



**WOKINGHAM  
BOROUGH COUNCIL**

**MEETING OF THE  
LICENSING AND APPEALS COMMITTEE**

**ON**

**TUESDAY 17 SEPTEMBER 2013**

**AT**

**7:00PM**

**AGENDA**

**Civic Offices  
Shute End  
Wokingham  
Berkshire**

**Andy Couldrick  
Chief Executive**



# **WOKINGHAM BOROUGH COUNCIL**

## **Our Vision**

***A great place to live, an even better place to do business***

## **Our Priorities**

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

## **The Underpinning Principles**

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

Chief Executive's Department  
P.O. Box 150  
Shute End, Wokingham  
Berkshire RG40 1WQ  
Tel: (0118) 974 6000  
Fax: (0118) 979 0877  
Minicom No: (0118) 977 8909  
DX: 33506 - Wokingham



# WOKINGHAM BOROUGH COUNCIL

**To: The Chairman and Members of the Licensing and Appeals Committee**

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held at the Civic Offices, Shute End, Wokingham on **Tuesday 17 September 2013 at 7:00pm.**

Andy Couldrick  
Chief Executive  
9 September 2013

**Members:-** Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Gore, Mike Haines, Philip Houldsworth, Abdul Loyes, Ken Miall, Sam Rahmouni, Malcolm Richards, Chris Singleton, Sue Smith, Wayne Smith and Dee Tomlin.

ITEM NO.	WARD	SUBJECT	PAGE NO.
13.00	None Specific	<b>MINUTES</b> To confirm the Minutes of the meetings of the Committee held on 10 July and 13 August 2013.	1-4
14.00	None Specific	<b>APOLOGIES</b> To receive any apologies for absence	-
15.00		<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest	-
16.00		<b>PUBLIC QUESTION TIME</b> To answer any public questions	-

The Council welcomes questions from members of the public about the work of this Committee.

Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact Democratic Services on the numbers listed below or go to [www.wokingham.gov.uk/publicquestions](http://www.wokingham.gov.uk/publicquestions).

Explanatory leaflets are also available in the Civic Offices and Libraries.

16.01	None Specific	Mr Stephen Carpenter has asked the Chairman of the Committee the following question:  <b>Question</b>  In regards to the aspect of drinking culture in Wokingham, how does Wokingham Borough Council implement national strategies?	
<b>17.00</b>		<b>MEMBER QUESTION TIME</b> To answer any member questions.	-
<b>18.00</b>	None Specific	<b>LICENSING ACT 2003 – POLICY REVIEW</b> This report sets out the consultation undertaken and introduces a draft policy for recommendation to Council for adoption.	<b>5-27</b>
<b>19.00</b>	None Specific	<b>TOURISM AND EMPLOYMENT UPDATE</b> To receive a report which is required by the Guidance issued under the Licensing Act 2003 and its need which was acknowledged in the adopted Licensing Policy.	<b>28-29</b>
<b>20.00</b>	None Specific	<b>TAXI ROOF SIGNS</b> To consider the consultation results regarding the introduction of a standardised roof top sign for all Hackney Carriage vehicles to enhance Public Safety.	<b>30-56</b>
<b>21.00</b>	None Specific	<b>HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSING - MEDICALS</b> To consider changing the driver medical examination from the Royal Berkshire Occupational Health Service to the drivers own General Practitioners.	<b>57-73</b>
<b>22.00</b>	None Specific	<b>HEARINGS UPDATE</b> To receive an update on the outcome of Sub-Committees and Appeal Panels which have taken place since the last meeting of the Licensing and Appeals Committee.	<b>74-75</b>

**23.00**      None Specific      **ANY OTHER ITEMS WHICH THE CHAIRMAN  
DECIDES ARE URGENT**      -  
A Supplementary Agenda will be issued by the Chief  
Executive if there are any other items to consider under  
this heading

This is an agenda for 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.

#### **CONTACT OFFICERS**

**Susan Coulter**      **Senior Democratic Services Officer**      **Tel 0118 974 6059**

**Administrators**      **Tel 0118 974 6053/6054**

**Fax**      0118 919 7757

**Email**      [democratic.services@wokingham.gov.uk](mailto:democratic.services@wokingham.gov.uk)

**MINUTES OF A MEETING OF THE  
LICENSING AND APPEALS COMMITTEE  
HELD ON MONDAY 10 JULY 2013 FROM 7:00PM TO 7.30PM.**

*Present:- Barrie Patman (Chairman), Michael Firmager, Mike Haines, Abdul Loyes, Ken Miall, Sam Rahmouni, Malcolm Richards, Sue Smith, Wayne Smith and Dee Tomlin.*

*Also present:*

*Julia O'Brien, Principal Environmental Health Officer (Licensing)  
Madeleine Shopland, Principal Democratic Services Officer.*

**PART I**

**1. MINUTES**

The Minutes of the meeting of the Committee held on 11 March 2013 were confirmed as a correct record and signed by the Chairman.

**2. APOLOGIES**

Apologies for absence were submitted from Chris Bowring, Mike Gore, Philip Houldsworth and Chris Singleton.

**3. DECLARATIONS OF INTEREST**

No declarations of interest were submitted.

**4. PUBLIC QUESTION TIME**

There were no Public questions.

**5. MEMBER QUESTION TIME**

There were no Member questions.

**6. REVIEW OF LICENSING ACT POLICY**

The Committee received a report, as set out on Agenda pages 4 to 28, which set out a draft policy of the revised Licensing Act Policy for consideration which sought approval to undertake a formal consultation exercise, with responses and an amended draft, which would be brought to the Committee on 17 September 2013 for consideration and recommendations Council on 19 September 2013 for adoption.

During the discussion of this item the following points were made:

- In the past the Licensing Act Policy had to be reviewed every three years. The Policy was due to expire in September and was in need of review. In future the policy would only need to be reviewed every 5 years.
- The previous policies had been deemed satisfactory and had received no challenges.
- Members were asked to agree to the draft policy going to consultation with the statutory consultees, including all licensees. Any consultation responses would be brought back to the Licensing Committee meeting in September and the policy recommended to Council. It was noted that the agenda for the Council would be issued prior to when the Licensing Committee would be held and that any changes made by the Committee would be tabled at the Council meeting.
- Amendments highlighted related largely to changes required as a result of changes in legislation. This included the exemption of live music from the requirement to be licensed in certain circumstances, under the Live Music Act 2012 and the introduction of powers relating to Early Morning Restriction Orders and the Late Night Levy.

- It was clarified that decisions regarding policy made by the Licensing and Appeals Committee were binding on the Council and those made by the West Berkshire Licensing Committee were binding on West Berkshire Council.
- With regards to the areas that the Committee should receive information on, such as Tourism Strategies, the Chairman queried who should be alerting the Committee to such information. The Principal Environmental Health Officer (Licensing) agreed to look into the matter.
- The Principal Environmental Health Officer clarified that late refreshment referred to the provision of hot food and drink between 11pm and 5am.

**RESOLVED:** That the draft policy go out to consultation with the statutory consultees.

## **7. TAXI ROOF SIGNS**

The Committee received a report, as set out on Agenda pages 29 to 32, which introduced a standard taxi sign to include the Wokingham Borough Council logo and licensing information for all Hackney Carriage vehicles for Public Safety.

During the discussion of this item the following points were made:

- Hackney Carriage vehicles are required to display an illuminated sign on the top of their vehicle which depicts that it is available for hire; this may include the words "TAXI" or "FOR HIRE". It was proposed that across the board signage that is not only aero-dynamic but also allows for Licensing information be sighted easily by the general public, be introduced.
- The Committee were presented with two different types of signs, both displaying the word 'TAXI' and the Council logo. There was also space for information regarding the operator or driver such as a telephone number. The larger signs also included a symbol indicating that it could be used by disabled passengers. Members agreed that the larger sign was preferable and that they wished to see uniformity. Members felt that would help passengers identify which vehicles were private hire vehicles.
- The signs were relatively low cost and had a long life LCD internal light which was thought to have a lifespan of around 10 years.
- Members were informed that drivers would be required to pay for the signs but they would cost in the region of £40-60.

**RESOLVED:** That consultation regarding the introduction of a standardised roof top sign for all Hackney Carriage vehicles to enhance Public Safety be agreed.

## **8. HEARINGS UPDATE**

The Committee received an update on the outcome of Sub-Committees and Appeal Panels which had taken place since the last meeting of the Licensing and Appeals Committee.

**RESOLVED:** That the report be noted.

*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.*

**MINUTES OF A MEETING OF THE EXTRAORDINARY  
LICENSING AND APPEALS COMMITTEE  
HELD ON TUESDAY 13 AUGUST 2013 FROM 7:00PM TO 7:35PM**

*Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Haines, Philip Houldsworth, Abdul Loyes, Ken Miall, Sam Rahmouni, Malcolm Richards and Chris Singleton.*

*Also present:*

*Susan Coulter, Senior Democratic Services Officer;  
Brian Leahy, Team Manager Licensing, Environmental Health & Licensing, West Berkshire Council  
Julia O'Brien, Principal Environmental Health Officer (Licensing);*

## **PART I**

### **9. APOLOGIES**

Apologies for absence were submitted from Mike Gore, Sue Smith and Dee Tomlin.

### **10. DECLARATIONS OF INTEREST**

Councillor Abdul Loyes declared a personal interest in Item 12 – Hackney Carriage Tariff Review as he knew some of the Hackney Carriage drivers who were present.

### **11. HACKNEY CARRIAGE TARIFF REVIEW**

The Committee received a report, as set out on Agenda pages 1 to 11, which set out the outcomes of the Public consultation placed in the Wokingham Times on 10 April 2013. The Principal Environmental Health Officer (Licensing) advised the Committee that the drivers had been consulted following the January meeting of the Committee, when it had been resolved that the 50% surcharge where a vehicle is carrying more than four passengers – tariff 4 – 6 be removed and replaced with a surcharge of 50 pence per additional person where a vehicle is carrying more than four passengers, regardless of the time of day.

The Council had carried out a statutory consultation and the proposed changes had been advertised in the Wokingham Times on 10 April 2013. A letter was also sent to all drivers informing them of the public consultation in regard to the notice appearing in the Wokingham Times. Responses from 3 individual Wokingham Borough Council drivers were received. The 3 objections were sent to the Chairman of the Committee, who in turn advised other Committee Members. The Principal Environmental Health Officer (Licensing) was then advised that the Committee would need to meet formally to make its decision.

The Chairman reminded the Committee of the recommendation set out in the report. He also referred to complaints that the Council had received from members of the public who were unhappy about the current charges. This item had been considered at the Committee's January and March meetings, when the Committee had been advised of what other Council's had been doing with regard to charges. The Committee was advised that not many Council's had the 50% surcharge and it was thought that only Bracknell Forest Council had retained it.



Some Members were concerned about the balance between the public's views and the operators' needs and it was therefore important to see a business case for making the changes to the Tariff. Members were concerned that the report did not set out how the changes would affect the drivers and their incomes.

The Principal Environmental Health Officer (Licensing) advised that it would be difficult to consider a business case, given that different drivers had different vehicles and worked different hours during the day and night. It would be difficult to find a standard case.

Members were also concerned about the poor response to the consultation. They suggested that the Council's policy needed to be reconsidered, especially in regard to the use of large vehicles by the drivers and costs they incurred.

The Principal Environmental Health Officer (Licensing) advised that the letter set out on page 5 of the agenda had been sent to **all** Hackney Carriage drivers.

It was proposed and duly seconded that the 50% surcharge be retained and quantitative views be sought from drivers on what the suggested changes to the tariff would mean to their businesses and this to be compared with the wishes of the public. To allow this to happen, a working party be arranged consisting of a selection of Hackney Carriage drivers, members of the public, Licensing and Appeals Committee Members and Licensing Officers.

On being put to the vote, the above was agreed unanimously.

**RESOLVED:** That:

- 1) the 50% surcharge be retained and quantitative views be sought from drivers on what the suggested changes to the tariff would mean to their business and this to be compared with the wishes of the public; and
- 2) to allow this to happen, a working party be arranged consisting of a selection of Hackney Carriage drivers, members of the public, Licensing and Appeals Committee Members and Licensing Officers.

*These are the Minutes of an extraordinary 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.*