

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 6 OCTOBER 2020 FROM 7.00 PM TO 9.05 PM**

Committee Members Present

Councillors: Chris Bowring (Chairman), Abdul Loyes (Vice-Chairman), Rachel Burgess, Lindsay Ferris, Michael Firmager, Paul Fishwick, Emma Hobbs, Sarah Kerr, Barrie Patman, Malcolm Richards, Rachelle Shepherd-DuBey and Bill Soane

Officers Present

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

1. APOLOGIES

Apologies for absence were submitted from Councillor Parry Bath and Suzanne McLaughlin.

2. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 28 January 2020 were confirmed as a correct record and would be signed by the Chairman at a later date.

Matters arising

Councillor Burgess asked if letter about Uber, referred to on page 5, had been sent. Julia O'Brien, Principal Officer Compliance and Enforcement confirmed that the letter had been sent but no response had been received. Councillor Burgess asked that this response be chased up and Julia O'Brien agreed to follow this up.

3. DECLARATION OF INTEREST

There were no declarations of interest.

4. PUBLIC QUESTION TIME

There were no public questions.

5. MEMBER QUESTION TIME

There were no Member questions.

6. FEES AND CHARGES 2021/22

This item was deferred to the next meeting of the Committee, on 10 November 2020.

7. STATUTORY TAXI AND PRIVATE HIRE REPORT

Julia O'Brien, Principal Officer Compliance and Enforcement presented the Statutory Taxi and Private Hire report.

Julia O'Brien stated that this guidance was an attempt by the government to standardise vehicle, driver and operator's standards. She explained that although this was 'guidance', local authorities must have regard to it.

Julia O'Brien stated it was proposed that the Licensing Committee look at further reports detailing changes to conditions contained in the Hackney Carriage and Private Hire Policy and School and Community Services Policy to comply with statutory standards. She

pointed out that the current policies already incorporated a lot of the conditions that local authorities were being commended to adhere to.

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

- Councillor Burgess was interested to know if there were any areas which needed improvement and suggested that future reports could include Red Amber Green (RAG) rating. She also asked if there would be cost implications to drivers as a result of this review;
- Julia O'Brien stated that there may be a cost in relation to Disclosure and Barring Service (DBS) checks, as drivers would be asked to sign up to the DBS update service. However, this may work out cheaper than having to do a DBS check every year;
- Councillor Kerr agreed that it would be useful to be informed of any potential gaps or areas for improvement. She asked for further clarification as to whether this government paper was statutory or guidance;
- Julia O'Brien stated that although this was guidance, local authorities were being told that they should comply with it;
- Councillor Kerr asked about the timescales in implementing the changes. Julia O'Brien stated that a wide consultation would have to be carried out, and she hoped to be able to present a report to the March meeting of the Committee;
- In response to a question Sean Murphy, Public Protection Partnership Manager stated that these policies would be approved by this Committee (not by Executive or Council);
- In response to a question Julia O'Brien stated that following all the processes, including the consultation, the final policies were likely to be ready by the summer of 2021;
- Councillor Fishwick asked how the service would obtain certificates of good character. Julia O'Brien stated that this was already in the current policy, the service asked for drivers to approach the embassy of the place where they had been away from the country for three months, and they were able provided this certificate to the service;
- Councillor Soane asked for more information about the regulations around stretched limousines. Julia O'Brien stated that stretched limousines were already in the policy and they were treated in the same way as private hire.

Upon being put to the vote, Members agreed to the recommendations contained in the report.

RESOLVED That:

- 1) Members note the content of the statutory standards; and
- 2) Members agree to further reports detailing changes to conditions contained in the Hackney Carriage and Private Hire Policy and School and Community Services Policy to comply with the statutory standards.

8. TAXIS LIAISON GROUP UPDATE

The Taxis Liaison Group Update report was presented by Karen Court, Senior Licensing Officer Public Protection Partnership.

Karen Court stated that the last meeting of the Group had taken place on 10 September 2020, and was attended by three Members of the Licensing and Appeals Committee and two members of the taxi trade.

Karen Court stated that the main points of discussion at the last meeting were:

- Fees – there had been an agreement to reduce the fees and this had already been implemented. There were no further proposals on fees. The audit exercise was being arranged by Sean Murphy.
- Age of vehicles – the Committee was being asked to consider temporarily suspending the current age limits on vehicles. It was suggested that this period be of 12 months with a defined start and end time, provided that the vehicles passed the hackney carriage and private hire vehicle test in addition to the standard MOT test and RAC test for older vehicles;
- Height of vehicles – the condition of height had been imposed to ensure compliance with Section 165 of the Equality Act 2010 (passengers on wheelchairs), it was not recommended that the Committee put forward any proposal to amend these dimensions;
- Taxi ranks – the service was working with Traffic Management. Traffic Management had confirmed that the Broad Street ranks were operational from 19 September 2020, this included the rank outside Natwest Bank and the two west of the bus stops. Additionally, there would be two new temporary evening ranks in Wokingham Market Place on the loading bays outside Boots and WH Smith. Drivers were being advised and kept up to date with information about the ranks and the situation in relation to Covid-19.

The Chairman stated that the taxi trade was facing significant difficulties at the moment due to the current pandemic, with loss of business and competition with Uber. It was the Council's intention to help the trade as much as possible during this difficult time.

Some of the comments made during the discussion of the item are listed below.

Fees

- Councillor Burgess believed that it was disingenuous to say that there were no proposals from the drivers in relation to fees. She believed that the onus was on the Council to produce a line by line audit report on the methodology;
- Sean Murphy clarified that this was in relation to the tariffs that drivers charged for their services;
- In response to a question Karen Court stated that two dates to review the fees had been proposed to the trade;
- Councillor Ferris asked if this Committee would be considering a reduction in fees during the pandemic period. Sean Murphy stated that the fees would be discussed at the meeting in November, including options around reductions (which could be applied retrospectively);
- Sean Murphy confirmed that the reductions that were agreed last year had been implemented retrospectively;
- Councillor Ferris urged the Committee to consider the fact that during the pandemic, the trade had seen its business reduced to 10-15% of what it normally was. Therefore, a reduction on fees during this period should be considered;
- Sean Murphy offered to bring information on the cost of offering a reduction on fees to the next meeting for the Committee to consider.

Age of vehicles

- Councillor Burgess stated that the fees were onerous to drivers. She stated that a line by line review of the methodology had been asked for around one year ago;

- Karen Court stated that two potential meeting dates had been proposed to the trade to continue discussions with the Group;
- Councillor Ferris stated that the Committee should consider a temporary reduction on the fees, in recognition of the difficult circumstances being faced by the trade during the current pandemic;
- Sean Murphy stated that the fees would be discussed at the next meeting. He stated that consideration should be given to the fees for this year and for next year. He stated that a reduction was implemented last year, and that it was possible to offer a retrospective reduction;

Age of vehicles

- Councillor Hobbs was in favour of extending the age of vehicles during this period, however she believed that the RAC checks should continue;
- In response to a question Karen Court stated that it was up to the Committee to decide on the age of vehicles and the RAC test condition;
- Councillor Burgess stated that RAC checks were expensive, she believed that during this current situation this condition should be suspended as vehicles were still subject to tests;
- In response to a question Karen Court stated that RAC checks were more detailed and high level than MOT tests;
- Councillor Burgess pointed out that the RAC test was only required for higher aged vehicles in order to extend their life;
- Sean Murphy pointed out that due to the loss of trade, vehicles were not doing their usual mileage, this had been much reduced;
- Councillor Fishwick proposed that the age of vehicles be extended and a suspension of the RAC check for a period of 12 months, from 1 October 2020 to 30 September 2021, and that this measures be kept under review;
- Councillor Loyes asked how many vehicles in the fleet were affected by the 15 year age limit. Officers agreed to find out and report back on this;
- Councillor Shepherd-DuBey believed that it was important to know how many vehicles would be affected by the 15 year age limit;
- Councillor Burgess seconded Councillor Fishwick's proposal;
- Councillor Ferris believed that it was important to put some measures in place to help the taxi trade during this time of the pandemic;
- Councillor Firmager was in favour of the proposal, especially in view of the fact that vehicles were not having the wear and tear that they would normally have.

Upon being put to the vote, there was general agreement from the Committee that the trade should be supported during this time by extending the age limit and suspending the RAC checks for a period of 12 months, from 1 October 2020 to 30 September 2021, to be kept under review (Councillor Hobbs abstained from the vote).

Height of vehicle

- In response to a question, Karen Court stated that the height of vehicle condition had been imposed in order to make sure that hackney carriages were able to take a wheelchair passenger. The service recommended that no changes be made to this condition. However, the trade had been asking that the height be reduced to enable different vehicles which were not wheelchair accessible to be used as hackney carriages;
- Councillor Burgess stated that the trade had been lobbying to reduce the height requirement for a long time. She stated that other local authorities seemed to have a

requirement of wheelchair accessibility, without stating the height of the vehicle. She agreed that hackney carriages should be wheelchair accessible but questioned whether 54' was the correct height requirement;

- The Chairman believed that this requirement was linked to the Equalities Act;
- Sean Murphy stated that the 54' requirement came about as a result of trying to ensure that a passenger on a wheelchair would be able to enter the vehicle seating in a wheelchair through the gap in the back of the vehicle. The 54' was introduced as a result of it coming to light, some years ago, that there were many vehicles in the fleet that were not wheelchair compatible. At the time, the vehicles that were affected by this were given five years to become wheelchair accessible;
- Councillor Richards stated that prior to the 54' requirement there had been an indication of which vehicles could be used as hackney carriage, however drivers did not want to be limited to a number of makes of vehicles. Upon inspection, a lot of the modified vehicles in the fleet that were inspected, failed to comply with wheelchair accessibility; consequently a recommendation was made that a height measurement inside of the vehicle should be used as a condition instead of naming makes of vehicles;
- Sean Murphy stated that there were purpose built vehicles available which were suitable, most issues were in relation to converted vehicles;
- Councillor Ferris stated that a comprehensive review of the height of vehicles had taken place previously, and the vehicles affected still had three years to adapt to the condition. In his opinion it was important to be clear to drivers as to what the requirement is;
- Councillor Shepherd-DuBey stated that it was important to ensure the standards of hackney carriages within the fleet;
- Councillor Kerr proposed that this issue be brought back to the Committee with a review of the methodology that was used to determine the 54' height requirement, and to decide if 54' is the right height; she was seconded by Councillor Burgess;
- Councillor Soane agreed that it could be confusing trying to find a vehicle that was compliant with the requirement, he also stated that there were other issues to be considered, such as the gradient of the ramp to enter the vehicle;
- Councillor Fishwick referenced the Aylesbury Vale's condition (page 11 of the supplementary agenda) and asked if this was the standard that should be used in Wokingham;
- Sean Murphy confirmed that purpose built vehicles were usually compliant to wheelchair access. He suggested circulating information to Members when available and formally reviewing the height issue at the March meeting of the Committee and; Members were in agreement with this suggestion.

After a robust debate, Members agreed to review the height of vehicles at the March meeting, with information about the methodology that was used to determine the 54', a comparison exercise with other local authorities and other possible alternatives.

In response to a question the Chairman stated that the Taxis Liaison Group was an informal group which comprised Members of the Licensing and Appeals Committee and members of the trade. The frequency of meetings depended on the issues arising for discussion.

RESOLVED That:

- 1) Proposals around reducing the fees during the pandemic would be considered at the next meeting in November;

- 2) The current age limit be extended for a period 12 months, from 1 October 2020 to 30 September 2021;
- 3) The RAC check requirement be suspended for a period of 12 months, from 1 October 2020 to 30 September 2021;
- 4) These measures will be kept under review; and
- 5) The height of vehicles will be reviewed at the March meeting of the Committee

9. ANNUAL REPORT 2019/20

The Annual Report 2019/20 was presented by Julia O'Brien.

Julia O'Brien stated that the report contained an overview of the work of the Licensing Service and the Licensing and Appeals Committee and Sub-Committee over the last year. The report also contained comparative data in relation to the number of applications.

In response to a question, Sean Murphy stated that animal boarders had been badly affected by the pandemic, the fees for that sector would be reviewed at the next meeting of the Committee.

Councillor Burgess stated that the report did not reflect a number of issues within Licensing that had occurred during the past year, which were not mentioned in the report. She expressed frustration that the meeting in June had been cancelled due lack of business, when in her opinion there were issues that should have been discussed. She stated that the taxi trade felt continually let down by Licensing and this Committee. She believed that the Committee should have been reviewing measures to help the trade, in the context of the pandemic, much earlier; some drivers were already considering giving up or had already given up their licences.

Councillor Burgess expressed frustration that the Criteria Policy for Licensed Vehicles was reviewed in June 2018, agreed in September 2018 but was not published until July this year, despite many requests that it be published. She also mentioned issues around animal boarders' fees.

Councillor Burgess recognised that some good work had been undertaken, for example in raising standards.

The Chairman pointed out that the Council had helped many businesses during the pandemic, and that the taxis' fees had been reduced in the past year.

Councillor Richards observed huge variations in the number of applications this year and last year, he asked if these were new applications or renewals. Julia O'Brien stated that the figures represented a mixture of new and renewal applications.

Sean Murphy offered to review the figures, including the number of licences that were lost due to Covid-19, and present it to the Committee at its next meeting.

Councillor Kerr was interested to know the narrative behind the complaints listed in the report, and how many were complaints against the service. She also asked about Key Performance Indicators (KPI) for the service.

Julia O'Brien stated that there were not many KPIs for Licensing, apart from a KPI in relation to 28 days to inspect a new Designated Premises Supervisor (DPS). Sean Murphy agreed to bring more information about KPI's and complaints back to the Committee.

Julia O'Brien stated that the complaints referred to a wide range of issues, including any complaints about a licensed premise or the service. Complaints relating to the PPP were collated by an Officer within the PPP and were not included in this report.

Councillor Ferris stated that a number of Members in the Committee had concerns about some elements within the report.

RESOLVED That:

- 1) The report be noted; and
- 2) The additional information in relation to complaints and KPI's will be provided to the Committee at its next meeting

10. FORWARD PLAN

Julia O'Brien presented the Forward Plan report and stated that the next meeting of the Committee was scheduled for 10 November 2020, and not in March as stated in the report.

Julia O'Brien confirmed that the items in the Forward Plan were:

- Statutory Taxi and Private Hire Vehicle Standards – amendments to Policy;
- Taxi and Private Hire Convictions Policy – annual review
- Taxis Liaison Group update
- Fees and Charges
- Annual report – updated figures

Councillor Kerr asked that a report be brought to the Committee on the EU transition period and its implications on Licensing. Sean Murphy stated that this was still unknown, he would inform the Committee when relevant information was available.

Councillor Ferris expressed concern that this Committee might not have an opportunity to discuss and influence the Fees and Charges before its submission to the Executive. The Chairman stated that the report would be discussed at the next meeting in November, before the Executive meeting. The Chairman also stated that any issues could be raised and discussed with Officers before the next meeting.

Sean Murphy stated that the Public Protection Partnership (PPP) shared service recommended the Fees and Charges to the three local authorities. Their proposal then was then submitted to the Licensing Committee for recommendations before its submission to the Executive and Council. Sean Murphy also stated that there would be a consultation with the taxi trade on fees.

Sean Murphy stated that the fees and charges report contained in the report that was in the agenda pack was going to form the basis for the discussion at the next meeting.