

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 22 JUNE 2023 FROM 7.00 PM TO 8.10 PM**

Committee Members Present

Councillors: Beth Rowland (Chair), Sarah Kerr (Vice-Chair), Catherine Glover, Morag Malvern, Jordan Montgomery, Mike Smith, Rachel Burgess, Bill Soane, Michael Firmager, Jackie Rance and Abdul Loyes

Officers Present

Narinder Brar, Head of Enforcement & Safety
Keiran Hinchliffe, Service Manager for Licensing and Processing
Rachel Lucas, Legal Advisor
Madeleine Shopland, Democratic and Electoral Services

1. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Beth Rowland be elected Chair for the 2023-24 municipal year.

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor Sarah Kerr be appointed Vice Chair for the 2023-24 municipal year.

3. APOLOGIES

Apologies for absence were submitted from Councillors Peter Dennis and Shahid Younis.

4. DECLARATION OF INTEREST

There were no declarations of interest.

5. MINUTES OF PREVIOUS MEETING

The Chair read out a statement regarding a data breach relating to Appendix C of the Hackney Carriage and Private Hire Licensing Policy public consultation responses and determination.

The Minutes of the meeting of the Committee held on 30 January 2023 were confirmed as a correct record and signed by the Chair.

Councillor Burgess sought an update on the items listed under the forward programme. Keiran Hinchcliffe indicated that the Audit of compliance and enforcement had been circulated via email. The Statement of Licensing Policy had been delayed as it had not been possible to undertake a consultation during the Purdah period. This would now come to the Committee's October meeting.

Members asked that the inclusion of a forward programme in the agenda and an action tracker in the Minutes, be re-instated.

6. PUBLIC QUESTION TIME

There were no public questions.

7. MEMBER QUESTION TIME

There were no Member questions.

8. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY PUBLIC CONSULTATION RESPONSES AND DETERMINATION

The Committee considered the Hackney Carriage and Private Hire Licensing Policy public consultation responses and determination report.

During the discussion of this item, the following points were made:

- The report detailed the public consultation regarding the Hackney Carriage and Private Hire Licensing Policy.
- In July 2020, the Department for Transport had issued Statutory Taxi & Private Hire Vehicle Standards (“the 2020 standards”) which stated that Licensing Authorities must use their licensing powers to protect children and vulnerable adults. This Council had already previously implemented a number of the recommendations in its existing policy on its own volition, but the 2020 standards provided the opportunity to further tighten the current licensing scheme.
- Members were informed that the draft policy had been commissioned in collaboration with the Public Protection Partnership in West Berkshire and Bracknell Forest Councils. Wokingham Borough Council would be the first to introduce a reviewed policy.
- Keiran Hinchcliffe took the Committee through the key principles of the policy. This included that vehicles up to five years old (or which had travelled less than 25,000 miles) would be subject to an inspection before grant or renewal, and at 6 months after the date of grant or renewal at one of the Council’s nominated testing stations; that where vehicles were five years or older, or which had travelled more than 25,000 miles, they would be subject to an inspection before grant or renewal and then at 4 20 monthly intervals for the duration of the licence. If an inspection was not carried out in the month that it was due, the licence would be suspended until such a test had been passed. The 10 year age limit (unless in “exceptional condition”) would be repealed; and all vehicles must meet the Euro 5 or Euro 6 emissions standards if they were being submitted for grant or renewal of a licence.
- The Community Transport Manager had asked whether the driver proficiency certificate required would effectively be a second driving test. If so, she was of the view that this could have an impact on the number of drivers for school transport and possibly lead to a shortage. Members were informed that additional requirements around driving proficiency were not part of the statutory provision but would help drive up driving standards.
- There was no statutory definition as to what amounted to a fit and proper person, but Officers were looking to define this and to provide robust guidance.
- Councillor Soane asked whether there would be an exemption for classic cars that would be used for weddings but would not pass the emissions standards. Keiran Hinchcliffe indicated that there would be consideration for such vehicles.
- Councillor Burgess questioned how 4 monthly intervals for testing, if the vehicle was over 5 years old, had been decided upon. She also questioned what the approximate cost would be for drivers. Keiran Hinchcliffe responded that the figures had come from the initial request to the Licensing Lawyers firm, James Button and Co. In terms of fees, these would be set annually and could be in the region of £40-50.
- Councillor Smith expressed concern regarding the lengthening of the inspection period as the vehicles often undertook many miles a year. He questioned whether vehicles would be required to be maintained and serviced in line with manufacturers recommendations.

- Councillor Rowland asked about how the Council compared with other local authorities and was informed that Wokingham was the first of the partnership to move forwards.
- Councillor Kerr asked other local authorities beyond Berkshire and whether anything in the current policy had necessitated changes. Keiran Hinchcliffe stated that the change to the emission standards was the main driver as it meant that older vehicles could now still be licensed should they meet the required emission standards. Maintenance checks would increase.
- In response to a question from Councillor Soane regarding wheelchair accessibility, Keiran Hinchcliffe indicated that guidance would be included in the policy regarding the type and design of vehicles that drivers could buy that would be considered wheelchair accessible. This had been an issue in the Borough in the past.
- Councillor Kerr queried the timing of the adoption of the policy and when the current policy expired. She was informed that there was no set time limit and that the Council had already adopted some of the 2020 Standards. Further benchmarking could be undertaken if required by the Committee, and the results brought back to Members for consideration.
- Councillor Kerr suggested that the report be deferred for two reasons. Firstly, all policies should be considered by the Climate Team to consider climate implications and if it was robust as it could be in this area, and secondly to ascertain how other local authorities defined a fit and proper person. She questioned how the Policy would fit in with the commitments of the forthcoming Violence Against Women and Girls Strategy. The Council needed to do all it could to keep people safe.
- With regards to emissions standards, Councillor Loyes queried what percentage of the current school transport vehicles would be negatively impacted by this change to the policy. Keiran Hinchcliffe agreed to look into this further.
- Councillor Burgess commented that the feedback from the Community Transport Manager put the Committee in a difficult position as on the one hand it was important that there was not a shortage of school transport drivers, but on the other should the relevant change not be implemented, it could potentially lead to lower driving standards. Keiran Hinchcliffe stated the guidance was quite ambivalent on the matter and that it was ultimately the decision of the individual local authority whether to implement this element or not. Only new drivers would be required to undertake the driving proficiency certificate and there was only a small number of new school transport drivers each year currently. The existing trade already had this as a provision from when they were first licensed. The standards would match those of Reading Borough Council.
- Rachel Lucas indicated that there was currently a separate policy for licensing community and home to school transport vehicles and that the new policy was intended to encompass these areas and to take the 2020 Standards into account. Keiran Hinchcliffe indicated that school transport drivers would not be required to undertake the knowledge test around the routes, which private hire and Hackney Carriage drivers would.
- Councillor Kerr commented Community Transport served some of the Borough's most vulnerable residents, children, and vulnerable adults, and as such high driver standards needed to be maintained.
- Councillor Montgomery queried why the Council was asking for applicants living outside of the Borough for more than 6 months to produce a certificate of good character, when the Standards asked for those living outside of the area for more than 3 months to produce this. Keiran Hinchcliffe agreed to look into this.
- The Committee agreed to defer the decision to allow further work on the issues raised.

RESOLVED: That the item be deferred to allow further work on areas of the policy as detailed above.

9. AN APPROACH FOR TACKLING GAMBLING RELATED HARM

The Committee received a report regarding an approach for tackling gambling related harm.

During the discussion of this item, the following points were made:

- Members were reminded that local authorities were responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act 2005, and taking enforcement action if necessary, and were required to have regard to the Gambling Act's licensing objectives, one of which was protecting children and other people from being harmed or exploited by gambling.
- The Council had not previously undertaken underage sales testing for betting premises.
- It was intended that the findings of the operation would be reported back to the Committee at its October meeting.
- Councillor Soane had previously asked about the Council's policy regarding advertising gambling within taxis, and questioned whether this had been further considered. Keiran Hinchcliffe stated the draft Hackney Carriage and Private Hire Licensing Policy referenced wraps being legal and complying with Advertising Agency Standards Code of Practice. Some Members felt that advertising relating to gambling and alcohol in taxis should be limited.
- Councillor Loyes asked how the Council compared with others, and benchmarking data, in this area.
- Councillor Kerr queried whether Licensing were feeding into the Local Plan Update. Keiran Hinchcliffe commented that there was a low level of gambling premises within the Borough. The impact of these premises could be better assessed following the operation. Councillor Kerr suggested that data from other areas of the Council such as Public Health could help provide a clearer picture of their impact.
- Councillor Smith commented that since the pandemic a lot of gambling had moved online, and that the Committee was limited in how it could influence this area. He felt that the impact of gambling was a Council wide issue and should be looked at corporately, for example the number of suicides attributable to gambling. A whole Council approach was required. Councillor Firmager agreed that the effect on the families of those impacted by gambling should also be taken into consideration.

RESOLVED: That the Statement of Gambling Principles be noted and that it be agreed that officers should initiate an operation in reference to the best practice for the Licensing Authority as identified in Local Government Association guidance.