestions as to the best way to approach this.

Responses were received from sixteen drivers and two operators. The responses are detailed in Appendix One.

There were 7 'no change' responses from drivers, 9 'change' responses from drivers and 2 'change' responses from operators. Of the 'change' responses most favoured was leaving the flag rate as it is (£3.00 and £4.50 respectively) and reducing the initial yardage from the current amount of 220 yards.

Private Hire and Taxi Monthly, a trade publication, publishes a league table of fares charged for a daytime two-mile journey in most areas of the Country. The current charge applicable to Wokingham and neighbouring authorities are shown in Appendix Two.

Officers consider the almost even responses received, which amounts to only 16% of the total number of drivers consulted, does not warrant a tariff change at present especially in the light of the current economic climate.

### **Consultation**

The following procedures are laid down by legislation and must be followed when making changes to a table of tariff and fares;

- 1.1 A note of the proposed changes must be published in at least one local newspaper circulating in the district. The notice must specify a period of at least 14 days from the date of publication when objections can be made to the Council.
- 1.2 A copy of the published notice must be made available at the Borough Council Offices for public inspection, free of charge at all reasonable times.
- 1.3 If there are no objections, or those made are withdrawn, the variation in the table of fares comes into effect of the expiration of the time allowed for public consultation in the notice.
- 1.4 If there are any objections, and they are not withdrawn, the Council must set a date within two months of the expiry date for public consultation, and then consider the objections made before agreeing a table of tariffs and fares.

### **Background**

Decision by Committee to review Hackney Carriage Tariffs on an annual basis.

### **Analysis of Issues**

Wokingham Borough Council set the Hackney Carriage Tariff

### **Corporate Implications (this must include Financial Implications)**

No impact on the general fund

### **Reasons for Decision**

Committee decision for an annual review.

### **Alternative Options considered, if any**

Members may wish to consider driver representations.

### **Reasons for considering the report in Part 2**

Not Applicable

### **List of Background Papers**

Existing taxi tariffs  
 Private Hire and Taxi Monthly  
 Consultation responses  
 Local Government (Miscellaneous Provisions) Act 1976  
 Town & Police Clauses Act 1847

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**Date** 18 December 2008

**Version No.** One

APPENDIX 1

Appendix 1 - TARIFF REVIEW CONSULTATION 2008

Name	Badge	No Change	Change	Comments
Mohammed Saleem	DD290	Yes		I suggest you leave £3 and £4.50 rate as it is, and reduce the yards. The last time we had an increase was Feb 2007.
Mr M Saddique	DD533	Yes		Increase the per yard, fair not starting point (20p increase with 30p or 30 - 40p and make the distance start by yards)
Mr M Ayab	DD440	Yes		Put the price up on yardage tariff
Mr Q Mahmood	DD689	Yes		
Mr N Mehmo	DD690	Yes		
Loddon Cars	Operator	Yes		Because of the hight cost of living, tariff should be increased. Support from all of their drivers
Tariq Mahmood	DD431	Yes		Reduce the yard and timing
Mr M Yasin	DD342	Yes		Reduce the yard and timing
Mr A Khan	DD631	Yes		Reduce the yard and timing
Mr M Nadeem	DD672	Yes		I want charge in yards 220 to 180
Mr P Kennedy	PO038	Yes		With the cost of petrol (we are still trying to claw back when it went very high) insurance costs have risen, car repairs have risen, car tax risen, all our costs have risen. Staff cost have risen so we need to charge our drivers more, so they need a rise please.
Mr R Gurm	DD130	Yes		What is the annual tariff rate? If not date set I would like to see an annual review (tariff) date set in October. Issues serving the collective trade and the public are important, not those serving individuals
Mandy Dorman	DD577	Yes		As all other taxi costs have risen so should the fares
Hilary Gurm	DD370	Yes		
Revinder Gurm	DD706	Yes		
Abdul Muhim	DD465	Yes		Keep flag down the same as now. Then for each subsequent (220yds to make 210 yds) 20p for tariff 1 and 30p for tariff 2 etc.
Faisal Ali Fateh	DD701	Yes		Tariff 1 starting at £3.00 is OK but reduce yard or distance. Tariff 2 is starting at £4.50 is OK, but reduce yard or distance.
Imran Hussain	DD475	Yes		We had quite a substantial rate rise last time. Price of fuel has crashed and work overall is slow and challenging. Can't penalise the customer as this is a difficult time for everyone.
Total		7	11	



APPENDIX 2

**Comparison of current tariff with neighbouring authorities**

	Slough (151)*	Reading (10)*	Bracknell Forest (89)*	Guildford (137)*
	<b>Tariff 1</b> (06.00 – 23.00)	<b>Tariff 1</b> (06.00 – 22.00)	<b>Tariff 1</b> (07.00-23.00)	<b>Tariff 1</b> (07.00-23.00)
Flag	£3.00	£2.20	£3.00	£2.80
One Mile	£4.00	£4.00	£4.00	£3.40
Two Miles	£5.20	£6.20	£5.40	£5.20
Waiting	10p – 40 seconds	20p – 48 seconds	20p – 57 seconds	20p – 36 seconds
	<b>Tariff 2</b> (23.00 – 06.00)	<b>Tariff 2</b> (22.00 – 06.00)	<b>Tariff 2</b> (23.00 – 7.00)	<b>Tariff 2</b> (23.00 – 7.00)
Flag	£4.80	£3.20	£4.50	£3.00
One Mile	£5.80	£5.20	£6.00	£4.95
Two Miles	£7.00	£7.40	£8.10	£7.65
Waiting	10p – 40seconds	20p – 44 seconds	20p – 57 seconds	30p – 29 seconds
Soiling Charge	£50.00	£40.00	£50.00	£50.00
Date Introduced	July 2008	November 2008	October 2008	September 2008

**Wokingham Tariff (71)\***

	Tariff 1	Tariff 2
	(06.00 – 23.00)	(23.00 – 6.00)
Flag	£3.00	£4.50
One Mile	£4.00	£6.00
Two Miles	£5.60	£8.40
Waiting	20p – 50seconds	30p – 50 seconds
Soiling Charge	£50.00	
Date Introduced	February 2007	
Waiting	10p – 40seconds	20p – 44 seconds
Soiling Charge	£50.00	£40.00
Date Introduced	February 2007	February 2007

\* Denotes position in The National League Tables Averages – December 2008 – source Private Hire and Taxi Monthly

<b>TITLE</b>	<b>Safety Marshal Update</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee on 20th January 2009
<b>WARD</b>	None Specific
<b>LEAD OFFICER</b>	Julia O'Brien – Principal Environmental Health Officer, Licensing Service Mark Moon - General Manager, Place and Neighbourhood Services

<b>PURPOSE OF REPORT</b>
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<p>This report sets out the background of Wokingham Borough Council Community Safety and Licensing Services, in partnership with Thames Valley Police, to have employed four safety marshals to operate in and around Wokingham Town Centre. This was undertaken over the Christmas period to bring benefits to Wokingham by reducing levels of crime and disorder and increasing the feeling of safety for people using Wokingham's evening economy and those traveling by taxi late at night.</p>
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<b>RECOMMENDATIONS</b>
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The Committee is recommended to note the report.
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<b>SUPPORTING INFORMATION</b>
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<p>Home Office funding was secured as a partnership initiative between Wokingham Community Safety Partnership and Thames Valley Police to address alcohol associated offending within Wokingham which included the provision of taxi/safety marshals to operate in and around Wokingham Town Centre over the Christmas period.</p>
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<p>Safety marshals have not previously been used in Wokingham. However, they have been used in other neighbouring authorities including Reading and Aldershot.</p>
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<p>Marshals duties include the supervision of late night queues for taxis, directing customers to the temporary taxi rank in Wellington House car park, Elms Road, ensuring taxis and private hire vehicles are licensed and furnished with the correct documentation, and communicating with members of the public, providing information and advice. It is anticipated that the resultant effect was for drivers as well as customers, to feel a valued part of the night time economy and to feel safer. The use of Wellington House Car park provided a well-organised rank away from pedestrians where the marshals were able to make sure only licensed hackney carriages operated and drivers and passengers were protected. The marshals operated over four zones around the Wokingham town, Broad Street and, Wokingham Station ranks, Denmark Street and the Buzz Bar/Gig House/Wellington House Car Park.</p>
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<p>Feedback from other areas where marshals have been used has been extremely positive, with a reduced rate of violence, disorder and anti-social behaviour and an increase in the feeling of safety for passengers and drivers.</p>
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<p>Four safety marshals were supplied on Friday and Saturday evenings in December, and Christmas and New Year's Eve 22.00 until 03.00. Marshals were also tasked with</p>
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collating figures of numbers of taxis, customers and flyers distributed at each of the patrolled zones and making reports to the Licensing section any taxi or private hire driver witnessed breaching licence conditions.

An evaluation of the results of information gathered during and prior to this exercise will be presented to a future meeting of this committee once the partnership agencies have had the opportunity to collate them.

**Background**

Home Office funding was bid for and secured for this initiative.

**Analysis of Issues**

Scheme to reduce anti-social behaviour and get the public home safely.

**Corporate Implications (this must include Financial Implications)**

Scheme was grant funded and therefore has no impact on the general fund.

**Reasons for Decision**

Not Applicable

**Alternative Options considered, if any**

Not Applicable.

**Reasons for considering the report in Part 2**

Not Applicable

**List of Background Papers**

Police and Crime Standards Directorate Alcohol Related Partnership Activity Funding Bid – Reducing Alcohol Associated Offending Project

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**Date** 2<sup>nd</sup> January 2008

**Version No.** One

<b>HEARINGS CONDUCTED SINCE THE LAST MEETING OF THE LICENSING AND APPEALS COMMITTEE</b>					
<b>Date</b>	<b>Purpose</b>	<b>Applicant</b>	<b>Ward</b>	<b>Panel</b>	<b>Decision</b>
7 <sup>th</sup> November 2008	Variation to premises licence, The Three Frogs Public House, London Road, Wokingham	Damian Johnson, Business Development Manager, Greene King and Paul Woodford, Designated Premises Supervisor and House Manager at the Three Frogs	Wescott	Councillors Chris Bowring, Malcolm Storry and Bob Wyatt	That the application to vary the premises licence, be granted and modified, with the addition of further conditions