

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 18 OCTOBER 2023 FROM 7.00 PM TO 8.47 PM**

Committee Members Present

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

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Neil Allen, Head of Legal
Narinder Brar, Head of Enforcement and Safety
Keiran Hinchliffe, Licensing Manager

10. APOLOGIES

An apology for absence was submitted from Councillor Abdul Loyes.

11. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 22 June 2023 were confirmed as a correct record, subject to the amendments below, and signed by the Chair.

On page 6 of the agenda, under the fourth bullet point, where it said '*...then at 4 20 monthly intervals...*' The number 20 was superfluous and should be taken out.

Matters arising

The Statement of Licensing Policy 2023-2028 was now out for public consultation and would be considered at the January meeting of the Committee.

12. DECLARATION OF INTEREST

There were no declarations of interest.

13. PUBLIC QUESTION TIME

There were no public questions.

Neil Allen, Head of Legal advised that, at the Chairman's discretion, Alan Parkinson from Green Metro Cars would be able to speak after discussions of the Hackney Carriage and Private hire Licensing Policy Public Consultation Responses and Determination item.

14. MEMBER QUESTION TIME

There were no Member questions.

15. FEES AND CHARGES FOR LICENSABLE ACTIVITY 2024/25

Keiran Hinchliffe, Licensing Manager presented the Fees and Charges for Licensable Activity 2024/25 report.

No changes to the fees and charges structure were being proposed. The proposal was in line with the approach taken by the Committee last year by increasing fees in line with the Consumer Prices Index (CPI) at 6.3%.

The income from licensing fees should offset the costs to the Council of administering the licensing service. Shortfalls or excesses should be balanced in following years over a balanced five year period of review.

In addition to processing, enforcement and management of the service, Licensing Officers would now administer crime reduction schemes relevant to licensing that could support the Violence Against Women and Girls agenda or other best practice schemes such as Best Bar accreditation and Purple Flag Status.

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

- In relation to the street trading consent annual fee (page 25 of the agenda) Councillor Soane stated that whereas Wokingham was charging £1,514 Reading was charging £901. He wished to understand why it was so much more expensing in Wokingham? He mentioned that he had been made aware of cases where ice-cream vans which were licenced in Reading would take their chance and operate in Wokingham – if they were caught and taken to court, they would only incur in a £50 penalty fine;
- Keiran Hinchliffe informed that the service was looking to introduce innovations to streamline the application processes. Computer systems and database were potential areas for improvement, and it was hoped that with improvements the cost would go down;
- Councillor Soane was concerned that Wokingham was charging £150 more than Bracknell for street trading consents;
- Councillor Younis stated that in the past the Committee had been told that it was difficult to produce evidence of administrative costs because of the PPP. He asked if it was possible to produce this evidence now that Wokingham was no longer in the PPP?
- Councillor Burgess sought reassurances that the service would not build up reserves from fees and charges. She pointed out that the CPI measure being used was as of August 2023, however inflation was expected to fall in the next year;
- Councillor Smith agreed that more information about the cost of administering applications would be useful. In relation to temporary event notices, he pointed out that it seemed wrong that large events paid the same amount as very small events;
- Keiran Hinchliffe explained that when Wokingham pulled away from the PPP, there had been unknown factors, for example it had not been known how much would be received as income from licence fees. One year on, there was now more understanding, but it would be advisable to review the five year period for a more complete analysis of the costs and revenue;
- In 2022/23 the budget was £309k and £356k was received. This year's budget was £368K and so far, £179k has been received so the forecast was to be on budget this year;
- Councillor Younis asked what would happen with the additional amount that was received?
- It was explained that this would be part of the five-year review. However, the annual fee setting process would always come through to this Committee for approval;
- Councillor Kerr asked that future reports include information about any surplus or deficit amounts, so that Members could monitor the performance of the fee structure;
- In response to a question, it was confirmed that the standard of service provided by different local authorities varied, especially in relation to enforcement and proactively promoting public safety. This affected the cost of licensing activities;

- Councillor Smith believed that there was a discrepancy between the forecast figures in this report and that presented in last year's report. Keiran Hinchcliffe confirmed that the figures contained in the report were correct and had been checked by Finance Officers;
- Councillor Smith stated that it would be useful to know the cost of administering licences for which there were statutory fees, in order to lobby the government if necessary;
- Councillor Dennis asked if there would be a fee to process taxi drivers' applications for advertising in their vehicles. Keiran Hinchcliffe stated that this would have to be added to the list following the adoption of the new policy;
- Councillor Dennis stated that it would be useful to have some benchmarking against other local authorities. Councillor Kerr added that benchmarking should include prices and standards of services;
- Councillor Dennis believed that there was a discrepancy between the charge of a single driver (£500) and the bigger providers (£2000);
- Keiran Hinchcliffe explained that the cost involved in processing the application was a large part of the cost. It was hoped that innovations such as a new computer system would improve the processing time of applications and therefore reduce the cost;
- Councillor Soane stated that when Wokingham left the PPP, there was a considerable backlog of hygiene inspections. The PPP was supposed to pay those fees back to Wokingham if the backlog was not cleared. He asked if this payment had been made?
- Keiran Hinchcliffe was not sure if a refund had been made. He stated that the service was working well and there were no concerns over its performance.

Upon being put to the vote, Members voted in favour of the recommendations contained in the report.

RESOLVED That:

- 1) The Committee notes the fees set out at Appendix A and Appendix B as part of the Council's annual fee setting process; and
- 2) The Committee recommends to Executive that, in relation to those fees which are within the Council's discretion to set, they are increased in line with the Consumer Price Index (CPI).

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

The Hackney Carriage and Private Hire Licensing Policy Public Consultation Responses and Determination report was presented by Keiran Hinchcliffe.

The report contained details of the proposed policy and the consultation results.

In previous meetings the Committee had requested further information on the following points:

Advertising in hackney carriage vehicles

Different councils had different approaches to advertising, this was a local decision. Most councils allowed advertising through an application process, those hackney carriages that wanted to have advertising in their vehicles had to apply for permission to do so. It was recommended that a similar approach be adopted by Wokingham.

Manchester City Council did not allow advertising of alcohol, tobacco products, e-cigarettes, gambling or pay loans. It was recommended that Wokingham take the same stance in relation to prohibiting advertising of the above mentioned products.

Certificates of good character

It was proposed that the policy be amended to meet the statutory requirement of three months.

Climate Emergency

Keiran Hinchliffe met with the Climate Emergency Officer for Transport, and it was recognised that the policy does not address climate emergency legislation sufficiently, this was due to the cost of electric vehicles and the current charging infrastructure. However, some effort was being made with Euro 5 and Euro 6 emission standards which were being proposed. Overall, it was considered that the taxi trade provided a public service which may reduce reliance on private car ownership.

Euro 5 and Euro 6 requirements

In relation to school transport vehicles – There are 52 school transport vehicles in the borough, of which 20 would be negatively impacted by the Euro 5 and Euro 6 requirements. There is discretion in the policy in relation to those vehicles with contracts with the local authority.

In relation to hackney carriage vehicles – There are 68 licensed hackney carriage vehicles, of which 13 would be negatively impacted by the Euro 5 and Euro 6 requirements. Under the current policy, 7 of those 13 vehicles would not be able to renew their licences, as 15-year-old vehicles are not allowed to renew their licences. Under the current policy, within the next two years those 13 vehicles would cease to have a licence.

Private hire vehicles were not affected by the Euro 5 and Euro 6 requirements.

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

- Councillor Soane stated that some school transport coaches did not meet the Euro 5 and Euro 6 requirements. He wondered about the impact of enforcing that legislation and the potential cost to the Council if those vehicles could no longer operate;
- Keiran Hinchliffe confirmed that there could be a cost implication to the Council. However, the policy, as it was currently drafted, allowed for an element of discretion;
- It was clarified that coaches were not covered by this policy, but minibus type vehicles were;
- Councillor Burgess stated that in the proposed policy only one provider for drivers' assessment was listed, this being Blue Lamp. She believed that there was a long waiting list for this provider and asked if other providers could be added to the list to cut waiting times and to increase flexibility. She also asked if anything could be added to help the situation in relation to the medical assessments;
- Keiran Hinchliffe explained that there were potential tender opportunities that could be pursued in relation to training providers;
- In relation to the medical assessment, following an audit it was found that all drivers were able to comply to the medical assessment with their own GPs, apart from one driver. This driver's GP practice no longer issued driver's medical certificates. In that instance the Licensing Authority asked for written confirmation that the GP practice no longer provided driver's medical certificates and allowed this driver to use a private GP;

- It was proposed that the policy continues to ask for driver's own GP assessments, as this is a strong regulatory standard, but that a common-sense approach be taken in unique individual circumstances;
- With regards to drivers' assessments, it was explained that these assessments were only required of new drivers, they were not required for renewals. Although this was not a statutory requirement, it was recommended that it be maintained to keep the high standards expected;
- With regards to the training providers, Councillor Burgess suggested adding the following wording: 'training will be provided by Blue Lamp and other Council approved providers';
- Neil Allen suggested that the Committee could delegate the final wording of amendments to the Director and himself, and the amendments could be brought back to the Committee at its next meeting for approval;
- Councillor Kerr struggled with the fact that it was necessary to have enough vehicles to transport children to school, but it was also important to consider public health and the pollutants. She pointed out the Euro 5 regulations had come into effect 12 years ago, and some vehicles were still not compliant. She wondered if there was a way to use a sliding scale to help licensees to achieve Euro 5 and Euro 6 standards?;
- Keiran Hinchliffe informed that the school transport fleet consisted of older cars. He agreed that a sliding scale could be looked at;
- Councillor Kerr asked that the policy aimed to promote compliance with Euro 5 and Euro 6 standards. She expressed concern that these older vehicles would be producing pollutants outside of schools and negatively impacting on children's health. At the same time she understood the complexity of balancing public health needs against the need to take children to school;
- Neil Allen suggested that Officers could look at options around age limits for school vehicles which could be presented to the Committee at its next meeting. He advised that the Committee could agree to the policy in its current form and consider the options later, and amend the policy accordingly;
- Councillor Dennis asked if the regular car inspections covered emission checks and if this could be a way to regulate school transport vehicles;
- Keiran Hinchliffe explained that currently there were no limiting factors in relation to school transport vehicles. The Committee may wish to consider introducing an age factor, perhaps 15 years, in line with the age restriction for hackney carriage;
- It was suggested that options should be considered outside of the meeting, in consultation with the transport officers and public health and brought back to the Committee;
- Councillor Soane stated that vehicles should not idle outside of schools;
- In response to a question it was clarified that additives to improve a vehicle's emissions could only be added to newer vehicles.

The Chairman invited Alan Parkinson to put forward his comments to the Committee. Some of the points he made are listed below:

- He wondered why it had to be one's own GP to produce a medical certificate. Keiran Hinchliffe explained that this was a trust factor and it was the criteria used by other local authorities, medical GP's could be trusted to be accurate;
- There were reputable private GP's that could be used to issue medical certificates;
- There was a balance to be found, between the need to get children to school and protect them against pollutants, it was a difficult situation;

- Other councils used different criteria, around 75% of school transport in Wokingham was undertaken by vehicles and drivers licenced outside of Wokingham, giving Wokingham limited control over its school transport;
- Wokingham needed to make some changes in order to attract more drivers and vehicles to license themselves in Wokingham;
- He would like to be licenced in Wokingham but currently most of his drivers and vehicles were licenced by Reading. He would like Wokingham to make it easier for him to licence his drivers and vehicles in Wokingham;
- It would be better if the licensing rules were uniform across different areas;
- Operators in Wokingham, Bracknell and Reading were all at the limit of their capacity;
- This issue would not go away as thousands of children would continue to need school transport in the future, the issue needed to be addressed now.

The Chairman thanked Alan Parkinson for sharing his views and explained that the Committee would consider the points raised.

Councillor Dennis asked that a report be brought back to the Committee with options around additional training providers. He acknowledged the point raised by Alan Parkinson that Wokingham seemed to have stricter criteria than its neighbouring authorities which was resulting in less control over licensees.

Councillor Younis asked if an effort was being made to align the policies across Berkshire local authorities.

Keiran Hinchcliffe explained that in the past there had been some collaboration throughout the Public Protection Partnership (PPP). A firm of lawyers was hired to draft a policy for Wokingham and this, at the time, was shared with the PPP. Wokingham was the first PPP local authority to go out to consultation. There was a level of common ground with having to follow national statutory guidelines. The other local authorities would follow the process with their own consultations. However, this was a local policy.

Councillor Smith was of the opinion that any registered GP should be allowed to issue driver's medical certificates. He was concerned that if the standards in Wokingham were too high, there was a danger that drivers would choose to register with other local authorities with lower standards; this could result in loss of control. He added that anyone with a driving licence issued before 1997 was able to drive a mini bus for up to 16 people.

Neil Allen explained that the legislation which regulated the taxi trade was ancient, and there was no obligation in relation to aligning the policies in the area, this was a local policy. The suggested national standards were an effort to implement national standards across all local authorities.

Councillor Dennis asked about the Officer's response to comments made in the consultation, in particular about Uber.

Keiran Hinchcliffe explained that the responses indicated that drivers wanted to be licenced by Uber. However, this was not possible in Wokingham as Uber was not a registered operator in Wokingham; it was up to Uber to decide where they registered themselves.

Uber was regulated by TfL, and they were allowed to take bookings in other areas. The only power the local authority had was in relation to plying for hire – Uber was not allowed to ply for hire.

Keiran Hinchliffe offered to bring back a report with comments on the responses to the consultation.

Councillor Montgomery asked about the certificate of good character for overseas. Kerian Hinchliffe confirmed that it was appropriate to adopt three months' time, in line with the statutory guidance.

After a robust discussion Members voted unanimously in favour of the resolutions listed below.

RESOLVED That:

- 1) The Hackney Carriage and Private Hire Licensing Policy is approved, to come into force on 1 December 2023, subject to the amendment proposed by Councillor Burgess; and
- 2) The director will consider amendments options to the Policy in relation to school transport and Euro 5 and Euro 6 legislation, in consultation with the transport department and Public Health, and will bring it back to the Committee at its next meeting;
- 3) A report containing Officer's response to comments made in the consultation will be brought to the next meeting of the Committee.

17. FORWARD PLAN AND DECISION TRACKER

The following items were added to the Forward Plan:

23 January 2024

- Statement of Licensing Policy 2023/28 (currently out for consultation)
- Gambling best practice
- Options around amendments to the Hackney Carriage and Private Hire Licensing Policy in relation to Euro 5 and Euro 6 legislation for school transport vehicles

RESOLVED That the Forward Plan and Decision Tracker update be noted.