

LICENSING AND SAFETY COMMITTEE
20 OCTOBER 2022
7.30 - 8.42 PM



Present:

Councillors Porter (Chair), Brossard (Vice-Chair), Allen, Atkinson, Brown, Finch, Ms Gaw, Gbadebo, Mrs Ingham and Leake

Present Virtually:

Councillor Brunel-Walker

Apologies for absence were received from:

Councillors Dr Barnard and Kirke

12. Declarations of Interest

There were no declarations of interest.

13. Minutes

Subject to Councillor Leake's apologies being recorded, the minutes of the meeting held on 23 June 2022 were approved as a correct record.

14. Urgent Items of Business

There were no urgent items of business.

15. Notice of Public Speaking

Naheed Ejaz, a BFC Operator, asked to address the Committee.

16. Hackney Carriage and Private Hire Licensing Policy Consultation Responses

Julia O'Brien presented a report to the Committee on Hackney Carriage and Private Hire Licensing Policy Consultation Responses. The purpose of the report was to provide the Committee with the outcome of the consultation on the draft policy.

It was noted that there had not been time for legal clarification on a number of points, but legal colleagues would be consulted following the Committee meeting. This would result in the report coming to the Committee at a future meeting with legal considerations and a draft policy in its entirety.

The Public Speaker, Naheed Ejaz, spoke to the Committee about the pressure the local taxi trade was experiencing post-Covid. Naheed was speaking from a school transport perspective as this was her background. She explained how she felt the school transport license fees were too high and the need for a practical driving test regardless of experience was unnecessary. She asked for all fees and requirements to be revised due to their costs and the impact it was having on the local taxi trade.

Naheed highlighted the pressure competition with Uber drivers was putting on the local industry.

Following questions to the public speaker, the following points were noted:

- Naheed stated while the Council only required one year's driving experience, it was financially beneficial to recruit drivers over the age of 30 due to the significant difference in the costs of insurance.
- It was explained the negative impact the costs of fees was having on recruitment. A significant problem because of Covid was that many people had left the trade. Therefore, more children were having to share taxis and drivers were having to spend more time transporting children.
- In response to a question of clarification on fees, it was explained that £207 was a fee to the Council in addition to a DBS fee, first aid fee, practical driving test fee, safety and safeguarding training fee, and the cost of a medical test. It was noted some fees were paid annually but others such as the training were every 3 years.

In response to the public speaker the officers stated the following:

- The safeguarding and disability awareness training had been bought in-house and were included in the licensing fee which also covered the initial tests.
- Officers were exploring the possibility of stopping the first aid training as part of the revised policy. Officers were also looking at removing the geographical element of the knowledge test given the prevalence of satellite navigation devices. Officers were also looking at moving refresher training online to ensure it was easier and more time efficient and could be undertaken by the drivers at times that suited them
- Public safety was paramount within the taxi industry and so a DBS and a medical were required to ensure a driver was a fit and proper person. The initial DBS needed to be completed by the licensing team because that was the only way the team could be confident that all the records had been checked properly. Drivers were able to subscribe to the online service once the initial check had been done which was a lot more cost efficient
- The initial application fee now covered a three-year license. In 2019, those fees were £45 cheaper but only covered a year. Vehicle fees were proposed to increase slightly by £13 over the last 5 years.
- In relation to Uber, the officers explained how Uber operated on a regional basis and Bracknell fell under the Transport for London area. Therefore, Uber drivers could operate legally in Bracknell Forest. Officers did ensure complaints against Uber drivers (for operating illegally) were followed up.

Following questions to officers, the following points were noted:

- Uber drivers were not regulated by Bracknell Forest Council but by Transport for London. While some Councils would have their own methods, drivers had to be seen as fit and able, and the vehicles had to be mechanically safe. Therefore, DBS, medicals, safeguarding courses, and driving courses were usually standard practices.
- It was agreed that more clarification was needed within the policy about a vehicle involved in an accident having to pass further inspection.
- It was agreed within the policy the wording within section 24, page 56 would be reworded to include both novelty and specialist vehicles, and the information on local education authority contracts would be removed.
- In response to how the policy was produced the officers explained it was put together by a solicitor and expert within the taxi industry who considered terms of best practices, guidance notes, and previous reports.

- In response to a question on local trade losing business to Uber and best practices from other neighbouring Local Authorities, it was explained that Reading did not fall under Transport for London (TfL) but was within the Southampton area which had mostly deterred Uber drivers from visiting Reading. Officers had written to the local MP, TfL, and the Minister of State for Transport to lobby them to introduce a more beneficial system but had so far failed to receive a response. If Uber were not operating in Bracknell illegally, then officers were powerless to stop them. It was added Uber drivers were not designated parking ranks in Bracknell.
- It was noted in response to the consultation feedback, the Vice Chair of the Committee chaired a local taxi liaison meeting.
- Concerns of overregulation were raised by several members of the Committee.

It was agreed the officers would consider the following points before bringing the report back to the Committee:

- The age of vehicle inspection in the proposed policy should not be changed to every four months but remain every six months.
- Re-consider the logo on the side of the taxis as they were already clearly marked that they are taxis.
- The proposed policy should not include the introduction of armbands.
- The report should be presented in a way that clearly demonstrated the changes made and a draft would be emailed out to Committee members in January, ahead of the next meeting in February.

RESOLVED that

- 1 Changes arising from the consultation be incorporated into the second iteration of this report.
- 2 A further report be presented to Committee at its meeting on 2 February 2023 prior to a recommendation being made to Full Council that the policy be adopted

17. Fees and Charges 2023/24

Maira Fraser introduced the report on Fees and Charges 2023/24. It was proposed within the report to increase the discretionary element of the fees and charges by circa 8.5%. All fees were set on a full cost recovery basis which had meant that for the first time in three years the hourly rate had increased from £59 to £64. All fees were calculated using the time taken multiplied by the hourly rate.

The Statutory Fees were marked with Pale Gold and Class B Discretionary Fees were headed with blue text in Appendix A of the report.

The fees across both authorities had been standardised and had retained the additional options around street trading consents that had been agreed the previous year.

The Committee did however request that four fees were revisited. Officers explored this and proposed the following:

1. The change of address fee for taxi licences be set at £11.50.
2. In terms of Ice Cream Vans it was the intention for the BFC fees to be aligned with those in West Berks over the next two years. There were currently three ice cream van licences in Bracknell.

3. Knowledge Test fee was only payable if a driver had to resit the test as it was included in the initial fee otherwise. Proposals around the fees for testing would be included in the Annual report to committee in June 2023 ahead of the next budget setting cycle. The proposals were likely to include changes in respect of the removal of geographical testing and revisions to the way tests were conducted.
4. DBS fee would comprise £38 government fee plus half hour admin fee so a total of £70, a reduction from £79 this year.

Following questions to officers, the following points were noted:

- In response to a question raising concern on the increase in fees it was noted that the increase over the last five years had been very minimal. For instance, the vehicle license fee was only £6 more than what it was in 2019/20. Moreover, it was noted the hourly rate had not increased for the previous three years and was only being increased this year due to an increase in costs.
- It was explained West Berkshire Council did not issue home-to-school transport licenses, but BFC did. The reason BFC intended to keep the home-to-school transport licenses was because it was more cost efficient.

RECOMMENDED to the Executive and Council that

- 1 Save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the 2023/24 fees and charges detailed in Appendix A of the report be approved for public consultation.
- 2 The charges for operators and hackney carriage and private hire vehicle licence fees be subject to a twenty eight day statutory consultation period from 9 November 2022 to 7 December 2022.
- 3 A public notice pertaining to the hackney carriage and private hire vehicles and private hire operator's fees be placed in the Bracknell News.
- 4 A consultation letter be posted to all hackney carriage and private hire vehicle owners and private hire operators in the Borough and that a copy of the consultation be posted on the Public Protection Partnership website and at Time Square.
- 5 If no objections were received, the charges for operators and vehicle licence fees be included in the February 2023 Executive and Council papers for approval; or if objections are received, they be considered by the Licensing and Safety Committee at its meeting on 2 February 2023 and any changes be recommended to full Council for approval.

18. **Hackney Carriage and Private Hire Trade Meeting Update**

Moira Fraser introduced the report on Hackney Carriage and Private Hire. The Licensing Liaison Officer contract had come to an end, but officers were looking to replicate this type of role in a new model for the service. Two apprentices would be starting in November and as part of their role they would be tasked with lower-level inspections.

Following questions from members of the Committee the following points were noted:

- In response to a query whether meetings were the best method to facilitate engagement from the local trade it was detailed how meetings could be well attended and often overrun to allow as much feedback as possible. It was

also mentioned by various members of the Committee how the existing relationship between the Committee and the local trade had improved. It was stated the relationship with the local trade representatives were productive because discussions with them easily facilitated a two-way dialogue.

The Committee noted the report.

CHAIRMAN