

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON MONDAY 1 NOVEMBER 2010 FROM 7.00PM TO 7.25PM**

Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Mike Gore, Pauline Helliar-Symons, Ken Miall, Chris Singleton, Malcolm Storry, Dee Tomlin and Bob Wyatt

*Also present:-
Julia O'Brien – Principal Environmental Health Officer
Anne Hunter, Democratic Services Manager*

PART I

25. MINUTES

The Minutes of the meeting of the Committee held on 6 September 2010 were confirmed as a correct record and signed by the Chairman.

26. APOLOGIES

Apologies for absence were submitted from Councillors Kay Gilder and Sam Rahmouni.

27. DECLARATIONS OF INTEREST

There were no declarations of interest.

28. PUBLIC QUESTION TIME

There were no public questions.

29. MEMBER QUESTION TIME

There were no Member questions.

30. TOURISM AND EMPLOYMENT UPDATE

The Committee received a report required by the Licensing Act 2003, on the needs of the local tourist economy and the employment situation in the area. Under statutory guidance there was a requirement for the Licensing Committee to receive reports on both these items.

Members noted that there was not a substantial tourist industry in the Wokingham Borough and licensing decisions would have little or no effect on the level of tourist activity. With regard to unemployment in the Borough this was generally low and currently stood at 2.0%, which was less than the national average. The leisure industry, and hence licensed premises, made a major contribution to the local employment situation and the main issue for licensees was the difficulty in recruiting staff.

RESOLVED: That the Tourism and Employment report be noted.

31. ADVERTISING ON HACKNEY CARRIAGE VEHICLES

At the previous meeting of the Committee it was agreed that advertising should be permitted on Hackney Carriage vehicles and that Wokingham appropriate guidelines and a schedule of fees be drafted by Officers. Members examined the draft advertising criteria and fees structure which was proposing a charge of £50 for initial applications and £35 for a yearly renewal application.

During discussion of the proposals it was put forward that all Council departments should be notified about this change in policy in case they wished to utilise this advertising opportunity and Officers were asked to inform all service areas accordingly. Members raised concern that there could be a potential conflict of interest if Council departments were paying for advertising that the Council was receiving money from. Officers were asked to look into this and see how other Councils managed this potential problem.

The Committee discussed the fees that were proposed and were informed that they were in line with other authorities' charges and Members noted that the Council was permitted to recoup reasonable administrative costs but were not allowed to make a profit. Members felt they wished to evaluate the effect of permitting advertising on Hackney Carriage vehicles and also the fee structure to ensure that it was appropriate and covered the time that Officers spent administering the applications and therefore agreed to review the policy of allowing advertising and the fees in a year's time.

RESOLVED That:

- 1) the proposed guidelines and fee structure to allow advertising on Hackney Carriage Vehicles as detailed in Appendix 1 of the report, be agreed;
- 2) the rewording of the Hackney Carriage and Private Hire Licensing Policy, paragraphs S2.6 .1and S6.1 Advertising to add: 'External and Internal advertising will be permitted on Hackney Carriage vehicles subject to the prior written approval of Wokingham Borough Council and in line with the specified advertising criteria' be agreed; and
- 3) the policy allowing advertising on Hackney Carriage vehicles and the fees charged be reviewed in a years time.

32. HEARINGS UPDATE

The Committee received a sheet setting out the School Transport Appeals, street trading consent hearing and hearings held under the Licensing Act 2003 which had been held since the last meeting of the Committee.

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

If you need help in understanding this document or if you would like a copy of it in large print please contact one of our Team Support Officers.

TITLE	Animal Boarding Licence – Draft Home Boarding Conditions
FOR CONSIDERATION BY	Licensing and Appeals Committee on 10 January 2011
WARD	None Specific
GENERAL MANAGER	Mark Moon – Place and Neighbourhoods

OUTCOME

A set of conditions to put to the trade for consultation to ensure that the requirements of the Animal Boarding Establishments Act 1963 are met by persons carrying out the business of animal boarding at their homes.

RECOMMENDATION

To agree to consult on the attached set of standard conditions for Home Boarding of Dogs attached as appendix one to this report.

SUMMARY OF REPORT

This report sets out the rationale for requiring licences for home boarding of dogs and proposes a draft set of standard conditions to be consulted on.

Background

The Animal Boarding Establishments Act 1963 has required the licensing of boarding premises for many years. The premises licensed are normally known as 'kennels' or 'catteries' and are clearly commercial activities.

Over recent years there has been a growth in business known as Petsitters, or Home Boarders. There is now a National Association of Registered Petsitters and their website recognises that a licence is applicable to boarding. This activity ranges from dog walking to Day Sitting, to full Boarding.

Some home boarding operations look after multiple dogs, it is not infrequent for people engaged in this trade to have up to 6 boarding dogs at the same time.

The provisions of the Animal Boarding Establishments Act are designed to ensure:

(a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

(b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;

(c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;

(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;

(e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;

The legislation recognises that a boarding establishment may be in a private dwelling, not necessarily in a purpose built kennel.

To date Wokingham Borough has not licensed any home boarders.

Full commercial boarding operations have a set of standard conditions applied to them, however not all of these are appropriate for home boarding, similarly some of the proposed home boarding conditions would not apply to a full commercial activity.

Analysis of Issues

Consultation is recommended in this circumstance as these conditions would be applied to premises for the first time and it is important that the traders have an input into their development.

Depending on the nature of the premises and the number of dogs there, planning permission may be required.

The fee charged for this activity would be the same as for a conventional kennel.

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

National Association of Registered Petsitters Website Standard Conditions from neighbouring boroughs

Contact Steve Richardson	Service Place and Neighbourhoods
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Telephone No 0118 974 6378	Email
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steve.richardson@wokingham.gov.uk

Date 6 December 2010	Version No. 0.1
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Animal Boarding Establishments Act 1963
Licence Conditions for Home Boarding (Dogs)

1 General

Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the home boarding of dogs.

In these conditions Home Boarding relates to the keeping of dogs in your home from another household for periods in excess of 12 hours as a business. This period may be overnight, or for a whole day even if not overnight. Home Boarding is sometimes known as Petsitting.

Planning permission may not be required for the home boarding of animals on the scale proposed, however you should check with the Development Management service of Wokingham Borough Council to confirm the situation with your particular premises.

The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.

No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.

Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.

Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs.

Training

A written training policy for staff must be provided. Systematic training of staff must be demonstrated to have been carried out.

The Animal Boarding Establishments Act sets out the issues that must be taken into account when considering licences under this legislation. These form the basis for the conditions below.

APPENDIX 1

(a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;

CONSTRUCTION

Dogs must live in the home as family pets. There must be no external construction of buildings, cages or runs.

The premises shall have its own entrance and must not have shared access e.g. communal stairs.

As far as reasonably practicable, all areas/rooms within the home to which boarded dogs have access must have no physical or chemical hazards that may cause injury to the dogs.

There must be sufficient space available to be able to keep the dogs separately if required.

If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

NUMBERS OF ANIMALS

The maximum number of dogs to be kept at any one time will be determined by the Licensing Authority and included in the licence for the premises.

Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.

Where there is a resident dog or cat kept at the household, written consent from the owners of the boarded dog must be gained following a trial familiarisation session.

The Licensee will be required to make an assessment of the risks of home boarding to include the risk to or caused by children who are likely to be at the property.

Exercise Facilities

There must be direct access to a suitable outside area. The area/garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

APPENDIX 1

If there is a pond, it must be covered to prevent access by dogs.

Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

The Licensing Authority must be informed within one working day if a dog is lost.

Temperature, Lighting and Ventilation

There must be adequate space, light, heat and ventilation for the dogs.

Cleanliness

All areas where the dogs have access to, including the kitchen etc, must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.

All bedding areas must be kept clean and dry.

Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

APPENDIX 1

(b)that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised, and (so far as necessary) visited at suitable intervals;

Food and Water Supplies

All dogs shall have an adequate supply of suitable food as directed by the client.

Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

Clients must be encouraged to provide each dog with its own bedding, bowls, grooming materials etc. These items must be cleaned regularly to prevent cross-infection. The Licensee however should also be able to provide extra bedding material.

Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

Kitchen Facilities

Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak-proof containers in the fridge.

All bulk supplies of food shall be kept in vermin-proof containers.

Exercise

Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.

(c) that all reasonable precautions will be taken to prevent and control the spread among animals of infectious or contagious diseases, including the provision of adequate isolation facilities;

Disease Control and Vaccination

Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

A well stocked first-aid kit suitable for use on dogs must be available and accessible on site.

The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.

Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

Isolation and Contagious Disease Outbreak

Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.

The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.

APPENDIX 1

Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.

The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at veterinary surgeons premises until the owners return.

DRAFT

(d) that appropriate steps will be taken for the protection of the animals in case of fire or other emergency;

Fire/Emergency Precautions

Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

The occupier of the property must be aware of the location of the dogs in the property at all times.

Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

A fire warning procedure and emergency evacuation plan – including details of where dogs are to be evacuated to in the event of a fire or other emergency - must be drawn up, brought to the attention of those involved in the home boarding arrangements and/or displayed in a prominent place on the premises. The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises are rendered uninhabitable.

Fire detection equipment must be provided in accordance with general advice given by the Fire Safety Officer. The home must have at least 2 working smoke detectors located at the top and bottom of the staircase, or other appropriate location.

All doors to rooms must be kept shut at night.

All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.

All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.

A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

(e) that a register be kept containing a description of any animals received into the establishment, date of arrival and departure, and the name and address of the owner, such register to be available for inspection at all times by an officer of the local authority, veterinary surgeon or veterinary practitioner authorised under section 2(1) of this Act;

Register

A register must be kept of all dogs boarded. The information kept must include the following:

- Date of arrival
- Name of dog, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog
- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of dog's veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Health, welfare nutrition and exercise requirements

Such a register is to be available for inspection at all times by an officer of the Licensing Authority or a veterinary surgeon.

The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

If medication is to be administered, this must be recorded.

Where records are computer based a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

TITLE	Hackney Carriage Tariff Review
FOR CONSIDERATION BY	Licensing and Appeals Committee on 10 January 2011
WARD	None Specific
GENERAL MANAGER	Mark Moon – Place and Neighbourhood Services

OUTCOME

To determine the Hackney Carriage tariff for the next twelve months.

RECOMMENDATION

Members are requested to consider:

1. A change in the tariff by reducing the initial yardage from 880 to 600 yards

Or

2. Leaving the tariff as it is for another year

SUMMARY OF REPORT

The report sets out the outcomes of initial consultation with existing drivers of Hackney Carriage Vehicles and some of the larger Operators for a review of Taxi Tariffs.

Background

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.

The last tariff increase was in May 2010, where it was resolved by members to adopt the drivers preferred option to increase the flag distance, decrease the increment distance and add the time variation.

The views of the drivers regarding the next annual review were sought with a letter being sent to all 94 hackney carriage drivers and the larger operators in November 2010. The letter asked if the drivers wished the tariff to remain unchanged with a view to consulting again next year, or if they would like an amendment, asking as to the best way to approach this.

Responses were received by 18 drivers, with 8 asking for a change, 9 no change and 1 no view either way. These results are shown as Appendix I.

The drivers that asked for change wished this to be a reduction in the initial yardage from 880 to 600 yards. The effect of this would be to make short journeys more expensive.

The trade publication, Private Hire and Taxi Monthly, 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 II.

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 and costs in the region of £950
- 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 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.

Analysis of Issues

Wokingham Borough Council set the Hackney Carriage Tariff. 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, although the set tariff is the maximum that can be charged. It is open to negotiation between the passenger and driver if a lower fare is to be charged.

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 20 December 2010	Version No. One

TARIFF REVIEW CONSULTATION 2010

Appendix 1

Badge	No Change	Change	Comments
DD769		√	Change first 880 yards to 600 yards
DD533		√	Change first 880 yards to 600 yards
DD685		√	Change first 880 yards to 600 yards
DD743		√	Change first 880 yards to 600 yards
DD727		√	880 yards to 600 yards or start the fare at £3.60
DD394		√	Change first 880 yards to 600 yards
DD440		√	Change first 880 yards to 600 yards
24/7 Operator	√		How can you even think of another increase at the moment ridiculous
DD701		√	Increase short distance fare min 5%
	√		
DD490	√		Yes its about time to restrict plates in Wokingham its way over due the money earned by non Wokingham residents who are taxi drivers it is not helping local business the money is spent out of the district
DD499			We strongly request Council to address all these issues with drivers and overcharging and call a meeting
DD672	√		Inspite we request to stop new drivers, please call an urgent meeting on this issue
DD715	√		Please call a meeting to stop new plates
DD347	√*		*Conditional the number of taxis must be restricted, we request that WBC hold a meeting on this issue
DD746	√		As discussed with Council in these difficult financial conditions it is really proving hard to make a decent living. And extra no. of cars on the road is causing all these problems for existing drivers and Council itself. We need to take timely and proper measure to keep the control of the situation and we, all drivers, think that it is th time to stop the extra no. of cars on our ranks. Legally Council can impose a ban without a survey which cannot be financed by either Council or the drivers in these circumstances. We can discuss these matters in a meeting with all the drivers
DD713	√		In the best interest of the taxi trade the current tariff should remain the same with suggestion to restrict new HC Plates
DD475	√		See Enclosed Supporting Letter

Dear Julia o' Brien,

Tariff Review Consultation/Suggestions

3December 2010

As the Taxi Trade we are more than fully aware of the unprecedented pressures affecting our work, both externally and internally. The fore mentioned financial constraints for our customers have been deeply felt and devastating for the trade resulting in at least 30% reduction in fares. Necessity being the norm now. Due to the economic squeeze consumers' disposable income has decreased as has customer demand, as a result drivers' are having to work much longer hours for less financial gain. In turn waiting time between fares has dramatically increased to well over an hour; a two hour wait is not rare. It feels like working over time but not getting paid.

Coupled with the fact of record high fuel prices avg. £1.25ltr and the VAT rise commencing in the New Year, diesel fuel will cost an astonishing £1.30ltr, no way is this sustainable by any Taxi Driver.

Moreover overcrowding on the ranks is an everyday occurrence especially at late night weekends emanating in illegal ranking. Due to wider pressures our numbers have swelled. The trade is already suffering immensely and the damage done seems irreparable.

Already we begrudge and tolerate year on year price increases in taxi running costs, i.e. servicing, tyres and public hire insurance as well as Wokingham station taxi permits. Never mind the massive increase already in place by Wokingham Borough Council of nearly 10% for our Hackney Carriage Vehicle license and Dual Drivers driver license. Also a 10% rise in the hackney carriage vehicle test

As previously mentioned external pressures e.g. price of fuel and consumer constraints are out of your control as well as ours, but internal pressures like overcrowding on the Taxi ranks, illegal ranking, much longer waiting times between fares and far too many Taxis, we can certainly address.

Pressures emanate from the fact that customer demand is truly and sufficiently met, always an over service provided. Therefore we urge and request Wokingham borough Council licensing and safety committee to limit/ cap the number of hackney carriage vehicles licenses issued. Instantly alleviating the pressures being experienced by the taxi trade. The very least a consulting process should be conducted and implemented.

Possible suggestion; we accept to freeze any forthcoming tariff increase for an agreed time, in turn Wokingham Borough Council limits/caps the number of H.C .licenses issued. Thus a mutual benefit would arise for customers/ consumers and taxi drivers alike. Residents and visitors to Wokingham will benefit from lower taxi fares and the Taxi trade can start to earn their way to the national minimum wage.

In concluding a tariff amendment is not practical due to the economics and pressures; therefore a tariff increase is not viable and should remain the same. We hope internal pressures exerted can be excluded.

Yours Sincerely,

Hackney Carriage Taxi Drivers.

Comparison of current tariff with neighbouring authorities

	Wokingham (37)*	Reading (13)*	Bracknell Forest (113)*	Guildford (75)*
	Tariff 1 (06.00 – 23.00)	Tariff 1 (06.00 – 22.00)	Tariff 1 (07.00-23.00)	Tariff 1 (07.00-23.00)
Flag	£3.00	£2.20	£3.00	£3.00
One Mile	£4.00	£4.00	£4.00	£3.80
Two Miles	£6.00	£6.20	£5.40	£5.60
Waiting	20p - 40 seconds	20p – 48 seconds	20p – 57 seconds	20p – 36 seconds
	Tariff 2 (23.00 – 06.00)	Tariff 2 (22.00 – 06.00)	Tariff 2 (23.00 – 7.00)	Tariff 2 (23.00 – 7.00)
Flag	£4.50	£3.20	£4.50	£4.00
One Mile	£6.00	£5.20	£6.00	£5.20
Two Miles	£9.00	£7.40	£8.10	£7.60
Waiting	30p – 40 seconds	20p – 44 seconds	20p – 57 seconds	30p – 29 seconds
Soiling Charge	£50.00	£40.00	£50.00	£50.00
Date Introduced	May 2010	November 2008	October 2008	October 2010

* Denotes position in The National League Tables Averages – November 2010 – source Private Hire and Taxi Monthly

TITLE	Hackney Carriage Vehicle Age Restriction
FOR CONSIDERATION BY	Licensing and Appeals Committee on 10th January 2011
WARD	None Specific
GENERAL MANAGER	Mark Moon – Place and Neighbourhood Services

OUTCOME

An exercise was undertaken to collect data on the number of vehicle test failures that occurred in one year and to present the results to this Committee so that the decision made on a maximum age of a Hackney Carriage Vehicle of 15 years might be reviewed.

RECOMMENDATION

Members are asked to:

1. Review their decision to restrict the age of Hackney Carriage Vehicles to 15 years.
2. Consider implementing a maximum age to allow Hackney Carriage Vehicles to be brought onto the fleet.
3. If option 2 were considered appropriate, members are asked to agree to consult on the proposal with existing drivers and operators for their comments, the results of which to be brought back to a future meeting of the Committee.

SUMMARY OF REPORT

This report outlines the results of a year's data collection relating to vehicle test failures in response to a request last year by members that they may review their decision to restrict the age of Hackney Carriage Vehicles to 15 years old and in the light of these findings consider whether to implement a maximum age for vehicles to be brought onto the fleet.

Background

At a meeting of the Licensing and Appeals Committee on 7th April 2010 members considered a report concerning the revision of the Hackney Carriage and Private Hire Licensing Policy in regards to setting an upper limit for Hackney Carriage Vehicles.

At this meeting the Committee agreed that an upper age limit of 15 years old be put in place for Hackney Carriage Vehicles. Members asked that this age limit be reviewed in a year's time and that officers provide figures of the number of vehicles which failed the checks (yearly for vehicles under five years old and six monthly for vehicles over this age), the reasons for these failures and that these failures be broken down into the cars under 5 years old, cars 5-8 years old, cars 8-10 years old, cars 10-12 years old and cars which were 12-15 years old.

These results are attached to this report as Appendix 1.

The following table is a summary of the vehicle numbers in each category and failures

in age groups.

VEHICLE AGE	NO. IN AGE GROUP	FAILURE IN AGE GROUP
UNDER 5 YRS	22	7
5 – 8 YEARS	29	26
8 – 10 YEARS	23	26
10 – 12 YEARS	17	27
12+ YEARS	5	3

In addition to the upper age limit of Hackney Carriage Vehicles the Committee may wish to consider if they would wish to restrict the maximum age of vehicles coming onto the fleet as is currently the case with Private Hire Vehicles (no more than 5 years from first registration).

For the Committee's information I have included other Local Authority positions in relation to Hackney Carriage Vehicles:

- Reading: Vehicles must be no more than 5 years old when first plated
- Bracknell: Vehicles must be no older than 4 years old to be licensed for the first time, then have to come off the fleet at 10 years old.
- Slough: Any new vehicle to be licensed as a Hackney Carriage vehicle is to be no older than 5 years of age from the date of first registration. There is no upper age limit for wheelchair accessible and purpose built vehicles.
- West Berkshire: currently do not have an age restriction but require the council vehicle testing to be carried out as follows;

age of vehicle	inspection frequency
1-6 years	once per year
7-8 years	twice per year
over 8 years	three times per year

There is a proposal that for all new applications vehicles should be under 5 years old, existing vehicles to be refused a licence if over 8 years and all new vehicle applications to be a purpose built wheelchair accessible vehicle

- Windsor and Maidenhead: When first licensed, a hackney vehicle has to be under 5 years of age. There is no upper age limit for purpose built vehicles, other vehicles may only be up to a maximum of 9 years old.

Analysis of Issues

Amendments to existing policy in the light of representations.

Reasons for considering the report in Part 2

Not Applicable

List of Background Papers

Hackney Carriage/Private Hire Vehicle Test Results

Contact: Mrs Julia O'Brien	Service: Place and Neighbourhoods
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Date: 20 December 2010	Version No: One

UNDER 5 YEARS

HC Failures

Section

Reason For Failure

Section A Bodywork Condition

Nearside mirror cracked

O/S side lights/brake lights not working

Both no. plates not working

Taxi sign not working

Nearside front sidelamp inoperative

x2 stop lights not working

Number plate lights inoperative and

nearside headlamp inoperative

Offside stop lamp in operative

Section B Lighting

Nearside number plate light in-operative

Horn not working No

fire extinguisher

Heater not working

Section C - Drivers's Area

Brake warning light on

Section D - Passenger Compartment

Nearside front anti roll link excessive play
in bush Offside

front anti roll barlink insecure Offside

Section E - Steering

front outer track rod end excess

Front brake imbalance (o/s n/s grabs)

Front brakes binding front brake

operation defective offside handbrake

reading low rear pads below minimum

thickness All

Section F - Brakes

brake discs worn and rear pads worn low

Rear centre wheelcaps missing

Nail offside rear tyre

Section G - Tyres/Wheels

Advise rear tyres worn inner edges

Offside front drivershaft gaiter split inner

Section H - Chassis and Underparts

and outer

Nearside outer drive shaft gaiter spring

Section I - Engine Compartment

leaking grease

Not road tested due to brake defects

meter not sealed

Security seal missing from meter

Seal broken/missing on meter

Section J - Road Test

No seal on meter

TOTAL OF VEHICLES

7

HC Failures

Section

Reasons For Failure

Section A Bodywork Condition

Nearside front sidelamp inop
Fuel cap cover missing
Nearside front bumper arch
damaged

Section B Lighting

No. Plate not working Offside
Light notworking O/S plate
lamp in-op Offside
no. plate bulb not working
Nearside headlamp aims low
Number plate not working
Fuel cap cover missing
Both number plate lamps not
working
Offside headlamp mouting
missing headlamp insecure
and inncorrect aim
Offside front side light not
working
Nearside and offside no. plate
not working
Offside brake light not working
Offside side repeater in
operative
Offside head lamp aim too low
Offside rear inner tail light in-op
Nearside rear outer side light in
op Offside dip beam in-op
Nearside headlamp aim too
low
Offside front dip beam in-op
Offside reg lamp in-op
Offside stop lamp not working
Offside head lamp aim high
O/S/F side lamp in operative
Fire extinguisher in vehicle x 2
wrong reg number NY05 ORL
MV02 BZU
Drivers door stay and trim
damaged/missing trim
Taxi sign not working
Object stuck to centre of
screen causing poor view
Drivers door daty and trim
damaged and missing trim
Fir extinguisher marked with
another registration
Heater not working
Taxi sign not working
Taxi sign missing

Section C - Drivers's Area

Section D - Passenger Compartment	<p>Nearside front passenger foot well trim insecure</p> <p>O/S caliper bolts loose</p> <p>Offside front road spring fractured</p> <p>Nearside rack gaiter insecure</p> <p>Power steering leak</p> <p>Nearside rack gaiter split</p> <p>Excessive movement both lower ball joints</p> <p>Offside front bottom ball joint worn to excess</p> <p>Offside outer drive shaft gaitor split</p>
Section E - Steering	<p>ABS light on Handbrake low efficiency Front discs worn to excess Offside rear disc pitted to excess</p> <p>Rear brake imbalance</p> <p>Front to rear brake pipes inadequatley clipped and supported</p> <p>Parking brake lever insecure</p> <p>ABS fault lamp</p> <p>Parking brake lever insecure</p> <p>ABS fault lamp</p> <p>Offside rear brake pipe mounting insecure</p> <p>Nearside rear handbrake efficiency below requirements</p> <p>Uneven application on front brakes and nearside front inner pad below minimum requirement</p> <p>Parking brake efficiency below requirement</p> <p>N/S/R parking brake little or no effort</p>
Section F - Brakes	<p>Parking brake efficiency low</p> <p>O/S/R tyre below limit</p> <p>Offside front sidewalls heavily and unevenly warn</p> <p>Offside rear tyre bald inner edge</p> <p>Offside front tyre illegal</p> <p>Offside rear tyre through to cords (dangerous)</p> <p>Nearside tyre sidewall cut to cords</p>
Section G - Tyres/Wheels	<p>Nearside front tyre no visible tread</p>

O/S inner front susp arm bush
deteriorated
Nearside front lower arm ball
joint worn to excess
Nearside front lower arm rear
bush split
Exhaust rear box
Offside front inner cv boot split
Excessive smoke from exhaust
when revved

Section H - Chassis and Underparts
Section I - Engine Compartment

Smoke test failed. No road
teax. Unable to road test due to
tyre. Meter fitted but not
charging at correct time and
showing error. Excessive black
smoke. Not done due to brake
fault. Emission too high. BSI
security seal missing.

Section J - Road Test

TOTAL OF VEHICLES

26

HC Failures

Section	Reason For Failure
Section A Bodywork Condition	Offside mirror cracked
	Nearside mirror cover insecure
	Nearside no. plate light in operation
	Nearside headlamp aims very low
	Offside headlamp aims low
	Nearside front side light not working
	Nearside tail inner tail light not working
	Nearside front side lamp not working
	Offside no. plate not working
	Nearside headlamps aim too high
	Offside headlamp too low and distorted beam image
	Nearside number plate light not working
	Stop lights incorrect wattage (dim)
	Nearside front foglight inoperative
	Nearside no. plate light inoperative
	Nearside headlamp aims very low
	Offside vehicle headlamp aims low
Nearside front light not working	
Offside number plate not working	
Taxi sign not working	
N/S headlight no pattern	
Offside headlamp aims high and right	
Nearside and offside aim too high/low	
Centre stop lamp not working	
Offside headlamp aim too low	
Both headlights too low	
O/S headlan	

Section B Lighting

- Fire extinguisher not marked
- Fire extinguisher not fully charged
- Fire extinguisher incorrectly marked
- Tax disc expired
- Fire extinguisher not marked
- Extinguisher has wrong reg on it
- Offside wiper not clearing screen

Section C - Drivers's Area

- Satnav holder obstructing view
- Wheelchair Access ramps and tie down straps missing
- Nearside front passenger foot well trim insecure
- Wheelchair access ramps and tiedown straps missing
- Wipers not clearing screen

Section D - Passenger Compartment

Parking brake below min efficiency Excessive
 play offside front lower ball joints
 Nearside and offside suspension preserved arm
 excess Excessive play both rear
 anti rollbar bushes
 Nearside track rod balljoint has excessive play
 Nearside track rod end ball joint worn to excess
 Offside front anti roll bar worn to excess
 O/S Rack gaitor split Nearside
 front suspension arm rear bush worn to excess
 N/S/F steering rack gaitor split O/S/F
 track rod excess move O/S/F susp arm
 rear bush excess move

Section E - Steering

Both rear tyres worn below 1mm tread depth on
 inner edge Offside rear caliper
 leaking Fluid under pressure
 Rear Brake uneven Front discs
 worn to excess offside Rear discs pitted to
 excess, rear brake imbalance
 Both rear metal brake pipes corroded Both front
 metal brake pipes corroded Both rear flexi
 hoses fouling suspension
 Parking brake below minimum efficiency
 Nearside rear brake pipe excessively corroded
 N//S/F Brake disc excess worn O/S/F
 Brake disc excess worn Nearside rear
 brake pipe excessively corroded
 Handbrake below minimum efficiency N/S/F
 brake hose Hand brake
 inefficient effect low

Section F - Brakes

Spare tyre defective Nearside
 rear tyre cut, cords visible and tread below 1mm
 on inner edge Nail in nearside tyre
 Both rear tyres worn below 1mm tread depth on
 inner edges Both rear tyres no visible
 tread Offside rear tyre bald on inner edge
 and cut to cords
 Offside rear tyre through to cords (dangerous)

Section G - Tyres/Wheels

O/S/R coil spring fractured Front
 exhaust excess blow Front exhaust
 mount not support exhaust
 Offside front lower ball joint has excessive play
 Offside coil spring fractured Rear anti
 roll bar bushes excessively worn x 4
 Nearside front anti-roll bar link worn Offside
 front inner cv joint gaiter split Offside rear coil
 spring fractured Rear exhaust box leaking
 Rear shock absorbers squeak and low
 resistance O/S N/S/F
 outriggers corroded O/S/F sus arm
 has excessive play in balljoint

Section H - Chassis and Underparts

Section I - Engine Compartment

Excessive emmissions smoke

Failed smoke test
visible smoke
smoke
Meter insecure
Not tested no tag on meter and meter insecure
Excessive smoke

Excessive
Emits excessive
Excessive level of metered
Excessive smoke for turbo
Excessive
Meter insecure

Section J - Road Test

TOTAL OF VEHICLES

26

HC Failures

Reason For Failure

Section

Rust arches and sills
 Offside rear panel trim missing
 Nearside mirror covering insecure
 Front bumper damaged nearside
 OSR door and rer quarter panel paintwork
 crazed, nearside door trim scratched front sills
 crushed
 Nearside headlamp aim high, offside lamp inop
 N/R number plate light dim
 NSF light not working
 OSF headlight too low
 OSF foglight not working
 Nearside stop lamp, nearside side light front not
 working
 Registration
 lamps x 2 not working
 Nearside front
 sidelight not working
 Nearside front
 sidelight not working
 Both registration
 plate bulbs not working
 N/S headlamp aim
 too low O/S headlamp aim too low
 N/S Headlight no beam pattern
 O/S headlight too high
 Offside headlight aim too low x2 registration late
 bulbs not working
 Offside rear lens cracked and shows white to
 rear
 High level stop lamp inoperative

Section A Bodywork Condition

Section B Lighting

Nearside sliding door does not open
 Fire extinguisher empty gauge red
 Fire extinguisher not marked or fixed
 Drive select/gear indicator not working
 Brake pedal anti slip provision
 incomplete
 Nearside and offside
 rear door cas insecure
 Rear wiper
 blade perished
 Gear leave knob broken

Section C - Drivers's Area

Taxi sign not working
 Nearside mirror cover insecure
 Taxi radio falling under pedals and needs
 securing
 Nearside rear door trim/rubber insecure
 Both rear passenger door cards insecure
 Wheelchair access not within current SVA
 requirements No
 wheelchair access/ramp or straps
 Seven seats fitted and spare wheel inside
 vehicle
 Offside rear seat belt mouting area corroded to
 excess Both rear speaker grills
 damaged sharp edges
 Sat Nav in drivers view

Section D - Passenger Compartment

N/S/R upper suspension arm outer ball joint
 excess movement
 Offside rear coil spring fractured
 NSF and OSF anti-roll bar lower ball joints worn
 Nearside rack gaiter split
 N/S/F outer c.v gaiter insecure
 Nearside rack gaiter split
 Lower pivot at rack bearings worn and knocking
 Track rod balljoint nearside front
 Offside back gaiter split Nearside
 rack gaiter split Nearside front
 steering rack gaiter split Near side front susp
 arm rear bush worn to excess
 Offside outer shaft gaiter split Offsie
 front outer ball joint has excessive movement
 Nearside front ball joint has excessive play

Section E - Steering

Nearside & offside front upper flexible
brake hoses deteriorated
Front brakes and O/S rear parking
brakes recording little or no effort.
Parking brake efficiency below
requirement
Load sensing valve seized
Brakes inbalanced on rear
Nearside rear flexi hose split
compensator valve leaking and offside
handbrake below required standard
Front brakes imbalanced O/S rear
parking brake recording little or not
effort
Parking brake efficiency below
requirement
Offside front to rear brake pipe
corroded to excess
Nearside front brake juddering
Front brake imbalance 39%

Section F - Brakes

Offside front tyre and nearside rear tyres bald on
inner edge Spare
wheel insecure Nearside
front tyre outer edge bald Both front
tyres have cords exposed All tyres
have no tread on inner edges Nearside
front wheel trim missing Nearside front tyre
below legal limit

Section G - Tyres/Wheels

Rear exhaust box leaking
Nearside front lower arm bush split
Offside undertray insecure & damaged
Nearside rear lower shock bush N/S
outer rear suspension arm has excessive play in
ball joint Nearside
cv boot split Sills holed
inner and outer marked in yellow Nearside
front lower arm ball joint play Fuel leak at
tank Fuel filler
neck/fuel tank leaking Offside rear coil spring
broken both front chassis rails excessively
corroded N/S outer
rear upper suspension arm has excessive play
in ball joint Both front strut
upper mounting areas corroded to excess
Nearside rear chassis corroded to excess

Section H - Chassis and Underparts

Section I - Engine Compartment

Air filter hosing insecure
Oil and coolant leak suspect head gasket

Section J - Road Test

Pulls to left when driven
Taxi meter insecure
Knocking noise nearside front suspension
Meter is running slow
Emits excessive smoke
Not tested due to braking system leak
Meter seal missing and readings incorrect
Meter seal broken Meter
not working and insecure

TOTAL OF VEHICLES

27

HC Failures

Section

Section A Bodywork Condition

Section B Lighting

Section C - Drivers's Area

Section D - Passenger Compartment

Section E - Steering

Section F - Brakes

Section G - Tyres/Wheels

Section H - Chassis and Underparts

Section I - Engine Compartment

Section J - Road Test

Reason For Failure

Number plate light not working

Nearside number plate lamp bulb in-
op

Nearside front track rod end worn to
excess

Front brakes imbalance 55%

Front brake discs fitted to excess

O/S/F brake binding

Smoke level too high on emission
test

Exhaust emission excessive

TOTAL OF VEHICLES

3