

**LICENSING AND SAFETY COMMITTEE
19 OCTOBER 2023
7.30 - 9.27 PM**



Present:

Councillors O'Regan (Vice-Chair), Cochrane, Collings, Frewer, Gaw, Purnell, Smith and C Thompson

Present Virtually:

Councillors Allen and Mossom

Apologies for absence were received from:

Councillors Gillbe, Barnard, Bidwell and Frost

11. Declarations of Interest

There were no Declarations of Interest.

12. Minutes

The minutes of the meeting held on 22 June 2023 were approved as a correct record.

13. Urgent Items of Business

There were no Urgent Items of Business.

14. Notice of Public Speaking

Manoj Laxmicananta, on behalf of the Bracknell Taxi Drivers, registered to address the Committee on matters pertaining to a number of agenda items.

It was agreed that Manoj would address the Committee following agenda item 6, Hackney Carriage and Private Hire Trade Meeting update.

15. Hackney Carriage and Private Hire Trade Meeting Update

Moirra Fraser, Principal Officer: Policy & Governance updated the Committee on the recent Hackney Carriage and Private Hire trade meeting.

The Chairman of the Licensing & Safety Committee had met with six members of the trade to discuss a range of issues affecting the trade, including the fees and charges, knowledge test proposals and the taxi policy.

The trade raised concerns that any increase in fees and charges would have a detrimental impact on them and requested a freeze in the fees. However it was noted that any reduction in fees would need to be met by Council subsidy.

The trade were divided over the knowledge test proposals, with Hackney Carriage drivers generally in support of its retention and Private Hire drivers generally in support of its removal.

Trade representatives did not raise particular concerns with the Group 2 medical examination requirement as this was already in the Council's existing policy. The proposal was to align with the DVLA's policies and begin the medical examination requirement from age 45 rather than 50 as in the current Council policy.

The trade had queried the frequency of the MOT testing and proposed that requirements of the existing guidance should be maintained, for annual testing for vehicles up to five years old and subsequent tests every six months. The proposed policy would change the guidance to annual testing for vehicles up to four years old. The consultation around proposals to replace age of vehicles with emission standards had been supported by 84% of respondents.

If members of the trade wished to change their taxi tariffs, they were asked to submit a business case for consideration and consultation. There had not been any request to change the fees so far in 2023, however it was recognised that rising fuel and insurance costs were having an impact on the trade. Members were reminded that if a business case to amend the fees was received, this would be the maximum possible charge and individuals or operators were not required to increase their fares.

Members of the trade were thanked for their engagement in the meeting, and it was hoped that the positive relationship could be maintained.

Public Speaking: Manoj Lacximicanta

Manoj Lacximicanta, representing Hackney Carriage association, addressed the Committee. In his speech, Manoj raised the following points:

- The trade were keen to maintain a good relationship with the new administration as they had done with the previous Committee.
- The trade requested that Euro 6 standard cars be required rather than mileage and age of vehicle requirements. It was noted that most cars had less mileage due to the loss of business during COVID.
- It was stressed that the trade needed support to compete with other cars licensed by TfL.
- It was queried whether wheelchair accessible requirements still applied after Brexit, having been an EU requirement.
- There had been no reports of drivers not being fit at their medical examinations.
- The trade were concerned about the proposed taxi sign requirement which would cost money to implement. It was noted that the cars already had taxi signs on them and there had not been a problem with this.
- The trade recommended that the fees be capped and retained for another year, however it was expected that the tariffs would increase. The trade would submit representation on this during the budget consultation process.
- The charge for Disclosure and Barring Service was too high at £70, and it was suggested that other Councils charged less for this service.
- The first aid online course used to be refreshed every 5 years and was now required to be refreshed every 3 years. It was commented that some Councils did not require this training at all.
- It was difficult for the trade to reach a contact in the Public Protection Partnership in West Berkshire, and there had been no response in some instances. Some drivers badges had expired without a reminder to renew.
- Manoj explained that he felt the Knowledge Test should be retained for Hackney Carriage drivers and not for Private Hire drivers. Dual badge drivers should have undertaken the knowledge test.

Arising from questions, the following points were noted:

- While some providers worked with wheelchair users specifically to offer assistance where required, other providers were only rarely and sporadically asked to pick up wheelchair users.
- There were concerns amongst the trade around the introduction of the ULEZ charge if they were required to go into London, and it was felt that the emissions requirements were better aligned with policies elsewhere.

The Committee thanked Manoj for attending the meeting and sharing his experiences.

16. **Outcome of the Knowledge Test Consultation**

Moira Fraser, Principal Officer: Policy & Governance presented the outcome of the knowledge test consultation.

At the last meeting of the Committee, members had asked officers to conduct a consultation on the future of the knowledge test. The consultation had run from 7 June to 28 June 2023, and had been published on the Council and Public Protection Partnership websites. There had been a high response rate comparative to similar consultations of this type, with 41 responses and a wide range of stakeholders and neighbouring authorities.

Of responses, 65% agreed that the knowledge test should be retained however there was a divide between Hackney Carriage operators who supported the knowledge test, and private hire drivers who felt it should be removed. Officers felt that the knowledge test should be retained, whilst perhaps exploring alternative formats for it.

In response to questions, the following points were noted:

- Hackney Carriage and Private Hire drivers were separate entities governed by separate processes in the taxi policy, so it was difficult to summarise the impact on the trade in its entirety if the test should be retained or removed. Dual drivers were expected to follow the requirements of the Hackney Carriage providers.
- An initial knowledge test fee was included in the application fee, and the charge for a resit was £80.

Members considered the outcome of the consultation and asked officers to investigate different options for the conduct of the knowledge test, including multiple choice tests.

Further to debate, it was **RESOLVED** that the geographic element of the 'knowledge test' is retained for Hackney Carriage Drivers and Dual (Hackney Carriage and Private Hire) Drivers and Private Hire Drivers.

The details of proposed changes to the knowledge test would be presented to a future meeting of this Committee.

17. **Hackney Carriage and Private Hire Licensing Policy**

Sean Murphy, Service Lead Public Protection Partnership presented the Hackney Carriage and Private Hire Licensing Policy.

Sean thanked members of the trade for their engagement with the consultation process and for presenting their concerns at the meeting.

Members' attention was drawn to the proposals to reduce the age of first Group 2 medical examination to 45, to replace the age of vehicle requirements with the need to meet Euro 5 or Euro 6 emissions standards, and to introduce new requirements for taxi signs to be displayed.

In response to questions, the following points were noted:

- Once a driver turned 45 years old, they would be required to undertake a Group 2 medical every 5 years until they turned 65, at which point the test would be undertaken annually. The change to policy would result in one additional medical examination in a driver's lifetime.
- The proposals for taxi signs would identify taxis as Bracknell Forest taxis, and it was noted that it was not uncommon to see logos identifying taxis by their local authority. However, members noted the resultant costs this would impose on the trade.
- The proposals including the removal of First Aid tests for drivers. The trade would still be required to undertake mandatory training in Safeguarding and Disability Awareness. The cost of training was included in drivers' initial application fee, however it was recognised that there would be associated costs to the trade in time away from driving.
- It was clarified that drivers could accrue up to 12 penalty points in a 12 month period before revocation of their licence. If a driver's licence was revoked, they had a right of appeal to a Licensing Panel.

Arising from debate, it was **RESOLVED**:

- 1 That the following modifications be made to the draft policy:
 - i. Removal of requirement for Bracknell Forest taxi signs
 - ii. Removal of first aid test requirement
 - iii. Addition that electronic payment facilities be mandatory for all providers and implemented within 3 months of the policy being agreed at Council
 - iv. Maintain current policy that a twice-yearly MOT should be mandatory after a vehicle is 5 years old rather than 4 years old as proposed.
 - v. Require all new vehicles to be no older than 5 years at point of entry to the fleet.
 - vi. Require all vehicles to be at least Euro from 2027/28 and Euro 6 from 2029/30.
 - vii. Require first Group 2 medical at age 45
- 2 That any conditions appertaining to emissions policy be reviewed in the light of any new emissions standards.
- 3 That the Committee **RECOMMENDS** to Full Council that the Policy be adopted subject to the changes to the policy incorporated by the Committee (as above)

Councillor Purnell requested that her abstention from the vote be noted, as she had disagreed with the removal of the first aid test requirement.

18. **Fees and Charges 2024/25**

Sean Murphy, Service Lead for Public Protection Partnership presented the Fees and Charges 2024/25 which detailed the discretionary fees and charges proposed by the Joint Public Protection Committee.

Members were asked to consider the proposed fees and charges before recommending them to Council. There were some exceptions for some taxi fees which required separate statutory consultation to be undertaken before this Committee would be asked to recommend them to Council to be adopted as part of the budget setting process for implementation from 1 April 2024.

Arising from debate, it was **RESOLVED**:

- 1 That, save for the Private Hire Operator, and Hackney Carriage and Private Hire Vehicle licence fees, the Committee **RECOMMENDS** to the Executive and Council the 2024/25 fees and charges detailed in Appendix A.
- 2 That the fees for Private Hire Operators and Hackney Carriage and Private Hire Vehicle licence fees are subjected to a twenty eight day statutory consultation period from 08 November 2023 to 06 December 2023.
- 3 That a public notice pertaining to the hackney carriage and private hire vehicles and private hire operator's fees is placed in the Bracknell News.
- 4 That a consultation letter is sent to all Hackney Carriage and Private Hire vehicle owners and Private Hire Operators in the Borough and that a copy of the consultation is posted on the Public Protection Partnership website and at Time Square.
- 5 That if no objections are received, the charges for operators and vehicle licence fees are included in the February 2024 Executive and Council papers for approval; or if objections are received they be considered by the Licensing and Safety Committee at the meeting on 01 February 2024 and any changes be recommended to Council for approval.
- 6 That the Chairman of the Licensing and Safety Committee should write to Central Government to request that the statutory fees be revisited.

CHAIRMAN