

Public Document Pack

NOTICE OF MEETING

www.rbwm.gov.uk



LICENSING PANEL

will meet on

TUESDAY, 27TH FEBRUARY, 2018

At 6.00 pm

in the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD,

TO: MEMBERS OF THE LICENSING PANEL

COUNCILLORS CARWYN COX (CHAIRMAN), DAVID BURBAGE (VICE-CHAIRMAN), MALCOLM ALEXANDER, HASHIM BHATTI, PHILLIP BICKNELL, JOHN BOWDEN, DAVID HILTON, MAUREEN HUNT, SAYONARA LUXTON, GARY MUIR, WESLEY RICHARDS, DEREK SHARP, JULIAN SHARPE, CLAIRE STRETTON AND DEREK WILSON

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, CHRISTINE BATESON, DR LILLY EVANS, RICHARD KELLAWAY, JOHN LENTON, MARION MILLS, NICOLA PRYER, SAMANTHA RAYNER, HARI SHARMA, SHAMSUL SHELMIM, JOHN STORY AND LYNDA YONG

Karen Shepherd - Democratic Services Manager - Issued: Monday 19 February 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek on 01628 796310**

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

Recording of Meetings –In line with the council's commitment to transparency the public section of the meeting will be audio recorded, and the audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	3 - 4
3.	<p><u>MINUTES</u></p> <p>To confirm the Part I Minutes of the meeting held on 4 April 2017.</p>	5 - 8
4.	<p><u>CHILD SEXUAL EXPLOITATION (CSE) TRAINING FOR TAXI AND PRIVATE HIRE DRIVERS AND OPERATORS</u></p> <p>To receive a verbal update from Trading Standards & Licensing Lead, Greg Nelson.</p>	Verbal Report
5.	<p><u>EQUALITY ACT 2010 - TAXIS AND PRIVATE HIRE VEHICLES</u></p> <p>To receive a verbal update from Trading Standards & Licensing Lead, Greg Nelson.</p>	Verbal Report
6.	<p><u>OTHER CURRENT LICENSING ISSUES</u></p> <p>To receive a verbal update from Trading Standards & Licensing Lead, Greg Nelson on :</p> <ul style="list-style-type: none">• Taxi ranks in Ascot High Street;• Any issues to be raised by Panel Members.	Verbal Report
7.	<p><u>DATES OF FUTURE MEETINGS</u></p> <p>Date of the next meeting is:</p> <p>Tuesday 10 April 2018 – Council Chamber, Town Hall, Maidenhead</p>	

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

This page is intentionally left blank

Agenda Item 3

LICENSING PANEL

TUESDAY, 4 APRIL 2017

PRESENT: Councillors Jesse Grey (Chairman), David Burbage (Vice-Chairman), Malcolm Alexander, Phillip Bicknell, David Hilton, Charles Hollingsworth, Maureen Hunt, Julian Sharpe and Adam Smith

Officers: Shilpa Manek and Greg Nelson

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bhatti, Bowden and Sharp. Councillor Burbage would be slightly late.

DECLARATIONS OF INTEREST

No declarations of interest received.

MINUTES

The minutes of the last meeting were **Unanimously Agreed**.

CONSULTATION RESULTS AND FINAL RECOMMENDATIONS – AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AND CONDITIONS – PENALTY POINTS

Greg Nelson, Trading Standards and Licensing Lead informed Members that the trade had been consulted and after meeting with taxi representatives, they understood the fair and reasonable approach. All penalty points would be based on evidence.

Drivers could appeal and after twelve months, penalty points would be spent. If drivers had more than twelve penalty points in twelve months, the driver would be taken to a Licensing Panel.

Other issues raised included illegal touting at night time and illegal parking in taxi ranks by other vehicles, however, these would not be discussed at the Panel.

Mr Rahman, Five Star Cars in Windsor, raised issues regarding parking issues in the borough, taxi's from outside the borough picking up fares and taking trade and taxi's not being able to stop to drop passengers. These issues would be dealt with by Greg Nelson outside of the meeting.

Mr Yasin, representative of the taxi drivers highlighted that the number of taxi drivers had increased and they were now struggling with parking attendants and now also enforcement officers. Taxis should be able to wait in bus lanes after bus hours without getting penalty points. It was not fair for drivers to get a parking ticket and penalty points.

Greg Nelson would check with bus company's and penalty points would not be issued after the bus running times had completed.

Points raised by Members included:

- Most drivers obeyed the rules and would move their vehicles if asked to do so. A very small number was being difficult.
- Only a very small number of drivers caught erratically driving, stopping or parking.
- What was the need for adding new rules when already existing rules not adhered to, such as dirty or damaged cars were still trading.
- There was no etiquette with the order of ranking. Taxi's could be in a compound and join the rank in an order.
- The PCSO's and community warden numbers had been increased so further monitoring would continue.
- New compliance was only issued this month that as well as the m.o.t, other checks would also be carried out. The bar had been raised at nine m.o.t centres.
- The coach park in Windsor was suggested as using for the taxi compound as this was not used in the evenings and car park 3 could be used in Ascot.
- Outside vehicles were a major problem in the borough especially on event days.
- It would be advantageous for Panel Members to go out with the drivers to see the issues first hand. Greg Nelson would arrange.
- The rules between boroughs was discussed and formalising these was discussed.

Members **Unanimously Agreed** the Officer's recommendation for a one year trial period.

CONSULTATION RESULTS AND FINAL RECOMMENDATIONS - DEALING WITH NON-USE OF TAXIMETERS BY HACKNEY CARRIAGE DRIVERS

Greg Nelson, Trading Standards and Licensing Lead informed Members that if a taxi driver was off the meter within the borough and charged more than what the meter would have charged, this was a criminal offense with a level 2/3 sanction which was a maximum of £2500 fine. If a driver, off the meter went outside the borough with a fare, then nothing could be done. The reason for the penalty points was because taking a criminal offence to court was costly and time consuming and often difficult to pursue because witnesses do not wish to have to give evidence in court, which means that no action can be taken.

The consultation had received 150 responses and the borough had been in touch with the trade and had learnt the drivers were proud to use their meters.

Mr Yasin, representative of the taxi drivers, explained that most drivers did use their meters. The issue that they had was passengers leaving the vehicle without paying and there being no penalisation for them. It was unjustified. Mr Yasin suggested using a different tariff during event days.

Members raised the further points:

- Awareness of fares was required for passengers.
- Awareness about meters for residents.
- If meters are left off, an agreement must be made between the passenger and the driver.

- 14 complaints made since April 2016. Six of them were within the borough where a higher fare was charged. There were no prosecutions as passengers did not want to take further.

ACTION: Greg Nelson to send the Vice Chairman the January 2017 meeting reports and the legal advice on issuing penalty points.

Councillor Bicknell brought forward the Officers recommendation. This was seconded by Councillor Hunt. This was agreed by all Members present except Councillor Burbage who abstained from voting.

DATES OF FUTURE MEETINGS

Members noted the dates of future meeting's.

The meeting, which began at 6.00 pm, finished at 7.30 pm

CHAIRMAN.....

DATE.....

This page is intentionally left blank