



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 12 NOVEMBER 2019 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage
Chief Executive
Published on 4 November 2019

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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

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Chris Bowring (Chairman)	Abdul Loyes (Vice-Chairman)	Parry Bath
Rachel Burgess	Lindsay Ferris	Michael Firmager
Paul Fishwick	Jim Frewin	Emma Hobbs
Sarah Kerr	Barrie Patman	Ian Pittock
Malcolm Richards	Rachelle Shepherd-DuBey	Bill Soane

ITEM NO.	WARD	SUBJECT	PAGE NO.
24.		APOLOGIES To receive any apologies for absence.	
25.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 1 October 2019.	5 - 10
26.		DECLARATION OF INTEREST To receive any declarations of interest.	
27.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. 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 the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
28.		MEMBER QUESTION TIME To answer any member questions.	
29.	None Specific	TAXIS LIAISON GROUP TERMS OF REFERENCE AND FORWARD PLAN To receive and consider a report proposing the terms of reference and forward plan for the Taxis Liaison Group.	To Follow
30.	None Specific	TAXIS LIAISON GROUP RECOMMENDATIONS To receive a report containing the recommendations from the Taxis Liaison Group.	To Follow

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| 31. | None Specific | FEES AND CHARGES
To receive a report containing the proposed fees and charges for the next year. | To Follow |
| 32. | None Specific | CUMULATIVE IMPACT ASSESSMENT
To receive a verbal update outlining the options around introducing Cumulative Impact Assessment in the Borough. | Verbal Report |
| 33. | None Specific | REDUCING AIR POLLUTION
To receive a report outlining options around reducing air pollution in the Borough. | To Follow |

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.

CONTACT OFFICER

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 1 OCTOBER 2019 FROM 7.00 PM TO 8.30 PM**

Committee Members Present

Councillors: Chris Bowring (Chairman), Abdul Loyes (Vice-Chairman), Parry Batth, Rachel Burgess, Lindsay Ferris, Michael Firmager, Paul Fishwick, Jim Frewin, Barrie Patman, Malcolm Richards and Rachelle Shepherd-DuBey

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Sean Murphy, Public Protection Partnership Manager
Julia O'Brien, Principal Officer - Compliance and Enforcement
Amanda Ward, Lead Officer Licensing

14. APOLOGIES

Apologies for absence were submitted from Suzanne McLaughlin and Councillors Emma Hobbs, Sarah Kerr and Bil Soane.

15. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 25 June 2019 were confirmed as a correct record and signed by the Chairman.

Matters arising

Councillor Burges asked for an update on a response to the letter that was sent to the government about issues around Uber. Licensing Officers confirmed that the letter had been sent out. However, a response had not yet been received. Councillor Burges asked Officers to follow this up and this was agreed.

16. DECLARATION OF INTEREST

There were no declarations of interest.

17. PUBLIC QUESTION TIME

There were no public questions.

18. MEMBER QUESTION TIME

There were no Member questions.

19. FEEDBACK REPORT TO THE LICENSING AND APPEALS COMMITTEE FROM THE TASK AND FINISH GROUP ON TAXI LICENSING MATTERS

The Committee received a report containing feedback information on the work of the Taxi Task and Finish Group. Officers tabled a revised recommendation to this item.

Julia O'Brien, Principal Officer – Compliance and Enforcement, presented the report. She stated that a Taxi Task and Finish Group had been set up with Members of the Licensing and Appeals Committee, Licensing Officers and representatives from the trade to address issues raised by the trade.

Julia O'Brien stated that the report contained the minutes of the two meetings of the Task and Finish Group, recommendations resulting from the two meetings and a paper submitted by the trade at the last Task and Finish Group.

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

- The Chairman stated that the Taxi Task and Finish Group was very effective and had facilitated the communication with the trade. He was of the opinion that the group should continue;
- In relation to the issue of the 24 hour taxi signage in Twyford Station, Councillor Ferris stated that the Planning Enforcement Officer had written to the operator to advise that as this was a conservation area, it required a planning application. The operator was asked to either take down the sign or apply for planning application;
- Councillor Fishwick asked that the recommendation number three included consideration of the introduction of electric vehicles;
- Councillor Burgess stated that it was not clear to drivers what had been agreed in the policy. Julia O'Brien stated that the policy had been adopted, however it had come back to the Committee for further clarifications;
- Councillor Fishwick asked which legislation had been used by Reading to impose the bus lane traffic order restriction and what the reasons for the restriction were. Sean Murphy, Public Protection Partnership Manager stated that Officers had been unable to find the relevant report. Julia O'Brien stated that she had emailed the Traffic Department in Reading about this and was awaiting for a response.

Councillor Burgess proposed to phase the increase in fees for taxis and private hire vehicles for 2019/20 in three years instead of two years as proposed in the recommendation. Sean Murphy pointed out that any recommendations made by this Committee were subject to Executive approval.

Members debated both options and most considered that phasing it out in three years represented a small amount of money in the Council's overall budget. Upon being put to the vote the Committee decided to recommend that the fees to taxis and private hire vehicles for 2019/20 be phased in three years.

RESOLVED That:

- 1) The Committee notes the content of this report which contains the main points from the two meetings held of the Task and Finish Group and the minutes and appendices;
- 2) The Task and Finish Group be made a semi-permanent liaison group of Members, Officers and the trade (to include Hackney Carriage, Private Hire, School Vehicles and Drivers and Private Hire Operators) having recognised the benefit of face to face discussions, to meet as often as required;
- 3) The Group initially looks at vehicle ages, electric vehicles, height standards and tariffs as representations have been received from the Wokingham Hackney Carriage Association, and makes any recommendations to the following meeting of the Licensing and Appeals Committee;
- 4) The fees for Taxi and Private Hire Vehicles for 2019/20 should be phased in three years.

20. GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES

The Committee received the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades report. The report was set out in agenda pages 39-54.

Amanda Ward, Lead Officer Licensing presented the report. She went through the report and pointed out the changes from the previous report.

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

- In response to a question Amanda Ward stated that this was a local policy, based on guidelines by the Institute of Licensing (IofL);
- Sean Murphy stated that the IofL's intention was to achieve more uniformity nationally;
- In response to a question Amanda Ward stated that any convictions were supposed to be report to the Licensing department and would be considered (even if they had not been committed whilst driving);
- Sean Murphy pointed out that these were guidelines, each application was treated on its own merits;
- Councillor Ferris stated that paragraph 14.3 of the guidance was ambiguous and needed clarifying. Sean Murphy agreed to re-word it in conjunction with Councillor Bowring to make it clearer and report back to the Committee via email.

Members were content with the guidelines and upon being put the vote they were approved by the Committee.

RESOLVED That the Committee agrees that the Council should adopt the policy position changes to the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy (dated November 2017) following the consultation exercise, the comments from the Committee meeting on 25 June 2019 and the Institute of Licensing guidance document position on the relevance of criminal convictions in determining whether someone is "fit and proper" to hold a Taxi or Private Hire Driver's Licence or Private Hire Operator's Licence.

21. FEES AND CHARGES

The Committee received the Fees and Charges report which was set out in agenda pages 55-80.

Sean Murphy stated that the usual procedure for setting the fees and charges was for the report to be submitted firstly to the Joint Public Protection Partnership (JPPP), then to the Licensing and Appeals Committee before its final submission to the Executive. However, on this occasion, the fees and charges were being presented to the Licensing and Appeals Committee before their submission to the JPPP; this was due to the fact that the JPPP meeting in September had been postponed.

Sean Murphy stated the Taxi Task and Finish Group had asked for more information on the fees and charges and the discussions were still ongoing. The vast majority of the other fees and charges had only gone up by the level of inflation.

Sean Murphy stated that there were two major changes in the report. The first was in relation to the fees for private hire operators; the fee now differentiated operators according to the number of vehicles in their fleet, therefore making the system fairer. The report also proposed a reduction for renewal fees and a charge of 15 minutes extra per dispensation vehicles. The breakdown was explained in detail in Appendix C of the report.

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

- Councillor Ferris pointed out that the calculations in Appendix C were not right. He also stated that there should be a discount for five year applications. Sean Murphy agreed with his points and was going to review the calculations;
- Councillor Burges stated that it would have been helpful to see a comparison with the old fees in the report;
- Amanda Ward stated that the legislation in relation to animal welfare had changed in 2018; as a result of this the fees included a new structure for animal licensing establishments. She stated that establishments were issued a licence with 'star' rating attached to it. If an establishment was licenced with one star, it could be issued with a three year licence, depending on the result of the inspection visit. The local authority aimed to have all establishments licenced with high standards;
- Amanda Ward stated that this was a full cost recovery service;
- In response to a question Amanda Ward stated that there was a fee for variation in ownership;
- Sean Murphy explained that the new legislation required complex forms to be completed, for example the inspection form was 45 pages long. Therefore there needed to be an adjustment of the resources in order to comply with the new requirements;
- In response to a question Amanda Ward stated that irrespectively of how many stars an establishment had, there was a requirement to carry out at least one unannounced visit in the time of the licence;
- In response to a question, Sean Murphy stated that this was the right amount to charge to recover the costs at the moment. However, this would be kept under review;
- Members reminded Officers that they expected that, going forward, consultations would be more effective than they had been in the past. Members asked that consultations be advertised as much as possible, in the various papers within the Borough as well as the website;
- Officers acknowledged the issue of consultations and stated that this was going to be rectified;
- Councillor Ferris noticed that the rates for street trading varied significantly between local authorities and asked the reason for this variation. Sean Murphy stated street trade fees varied depending on the location; he stated that there was an aspiration to have unity in the shared service, but he expected that there would always be some variation in street trading fees.

After the debate of the item and upon being put to the vote, the Committee agreed to the recommendations.

RESOLVED That:

- 1) The Committee recommends to the Executive the fees and charges set out in the report, subject to:
 - a) any amendments of the Taxi and Private Hire Vehicle Fees resulting from the ongoing considerations of the Taxi and Private Hire Liaison Group;
 - b) consideration of any representations resulting from the statutory consultation on fees relating to Taxi and Private Vehicles and Private Hire Operators Fees; and

- c) consideration of any representations resulting from the statutory consultation on fees relating to those affected by the new animal licensing regime.

22. REDUCING AIR POLLUTION

The Committee considered the report about reducing air pollution which was set out in agenda pages 81-84. Julia O'Brien stated that the Committee had requested a report outlining ways in which licensing could help to reduce air pollution. Suzanne McLaughlin, Principal Public Protection Partnership Officer, who had produced the report, had unfortunately not been able to be present at this meeting.

Julia O'Brien went through the report and talked about the options listed within it. She stated that some local authorities ran anti idling campaigns achieving good results.

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

- Sean Murphy stated that reducing air pollution was part of the Council's general strategy;
- Councillor Fishwick stated that option C fitted in with a motion that had been submitted to Council. He stated that the area surrounding the M4 corridor should also be included in the Air Quality Management Areas (AQMA) as the houses behind that corridor were also affected by increased air pollution;
- Councillor Fishwick suggested aligning the local authority's inspections with MOTs;
- Councillor Fishwick asked where the figure of 80% which was stated in option B had been obtained. Officers would have to ask Suzanne McLaughlin, who had written the report;
- Councillor Ferris stated that it was not less polluting turning on and off vehicles of a certain age;
- Councillor Richards asked about timing and how long was acceptable to be idle before switching off the engine, he also asked about buses stopping to drop off and pick up passengers.

Members felt that more detail was necessary and Sean Murphy agreed and suggested to bring the paper back to the next meeting.

RESOLVED That:

- 1) The Reducing Air Pollution report would be brought back to the November meeting of the Committee; and
- 2) More information will be included in the report.

23. FORWARD PLAN

The Committee noted the forward programme and the items that were listed for the next meeting in 12 November 2019.

The following items were added to the agenda for the next meeting:

- Taxis Liaison Group Terms of Reference and Forward Plan
- Taxis Liaison Group recommendations
- Reducing Air Pollution
- Taxi Liaison Group Forward Plan

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