

Please note that changes were made to these minutes at the 2 March 2022 meeting

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 26 JANUARY 2022 FROM 7.00 PM TO 8.22 PM**

Committee Members Present

Councillors: Rachel Burgess, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, Barrie Patman (Chairman), Jackie Rance, Ian Shenton, Rachelle Shepherd-DuBey, Bill Soane and Sean Murphy

Officers Present

Neil Allen, Senior Specialist, Legal
Luciane Bowker, Democratic & Electoral Services Specialist
Stephen Brown, Interim Assistant Director Place and Growth
Moirra Fraser, Policy and Governance Officer
Sean Murphy, Public Protection Partnership Manager
Julia O'Brien, Principal Officer, Compliance and Enforcement
Sean O'Connor, Lead Specialist, Legal
Ed Shaylor, Head of Enforcement and Safety

17. APOLOGIES

Apologies for absence were submitted from Councillors Sarah Kerr, Abdul Loyes and Shahid Younis.

18. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 20 October 2021 were confirmed as a correct record, subject to the amendment below, and signed by the Chairman.

The following sentence be added to item 16 of the minutes (page 9 on the agenda):

Councillor Fishwick stated that journeys need to be seamless and not end at the boundary, therefore officers at a senior level and the relevant Executive Members should work to promote the use of Reading's bus lanes by Wokingham drivers (this was in relation to resolution number 3).

Matters arising

Councillor Shenton pointed out that Julia O'Brien, Principal Officer Compliance and Enforcement, had stated in the previous meeting that the Taxi and Private Hire Policies would be brought to the January meeting for consideration. However, there was no report in the agenda with these policies.

Councillor Burgess agreed with the point raised by Councillor Shenton, questioned the items in the forward programme and also asked if the Taxis Liaison Group would be involved in the consultation.

Julia O'Brien explained that the draft policy was not ready to be submitted to the Committee yet. She informed that work was being undertaken to draft the policy and confirmed that the trade would be involved in the consultation. Therefore, the forward programme would have to be amended.

Councillor Fishwick asked for an update on the issue of Reading bus lanes. Stephen Brown, Assistant Director for Place and Growth informed that a letter had been sent to

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Reading, however no response had yet been received, he would inform the Committee as and when he received a reply.

In relation to the issue previously raised by Councillor Kerr, that the Licensing and Appeals Committee had recommended a freeze and subsidy to the taxi fees and a refund those who had already paid, Councillor Fishwick stated that Jennifer Lee, Legal Specialist had confirmed that this Committee did not have the authority to make a decision on fees, however it could make recommendations. He asked which body could actually approve it and if this had been actioned. He stated that this subsidy equated to £9k, and therefore he believed that it could be delegated to officer level.

Stephen Brown stated that in previous years had officers taken such delegated decisions. However, this year the Council was looking to save £2m and officers were not prepared to take such decisions in the current context. He pointed out that there would be an opportunity for full Council to consider this proposal at its Budget meeting in February.

Sean O'Connor, Lead Specialist Legal stated that there was a difficulty in relation to mid-year changes to budget decisions and the funding of such decisions. He confirmed that next year's budget would be discussed at the Budget Council meeting in February.

Councillor Fishwick asked who would be able to make a decision on the recommendation relation to this year's subsidy.

In relation to the concerns being raised, the Chairman stated that Members should have submitted Members' questions prior to the meeting, so that they could have been included in the agenda and a proper response could have been prepared.

Stephen Brown explained that this Committee had made a recommendation to change the budget mid-year, however there were no funds to support this recommendation mid-year. There was an opportunity to make this recommendation to the next year's budget.

Councillor Ferris expressed concern that the Committee had made a formal recommendation and no formal process had been followed to consider this recommendation, and no formal response had been given to the Committee. He wished it to be recorded that there was strong objection to the way this matter had been dealt with.

19. DECLARATION OF INTEREST

There were no declarations of interest.

20. PUBLIC QUESTION TIME

There were no public questions.

21. MEMBER QUESTION TIME

There were no Member questions.

22. FEES AND CHARGES FOR LICENSABLE ACTIVITIES 2022/2023

The Committee considered the Fees and Charges for Licensable Activities 2022/23 report which was set out in agenda pages 11-31.

Ed Shaylor, Head of Enforcement and Safety presented the report. This was an annual report which formed part of the overall Council's budget setting process, and the

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recommendations from this Committee would be submitted to the Budget Council in February.

Ed Shaylor stated that the proposal was to set remain unchanged fees for 2022/23. The rationale was that the service was returning in-house in April, and a review of the costs would have to be carried out before any changes could be made (fees were set on a cost recovery basis).

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

- Councillor Ferris asked if it was possible to change the figures in relation to hackney carriage and private hire licences to the reduced figures agreed by this Committee in June 2021;
- Sean O'Connor stated that this Committee could recommend a change in the figures, however he pointed out that if the reduced figures did not cover the costs, this would mean a subsidy from the general funds. Council would make a final decision on the figures;
- Councillor Ferris stated that the figures were based on £59 per hour under the PPP. It was necessary to work out what the new hourly rate would be once the service returned in-house;
- Ed Shaylor agreed that the fees were based on hourly rates and that it remained to be seen what efficiencies could be found after April, however the hourly cost would continue to be the same;
- Councillor Ferris felt uncomfortable with making a proposal to the Council on next year's budget without knowing how much the service would cost under the new structure from April;
- Councillor Soane stated that it was impossible for the Council to know at the moment how much the service would cost under the new structure;
- Councillor Burgess seconded the proposal to put forward the reduced figures in relation to hackney carriage and private hire licences, as previously agreed by the Committee. She expressed concern that the recommendations of the Committee were not being taken seriously. She believed that £9k was not a material sum for the Council.

Upon being put to the vote, most Members were in favour of Councillor Ferris' proposal.

Councillor Dennis asked for clarification on what would happen to the recommendation for the mid-year reduction. Stephen Brown stated that the relevant director had indicated that there was insufficient funds to support that recommendation.

Councillor Ferris stated that, in view of the vote in favour of the proposal, he expected the figures in pages 25-27 be amended as per previous discussions in June (lower figures).

In response to a question Sean O'Connor pointed out that the funds for this proposal were yet to be identified.

Upon being put to the vote most Members were in favour of the recommendations contained in the report with the addition of a subsidy to the taxi fees, as per discussions during the meeting.

RESOLVED That:

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- 1) The fees set out at Appendix A and B go forward for consideration as part of the Council's fee and budget setting process;
- 2) The fees for hackney carriage and private hire will be set at the levels which were agreed at the Licensing and Appeals Committee meeting on 23 June 2021;
- 3) Those fees which are within the Council's discretion to set remain unchanged for 2022/23; and
- 4) The fees for taxi and private hire vehicles and private hire operators for the financial year 2023/24 are reviewed during 2022/23 with a view to carrying out statutory consultation regarding any proposed increase to the fees prior to process for budget setting for 2023/24.

Subsequently it was clarified that the fees in relation to the reduction for taxi fees (resolution 2), were as follows:

- Hackney carriage vehicles - £248
- Private hire vehicles - £248
- Private hire vehicles with dispensation - £228

23. STATUTORY CONSULTATION ON INCREASE TO HACKNEY CARRIAGE FARE TARIFFS

The Committee received the Statutory Consultation on Increase to Hackney Carriage Fare Tariffs report which was set out in agenda pages 33-41.

Moirra Fraser, Policy and Governance Officer presented the report. Officers had received a request by the taxi trade to increase its tariffs, this request was supported by a petition from 31 members of the trade, as set out in the table contained in the report.

The petition pointed out that the last tariff rate rise was in 2010 and there had been a minor variation in 2014. The changes proposed were as stated in the report and Members were asked to consider the proposal. Members were reminded that the Committee could set a maximum tariff, there was opportunity for drivers to set lower tariffs if they wanted to.

Any changes would be subject to statutory consultation. Moirra Fraser explained that the proposed short period of consultation was to meet timescales for the March meeting of the Committee. If objections were received the Committee would have consider them, and if not, the changes would be implemented.

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

- Councillor Fishwick expressed concern that the proposed consultation period was only two weeks and proposed to extend it to 21 days;
- The Chairman explained that this issue had been considered, however there was an issue with extending the consultation period, in that it would mean that this Committee would not be able to consider it before the end of this municipal year;
- Moirra Fraser confirmed that there was an issue in extending the consultation period and not being able to submit a report in time for the agenda publication for the meeting on 2 March. There was also an issue with not being able to issue a notice for the newspaper any earlier;

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- Councillor Fishwick was concerned that 14 days was a short period for this consultation. Moira Fraser stated that as well as the newspaper, the consultation was also advertised on the website and the trade was directly informed about it;
- In response to a question Moira Fraser confirmed that the figures contained in the report had been proposed by the trade (not officers). She added that the Committee could decide to propose different figures for consultation;
- Councillor Burgess was in favour of the proposal, in view of the fact that there had not been a review since 2010 and it only brought tariffs in line with inflation;
- Councillor Burgess asked how this proposed structure compared with other local authorities;
- Moira Fraser stated that comparisons were made on a two-mile journey and the tariffs were as follows:
 - Reading - £8
 - West Berkshire - £7.40
 - Bracknell - £6.50
 - Wokingham's proposal was for £8.10
- Councillor Fishwick emphasised that it was important to facilitate communication about the consultation, and he believed three weeks was necessary to enable people to take part;
- Councillor Firmager asked if extending the consultation would mean entering the purdah period;
- Sean O'Connor explained that although an effort was made to avoid consultations from taking place during purdah, there was nothing to prevent consultations from taking place during this sensitive period before elections. Luciane Bowker, Senior Democratic Services Specialist stated that it was the decision and not the consultation that would fall into the purdah period, Sean O'Connor explained that decisions could be taken during purdah;
- The Chairman was of the opinion that extending the consultation period would not make much difference in terms of public participation;
- Moira Fraser pointed out that the law stated that the new fees needed to come into effect within two months of the consultation closing. If the consultation period was extended to 21 March, the new fees would have to come into effect by 21 May, and there was no other scheduled meeting before May;
- Councillor Fishwick proposed postponing the 2 March meeting by one week;
- Julia O'Brien stated that in her experience, no matter the length of the consultation period, very few responses were received in response to the advertisements;
- The Chairman expressed concern that the proposal put Wokingham's tariffs above the tariffs charged by neighbouring authorities;
- Councillor Ferris stated that this depended upon when the other authorities had carried out their reviews;
- Moira Fraser stated that West Berkshire had undertaken a consultation in November last year and Bracknell had undertaken a consultation in August last year.

After much consideration and a five minute adjournment, Members agreed to go to consultation on the proposal put forward by the trade. Members asked that the period of consultation be extended by one week if it was possible to move the date of the next Licensing and Appeals Committee to 10 March, and to revert to two weeks if not.

Subsequently it was ascertained that it was not possible to move the date to 10 March.

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In response to a question it was ascertained that the consultation would be carried out on the proposal as presented by the trade, including the changes in relation to timings of tariffs.

Councillor Soane raised concern over the proposal to operate different tariffs for special event days such as the Henley Regatta (page 36 paragraph 1.8).

Councillor Ferris stated that there was a historical issue during the Henley Regatta, with unfair competition from taxi drivers from other areas.

Upon being put to the vote most Members were in favour of the recommendation to go out to consultation on the trade's proposals.

RESOLVED That:

- 1) A statutory consultation be carried out on the proposed business case put forward by the trade, as stated in the report; and
- 2) The consultation period be extended to three weeks, provided that the date for the next Committee is moved to 10 March, and that it reverts back to two weeks if this date can not be changed.

Subsequently, Neil Allen drew attention to the fact that the recommendation approved included in its proposal point 1.8, which mentioned tariffs for special events such as the Henley Regatta. He pointed out that if no comments were received the proposal would be implemented as stated in the report, including point 1.8.

Members discussed the possibility of taking out the reference to the Henley Regatta from the consultation, but did not come to a consensus.

Councillor Dennis referred to page 39 of the agenda and stated that the trade was asking that WBC Council liaised with Henley Council about the different tariffs which were charged during the Henley Regatta.

Moir Fraser informed that South Oxfordshire, which is where the Henley drivers operated from, did not currently set maximum tariffs for their drivers.

Ed Shaylor explained that officers had taken the view that the trade had not put forward a business case to put up their tariffs during the Henley Regatta, they had simply pointed out that other drivers charged higher rates.

Councillor Firmager pointed out that it would be impossible to ascertain which journeys were to and from the Henley Regatta specifically.

In response to a question Neil Allen clarified that the mention of Henley in point 1.8 was aspirational only, and therefore he recommended it be included, as per the agreed recommendation, in the consultation. Members were in agreement with this advice.

24. FORWARD PROGRAMME

The Committee considered the Forward Programme which was set out in Agenda pages 43-44.

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Councillor Burgess pointed out that item 3 on the Forward Programme for 2 March would be a review of the draft policy and the outcome of the consultation would be considered at the June meeting.

Councillor Burgess requested that a meeting of the Taxis Liaison Group be scheduled during the consultation period to discuss the policy.

Councillor Ferris stated that the remit of the Licensing and Appeals Committee was being widened and asked for an update on this. Councillor Soane suggested that the implication of moving public protection and licencing in-house from April be discussed at the next meeting in March.

RESOLVED That:

- 1) The following items be added to the March meeting:
 - I. the draft Hackney Carriage and Private Hire Vehicle Policy
 - II. the implication of moving public protection and licensing in-house
- 2) A meeting of the Taxis Liaison Group be scheduled during the consultation period of the draft policy; and
- 3) The consultation review on the draft Hackney Carriage and Private Hire vehicle Policy be added to the June meeting