

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON TUESDAY 20 JANUARY 2009 FROM 7:00 PM TO 7:50 PM**

*Present:- Barrie Patman (Chairman), Pauline Helliar-Symons (Vice Chairman),
Chris Bowring, Gerald A Cockroft, Kay Gilder, Mike Gore, Kirsten Miller, Denis Morgan,
Malcolm Storry, Pam Stubbs and Bob Wyatt*

Also present:-

*Tricia Harcourt, Senior Democratic Services Officer,
Julia O'Brien, Principal Environmental Health Officer,
Steve Richardson, Health and Protection Manager,
Madeleine Shopland, Senior Democratic Services Officer*

PART I

11. MINUTES

The Minutes of the meeting of the Committee held on 10 June 2008 were confirmed as a correct record and signed by the Chairman.

12. APOLOGIES

Apologies for absence were submitted from Councillors Claire Stretton and Kate Haines.

13. DECLARATIONS OF INTEREST

There were no declarations of interest received.

14. PUBLIC QUESTION TIME

There were no public questions received.

15. MEMBER QUESTION TIME

There were no Member questions received.

16. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AMENDMENTS

The Committee considered a report which sought its views on the revision of several aspects of the Hackney Carriage and Private Hire Licensing Policy in light of representations from drivers and operators in their specific circumstances and from operational queries resulting from the application of the policy.

The Committee were advised that some drivers had asked for more definitive guidance on what they should be looking for when buying wheelchair accessible Hackney Carriage Vehicles. It was noted that there were currently no national guidelines due to the difficulty in defining a 'typical' wheelchair. In light of this Members felt that it would be prudent to wait for the production of national guidance. Councillor Cockroft commented that not all wheelchairs would fit into current vehicles and questioned whether this would leave the Council open to accusations of discrimination. Julia O'Brien stated that the Access Officer had indicated that this should not be the case so long as the drivers did all they could to help the wheelchair user and that some compromise was needed in such cases.

The Committee examined the possibility of introducing restrictions to the age of Hackney Carriage Vehicles used. The Committee expressed concern that if age restrictions were introduced approximately forty licensed vehicles would need to be replaced. Some

Members felt that even with a two year grace period this might overburden drivers in the current poor economic climate. Members were reminded that all vehicles were required to pass a vehicle test and that as part of the existing policy the mechanics, appearance and condition of vehicles were checked on a six monthly basis. Julia O'Brien advised the Committee that if a vehicle failed its six monthly check the garage would inform officers and the vehicle would be taken off the road immediately. It was noted that enforcement checks were also carried out and that it was not just older cars that failed checks.

Mr Neale, owner of Christopher Cars had indicated that some of the policy requirements might cause difficulties for certain operators when wishing to use the same vehicles for weddings and private hire work e.g. proms. The Committee discussed this and other issues relating to classic cars and the policy raised by Mr Neale in correspondence to officers. Councillor Gore questioned whether there would be problems with insurance relating to classic cars without seatbelts transporting people.

RESOLVED –

- 1) That officers discuss concerns raised regarding classic cars and the Hackney Carriage and Private Hire Licensing Policy with the trade, draw up relevant proposals and report back to the Committee.
- 2) That it would wait for definitive guidance on Wheelchair accessible Hackney Carriages from the government, as and when it became available.
- 3) That the possible introduction of Hackney Carriage Vehicle age restrictions be re-examined in 12 months and that officers provide figures relating to how many vehicles had failed the six monthly checks.

17. HACKNEY CARRIAGE TARIFF REVIEW

The Committee received a report on the responses to the consultation on the proposed taxi licence fees for the next twelve months. It was noted that the bottom 3 lines of the Wokingham Tariff table in Appendix 2 should be omitted. The Chair reminded Members that the report dealt with what drivers would be charging their customers and that the Council did not receive any of this money. The Committee was provided with clarification regarding how the Council's position in the National League Tables Averages (Appendix 2) was determined. Clarification on how the hiring distance was measured was also given.

Disappointment was expressed that only sixteen hackney carriage drivers and two Private Hire operators had responded to requests for their opinion on whether or not there should be a change to the Hackney Carriage tariff. It was noted that when drivers had been asked for their opinion it was likely that fuel prices had been higher than at present. In response to Councillor Bowring's request for clarification regarding three of the driver's responses, Steve Richardson stated that the designation of 'change' or 'no change' had been provided by the drivers. Officers had taken their initial response and additional comments had not been interpreted.

RESOLVED:- That the current Hackney Carriage tariff remain, with a review in October 2009.

18. SAFETY MARSHAL UPDATE

The Committee considered a report which outlined the background to the employment of four Safety Marshals by the Council's Community Safety and Licensing Services, in

partnership with Thames Valley Police. The Marshals operated within and around Wokingham Town Centre over the Christmas period in order to help reduce levels of crime and disorder and to increase the feeling of safety for those using taxis late at night. In response to Members' queries the Committee were informed that the Marshals were all Security Industry Authority licensed and that Home Office funding that had been secured had covered their fees. Members noted that initial feedback had been positive and that they would receive an evaluation of the results of the information gathered before and during the exercise at a future committee meeting, once it had been collated by the partnership agencies. Julia O'Brien indicated that she had met with Hackney Carriage drivers, the Marshals and the Police as part of the evaluation process.

RESOLVED:- That the report on the Safety Marshals be noted.

19. UPDATE ON BERKSHIRE WIDE MEMBER TRAINING

The Committee received a verbal update informing it that changes to the Licensing Act 2003 and Gambling Act 2005 were due at the end of April. Julia O'Brien was investigating Berkshire wide member training. It was hoped that this would take place in April or May.

RESOLVED:- That the update be noted.

20. HEARINGS UPDATE

The Committee were notified that one hearing had been conducted since their last meeting in June 2008. The application to vary the premises licence of The Three Frogs Public House, London Road, Wokingham had been granted and modified, with the addition of further conditions.

RESOLVED:- That the decision be noted.

These are the Minutes of a meeting of the Licensing and Appeals Committee

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