

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 21 MARCH 2018 FROM 7.00 PM TO 8.25 PM**

Committee Members Present

Councillors: Barrie Patman (Chairman), John Halsall (Vice-Chairman), Lindsay Ferris, Mike Haines, Emma Hobbs, John Jarvis, Abdul Loyes, Malcolm Richards, Beth Rowland, Chris Smith and Wayne Smith

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Laura Driscoll, Principal Officer, Public Protection Partnership
Roxana Khakinia, Legal Advisor
Julia O'Brien, Licensing Team Manager

34. APOLOGIES

Apologies for absence were submitted from Councillors Chris Bowring, Philip Mirfin and Bill Soane.

35. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 21 November 2017 were confirmed as a correct record and signed by the Chairman.

Matters Arising

Councillor Ferris asked for an update on the Pet Shop licence conditions.

Laura Driscoll, Principal Officer, Public Protection Partnership stated that since the last meeting of the Committee the government had started the process of setting out new regulations in relation to animal licensing as a whole, which were due to come into effect in October. In view of this, it had been decided to put on hold the modifications to the local policy until after the implementation of the national regulations, the Committee may be asked to review Pet Shop conditions in November.

The Chairman stated that the government proposed to create a single licence for all animals covering all areas of concern, including franchising.

Laura Driscoll stated that a model set of conditions were being developed which was going to cover all the areas that the Committee had raised concerns about.

In relation to puppy's legislation, Laura Driscoll confirmed that there was going to be a separate strengthened legislation to deal with puppies licence.

36. DECLARATION OF INTEREST

There were no declarations of interest.

37. PUBLIC QUESTION TIME

There were no public questions.

38. MEMBER QUESTION TIME

There were no Member questions.

39. SAFEGUARDING TRAINING FOR LICENSED DRIVERS

The Committee considered the Safeguarding Training for Licensed Drivers report which was set out in agenda pages 11-14.

Laura Driscoll stated that a consultation had been carried out with approximately 400 licensed drivers and only one response had been received. However, Laura believed that the respondent had not fully understood the purpose of this safeguarding training. The training was not intended to teach drivers not to do something wrong, but to increase awareness to help taxi drivers to understand potential safeguarding issues with vulnerable groups.

Laura Driscoll explained that the training was intended for all existing drivers and new drivers. Condensed refresher training would also be required every three years.

In response to a question Laura Driscoll explained that PPP referred to Public Protection Partnership, this partnership involved Wokingham, Bracknell and West Berkshire.

Upon being put to the vote all Members were in favour of implementing the safeguarding training.

RESOLVED That:

- 1) The Committee agrees to the introduction of mandatory safeguarding training for all new and currently licensed drivers with immediate effect;
- 2) All licensed drivers to be required to sit refresher training every three years.

40. CRIMINAL CONVICTIONS POLICY FOR LICENSED DRIVERS AND OPERATORS

The Committee considered the Criminal Convictions Policy for Licensed Drivers and Operators report which was set out in agenda pages 15-28.

Laura Driscoll stated that as part of the review process a consultation had been carried out. Approximately 400 letters were sent out to drivers and operators, however no responses were received.

Laura Driscoll explained that it was good practice to keep policies under review and where necessary to update them, to better reflect the present need within the local area and national agenda. It was hoped that the review would strengthen the policy and make it clearer.

Laura Driscoll pointed out that page 28 of the agenda contained a list of the key proposed changes to the current policy.

During the discussion of the item the following comments were made;

- The Chairman pointed out that this was a national issue and it was hoped these proposals would bring the local policy in line with other national policies;
- Councillor Ferris was interested to know how the policy was applied in practice. Julia O'Brien, Licensing Team Manager explained that where a driver was found to have convictions, he/she would be invited to a meeting with a Licensing Officer to talk about

possible mitigating circumstances. If the licence was refused the driver had the right of appeal;

- Councillor Rowland related a case that had gone to an appeals panel where the driver was applying to conduct school children. She was concerned that the policy did not specify special conditions for drivers who were going to be working with children;
- Laura Driscoll explained that it was difficult to distinguish a policy for vulnerable groups, she stated that it was more appropriate for school transport to set higher standards if that was felt necessary;
- Laura Driscoll stated that an appeals panel may take into consideration the type of work a driver was going to undertake when making its decision;
- The Chairman stated that school drivers were often accompanied by an escort. However, Councillor Rowland stated that it was impossible to know if a driver was under the influence of drugs whilst driving; and
- In response to a comment Laura Driscoll explained that it was not in the remit of an appeal panel to review a court's decision; it was up to the panel to decide how much weight to give to the court's decision and previous criminal convictions.

Upon being put to the vote the Committee decided in favour of the recommendation.

RESOLVED That the Committee agreed to implement the new criminal convictions policy for licensed drivers and operators with immediate effect.

41. CRITERIA POLICY FOR LICENSED VEHICLES

The Committee considered the Criteria Policy for Licensed Vehicles which was set out in agenda pages 29-36.

Laura Driscoll read out an email that she had received from Suzanne McLaughlin, Senior Environmental Health Officer, containing her recommendation for the Committee's consideration:

Environmental Quality Team welcomes the proposal to amend the Criteria Policy for Licensed Vehicles to reflect the changes in vehicle technology and alternative fuels and improve the air quality in Wokingham Borough. They wish to be consulted on the proposals.

The Committee is asked to consider the Euro emission standards when making its decision.

Members were asked to consider the start of a consultation exercise in respect of amendments to the policy containing the criteria for licensed vehicles.

During the discussion of the item the following comments were made:

- Laura Driscoll asked Members to take into account the three quality air areas in the Borough;
- Members were informed that there were three Air Quality Management Areas in the Borough (M4, Twyford Crossroads and Wokingham Town Centre), all declared due to the exceedance of road transport emissions (nitrogen dioxide);
- Councillor Jarvis strongly supported the proposals as they promoted lower pollution levels;
- Most Members were in favour of promoting lower emission cars;

- Councillor Richards believed that the age of a car covered a wider range of issues, not just emissions and he wondered if it was possible to combine the age of the vehicle and emissions within the policy;
- Laura Driscoll stated that the Committee could opt to favour the use of Euro 5 but the age of the vehicle would then change to 8 years; she proposed to look at what other local authorities were opting for;
- Councillor Rowland was keen to encourage the use of petrol or electric cars rather than diesel cars;
- Laura Driscoll suggested that it was possible to apply different charges depending on the type of fuel used by the car;
- Laura Driscoll pointed out that in order to encourage electric cars, the policy would have allow for lower engine capacity;
- Councillor Ferris suggested including a target in the policy for vehicles to move towards more friendly fuel types by a certain date;
- Councillor Ferris asked how this policy applied to vintage cars. Laura Driscoll stated that wedding cars did not have to be licensed;
- In response to a question Laura Driscoll stated that she expected that the law would have to be changed in the future to address issues such as driverless vehicles; and
- Laura Driscoll pointed out that one of the proposals was to change the age of the vehicle from 15 years to 10 years;

After a robust discussion the Committee agreed to carry out a consultation, keep the standard rules (not the Euro emissions rules) and review the policy at a future meeting taking into account the responses.

Members asked that the consultation included questions in relation to the use of different types of fuel, to gage the drivers' views on this issue.

RESOLVED That:

- 1) The Committee agreed that a consultation exercise would be carried out with all existing hackney carriage and private hire licence holders and any other interested parties in respect of amendments to the policy containing the criteria for licensed vehicles; and
- 2) Any responses to the consultation would be reported for consideration at a future meeting of the Committee.

42. REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered the Review of Statement of Licensing Policy report which was set out in agenda pages 37-52.

Laura Driscoll stated that the proposed policy was similar to the previous one, with the addition of a consultation in relation to the Cumulative Impact Policy.

Laura Driscoll stated that various persons would be consulted, as per list in the report. Councillor Hobbs suggested adding religious societies to the list of consultees, she would send Laura contact details for those.

The Committee was unanimously in favour to start a consultation as proposed in the report.

RESOLVED That:

- 1) The Committee agreed to commence with the proposed revised policy at Annex A of the agenda; and
- 2) For the matter to return for consideration at the next meeting in June, prior to Council approval.

43. REVIEW OF STATEMENT OF GAMBLING PRINCIPLES

The Committee considered the Review of Statement of Gambling Principles report which was set out in agenda pages 53-84.

Laura Driscoll stated that there were only minor changes from the previous policy.

During the discussion of the item the following comments were made:

- In response to a question Laura Driscoll informed that there were no casinos in Wokingham Borough;
- The Chairman informed that the decision not to allow casinos in Wokingham had been made a long time ago by the Council;
- Councillor Haines was interested in the regulation around gambling machines. Laura Driscoll explained that there was a cap of £30 on gambling machines;
- Laura Driscoll believed that there were three gambling machines in every betting shop. They were not supposed to be used by vulnerable people and premises were expected to adopt self-restricting rules;
- Laura Driscoll informed that Officers inspected betting shops and gambling machines were supposed to be visible; and
- In response to a question Laura Driscoll stated that the Local Authority could limit the number of betting shops in an area.

After much consideration, the Committee was in favour of going out to consultation.

RESOLVED That:

- 1) The Committee agreed for consultation to commence with the proposed revised policy; and
- 2) For the matter to return for consideration at the next meeting in June prior to Council approval.

44. COMPLIANCE WITH THE HACKNEY CARRIAGE WHEELCHAIR ACCESSIBILITY POLICY

The Committee received a paper which had been produced by a Licensing and Appeals Panel that had been hearing appeals in relation to suspensions of hackney carriage licences.

Julia O'Brien explained that last year it was brought to the Licensing Authority's attention the fact that the documentation required to prove that a vehicle was wheelchair accessible did not guarantee that a vehicle was compliant with the policy. As a result it was decided that checks would have to be carried out. The Licensing Team started the process by checking the vehicles that were more likely to be in breach of the policy. 17 cars were checked last November, 9 failed the test and had their licenses suspended, 6 had

appealed to the decision. There were approximately 100 hackney carriages in the fleet and it was the Licensing Authority's intention to carry out tests with all of them.

Laura Driscoll stated that the proposed new policy included measurements (page 35 of the agenda), and that future panels could use these to guide them in making their decisions.

During the discussion of the item the following comments were made:

- Councillor Ferris stated that it was necessary to include measurements in the policy;
- The Chairman stated that the vehicles concerned had never carried wheelchair passengers;
- Councillor Richards stated that some drivers had been licensed for 10-12 years and were now having their licence suspended, with no changes in policy;
- Councillor Richards stated that the Panel had tried to be consistent and to consider the loss of income to the drivers;
- In response to a question Julia O'Brien stated that it had been a Council decision that the entire fleet of hackney carriage had to be wheelchair accessible;
- Councillor Haines stated that in his experience wheelchair users would call and organise a taxi in advance, wheelchair users were unlikely to hail a cab. He also noted that Ford Galaxi's were some of the biggest cars available and still they were not big enough for a wheelchair;
- The Chairman stated that it was expected that drivers would have their cars modified in order to make them wheelchair accessible;
- Councillor Wayne was concerned that there were a further 80 vehicles to be checked and this was a very difficult situation which could potentially generate a high number of appeals;
- In response to a question Laura Driscoll stated that most hackney carriage drivers were self-employed;
- Councillor Ferris pointed out that the documentation provided to the drivers was confusing and he was concerned with possible legal challenges;
- Councillor Jarvis pointed out that converting vehicles was very costly and he was concerned that the fleet may reduce significantly;
- Laura Driscoll explained that the Local Authority could create a list of wheelchair accessible vehicles;
- Councillor Richards suggested the introduction of two levels of approval: one for vehicles that could take a folded up wheelchair, for those passengers that were able to sit in the car; and one for those that could take a wheelchair in the back of the car;
- Laura Driscoll explained that hackney carriages had to be wheelchair accessible, private hire vehicles did not; and
- In response to a question Roxana Khakinia, Legal Advisor to the Appeals Panel, stated that each case had been determined on its own merits.

Members were concerned that this issue had to be resolved in a timely manner. After much discussion it was agreed that the whole fleet would be tested (but no further suspensions would be issued yet), and that the Committee would be informed of how many vehicles were not compliant with the policy. The Committee would make any necessary recommendations based on this information and the consultation that was due to be carried out.

The Chairman stated that if necessary an extraordinary meeting would be convened to discuss the criteria policy for licensed vehicles.

RESOLVED That:

- 1) The Committee would be kept informed on the development of the criteria policy for licensed vehicles;
- 2) The Committee would be kept informed on the outcome of appeals hearings;
- 3) An extraordinary Licensing Committee meeting would be convened if necessary.