

**MINUTES OF A MEETING OF THE  
LICENSING AND APPEALS COMMITTEE  
HELD ON TUESDAY 19 NOVEMBER 2013 FROM 7:00PM TO 7:30PM**

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

*Also present:*

*Susan Coulter, Senior Democratic Services Officer;  
Yvonne Jones, Enforcement Officer, Licensing Service; West Berkshire  
Brian Leahy, Team Manager Licensing, Environmental Health & Licensing, West Berkshire Council; and  
Julia Waymouth, Principal Environmental Health Officer, Licensing Service, West Berkshire and Wokingham*

**PART I**

**22. MINUTES**

The Minutes of the meeting of the Committee held on 17 September 2013 were confirmed as a correct record and signed by the Chairman.

**23. APOLOGIES**

Apologies for absence were submitted from Councillors Mike Gore and Abdul Loyes.

**24. DECLARATIONS OF INTEREST**

Councillor Michael Firmager declared a personal interest in Items 29 Hackney Carriage and Private Hire Driver Licensing – Medicals as he knew one of the drivers.

**25. PUBLIC QUESTION TIME**

There were no Public questions.

**26. MEMBER QUESTION TIME**

There were no Member questions.

**27. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSING – MEDICALS**

The Committee considered a report, as set out on Agenda pages 4 to 10, regarding the change to the driver medical examinations from the current system of using Occupational Health to that of drivers being able to use their own GP, a GP from the same practice or continue to use Occupational Health, following consultation received back from current drivers.

The Committee was advised that following the Committee meeting on 17 September 2013, a consultation letter had been sent to all Private Hire (146), Dual Drivers (191) and School Drivers (40) a total of 377 requesting as to whether they agreed or disagreed with this proposed change. 54 responses had been received by way of a comments form, which is outlined in Appendix 1 to the report. The majority of drivers (47) were in agreement to the change.

**RESOLVED:** That the driver medical examinations be changed from the current system of using Occupational Health to that of drivers being able to use their own GP, a GP from the same practice or continue to use Occupational Health, following consultation received back from current drivers.

## **28. HACKNEY CARRIAGE TARIFF REVIEW – UPDATE**

The Committee received a verbal update on the working party that was requested to be convened at the August 2013 meeting of the Committee, consisting of a selection of Hackney Carriage drivers, members of the public, Licensing and Appeals Committee Members and Licensing Officers.

The Committee was advised that Hackney Carriage drivers had been asked to present a business case to officers to explain why they were not in favour of the removal of the 50% surcharge. Of the 101 Hackney Carriage drivers consulted, only 3 responded. One driver advised that he would undergo a 20% difference in takings at peak times and a 10% difference at other times. Another driver said the same. The third driver gave a breakdown of his earnings and outgoings and had been very open and honest, giving figures for the maintenance of his vehicle, such as MOTs and new tyres etc.

The Chairman expressed surprise that there had only been 3 responses. Bracknell Forest Council was also looking to remove the 50% surcharge. It was important to move this issue forward

Members expressed their disappointment at the poor response from the drivers, given that it had been very clear at the last meeting of the Committee that the drivers were concerned about the change to the tariff. The Chairman advised that the Committee had a duty of care to the residents of the Borough to ensure that a fair set of fares was in place.

A Member pointed out that some drivers did not have English as their first language and this may be why they were reluctant to respond to the consultation. However, it was noted that many drivers had responded to the Medical consultation presented elsewhere on the agenda. The Committee agreed that the best way to proceed with this issue was for the Committee to receive a formal report with recommendations at its meeting on 22 January 2013.

**RESOLVED:** That the information presented above be noted and a formal report be presented to the next meeting of the Committee.

## **29. HEARINGS UPDATE**

The Committee received a report, as set out on Agenda pages 11 and 12, on the outcome of Sub-Committees and Appeal Panels which have taken place since the last meeting of the Licensing and Appeals Committee.

The Senior Democratic Services Officer advised that since the last meeting of the Committee, there had been no School Transport Appeals heard at Stage 2 – Member level, there had been no Street Trading Consents or Licence Reviews and only one Appeal against a decision not to grant a Dual Driver Licence, which had been refused. She had received the information from colleagues in the Corporate Transport Unit with regard to School Transport Appeals at Stage 1 Officer level. From the beginning of 2013, there had been 23 Stage 1 Appeals heard, of which 17 had been refused, 5 had been upheld, and 1 had been referred onwards to stage 2 Member level. This one appeal had

been upheld. Of those refused, there were 3 considered by the Local Government Ombudsman (LGO) and all 3 had been dismissed.

**RESOLVED:** That the above information presented to the Committee be noted.

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

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