

# Public Document Pack

## NOTICE OF MEETING

www.rbwm.gov.uk



## LICENSING PANEL

will meet on

**MONDAY, 10TH FEBRUARY, 2020**

**At 6.00 pm**

in the

**COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE LICENSING PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), DAVID HILTON (VICE-CHAIRMAN), GURPREET BHANGRA, JOHN BOWDEN, GERRY CLARK, DAVID CANNON, JOHN BALDWIN, MANDY BRAR, KAREN DAVIES, JON DAVEY AND GEOFF HILL

### SUBSTITUTE MEMBERS

COUNCILLORS MAUREEN HUNT, ROSS MCWILLIAMS, GARY MUIR, JULIAN SHARPE, SHAMSUL SHELM, DONNA STIMSON, CLIVE BASKERVILLE, SIMON BOND, DEL CAMPO, NEIL KNOWLES AND HELEN TAYLOR

Karen Shepherd – Head of Governance - Democratic Services - Issued: 31 January 2020

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](http://www.rbwm.gov.uk) or contact the Panel Administrator **Shilpa Manek** on 01628 796310

**Accessibility** - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

**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 part of the meeting will be audio recorded, and may also be filmed and broadcast through the online application Periscope. If filmed, the footage will be available through the council's main Twitter feed @RBWM or via the Periscope website. 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**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES FOR ABSENCE</u></b>  To receive any apologies for absence.	
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any declarations of interest.	3 - 4
3.	<b><u>MINUTES</u></b>  To confirm the Part I Minutes of the meeting held on 8 October 2019.	5 - 10
4.	<b><u>MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE</u></b>  To agree the minutes of the sub-committee held on 1 October 2019, 19 November 2019 and 28 November 2019.	11 - 20
5.	<b><u>PROPOSED CHANGES TO THE RBWM HACKNEY CARRIAGE TARIFF AND AN ASSOCIATED AMENDMENT TO POLICY &amp; CONDITIONS</u></b>  To consider the report.	21 - 34
6.	<b><u>DATES OF FUTURE MEETINGS</u></b>  The date of the next meeting is Tuesday 21 April 2020.	

## 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

## LICENSING PANEL

TUESDAY, 8 OCTOBER 2019

PRESENT: Councillors Phil Haseler (Chairman), Gurpreet Bhangra, David Cannon, John Baldwin, Mandy Brar, Karen Davies, Jon Davey, Gerry Clark, Julian Sharpe and Helen Taylor

Officers: Greg Nelson and David Scott

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bowden, Hill and Hilton.

### DECLARATIONS OF INTEREST

**Cllr Brar** – Declared a personal interest as she is a licensee in the Royal Borough.

### MINUTES OF THE LAST MEETING

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 2 April 2019 be approved.**

Greg Nelson, Trading Standards and Licensing Lead, gave Members an update following the last meeting of the Licensing Panel regarding the increase of tariffs for all Hackney Carriage journeys starting at the Royal Ascot event by 50%.

The Trading Standards and Licensing Lead confirmed that the trial was for tariff 2 and the feedback he had received from drivers had been positive and the increase in tariff had helped them during Royal Ascot week. The Trading Standards and Licensing Lead added he had received no feedback from members of the public either negative or positive. He requested Members make the trial permanent during Ascot week only, with the new tariff increases starting in 2020.

Councillor Baldwin asked if there was any other data to look at apart from the feedback received. David Scott, Head of Communities stated the public raised no objections and the cost of a taxi was a relatively minor expense compared to the whole day at Ascot. The Trading Standards and Licensing Lead explained that the increase in tariff would only apply to journeys within the Borough, not outside of the Borough. The Council had received some complaints about flat rate fees set by drivers for journeys going outside of the Borough which the Licensing Team were investigating.

Councillor Davey commented that it was difficult to drive into and out of Ascot during Ascot week so it was fair enough to increase the tariff. Councillor Sharpe stated the Borough's taxi's charged per yard in the past; a couple of years ago, the Borough adjusted prices so they were in line with other towns such as Epsom and Harrogate where they held large racing events. However, for specific race events such as Royal Ascot, it was only fair to increase the tariff as the drivers were sitting for longer in traffic and it took so long to navigate the length of the High Street.

The Trading Standards and Licensing Lead confirmed the tariff increase was advertised in the local paper and no feedback had been received.

Councillor Brar proposed to support the Trading Standards and Licensing Lead's recommendation to implement the tariff increase during Royal Ascot Week and Councillor Davey seconded the Motion. A named vote took place and the Motion was carried.

**RESOLVED: That the Licensing Panel agree to make permanent the use of Tariff 2 for taxis operating from the official rank at Ascot Racecourse during the Royal Ascot event only.**

## MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEE

There were no meetings of the Licensing and Public Space Protection Order Sub Committees since 21 May 2019. Therefore, there were no minutes to be approved.

### TERMS OF REFERENCE

**RESOLVED UNANIMOUSLY: That the Licensing Panel noted and confirmed the noted the Terms of Reference with one change to the Membership number to be amended to 11 Members of the Panel.**

## CHANGES TO PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER APPLICATION REQUIREMENTS IN RESPECT OF THE CERTIFICATE OF FITNESS

Greg Nelson, Trading Standards and Licensing Lead introduced the report and highlighted the following key points:

- The medical fitness to drive and operate a RBWM licenced private hire vehicle (PHV) or Hackney Carriage (HC) was an essential and long standing requirement.
- The means of establishing an applicant's medical fitness is set out in the RBWM Private Hire Driver Policy & Conditions and the HC Driver Policy & Conditions ("the Policies") respectively. Both of the Policies stated that licence applicants must provide a Certificate of Fitness signed and stamped by the applicant's General Practitioner (GP).
- The requirement applied both to new licence applicants and to existing drivers renewing their licence.
- It had been brought to the attention of the Trading Standards and Licensing Lead by a number of applicants that some GPs were no longer willing to sign and stamp a Certificate of Fitness due to workloads and other pressures.
- That meant that an applicant in that situation could not comply with the requirements of the Policies and therefore, strictly speaking, should not be able to obtain a RBWM licence even if they could obtain a Certificate of Fitness from another appropriate medical doctor.
- A simple means of addressing the problem would be to change the respective PHC and HC Policy and Conditions to allow an applicant to have their Certificate of Fitness signed and stamped either by their GP or by another appropriate doctor.
- That would provide some flexibility for the applicants and remove potential delays in the licensing process, whilst ensuring that the essential requirement that their medical fitness to hold a licence is properly established and maintained.
- The person signing off the Certificate of Fitness would need to be a medical practitioner and would need access to a drivers medical history where appropriate.

Councillor Cannon stated he had some concerns over the definition of appropriate medical practitioner and asked if the new system would be made up of a panel of doctors; the whole point of drivers using their GP is that they know their patients. The Trading Standards and Licensing Lead responded that he had spent some time looking at the wording of the Policy and stated it needed to be an appropriate medical doctor and that if there were any concerns regarding a particular applicant, the medical records would be requested; flexibility would be

given to the Licensing Officer. Councillor Clark commented it must be a doctor listed with the GMC or other official body. The Policy should state that the medical practitioner should be a UK qualified practicing doctor. The Trading Standards and Licensing Lead confirmed he was happy to amend the wording to state a driver should obtain a Certificate of Fitness from a UK registered practising doctor.

Councillor Baldwin asked for any evidence of the scale of the problem and the need for the change of policy. The Trading Standards and Licensing Lead responded that there had only been a small number of drivers that had experienced issues getting their Certificate of Fitness signed off by their GPs but, the number was increasing year on year, due to increasing workloads of doctors, GPs were less inclined to sign Certificates and were only wanting to deal with patients and their ailments so the changes to the Policy prevented problems and stresses for drivers later on. David Scott, Head of Communities added that even though it was currently a small problem, it was increasing and some drivers were being put in a difficult position.

The Trading Standards and Licensing Lead said he had looked at neighbouring authorities and there was a slight difference in wording to their Policies; some said Certificates of Fitness needed to be signed by the applicants GP and others said medical practitioner. Councillor Cannon commented he had been approached by two drivers who had had some serious issues getting their Certificates signed off so he was happy with the new amendments to the Policy. Councillor Bhangra said he knew drivers had to pay for the service in other areas. Councillor Brar queried whether the Council could ask GPs to run a service for drivers. The Trading Standards and Licensing Lead responded the changes to the Policy left it up to the drivers to find an appropriate service. Councillor Clark added the service existed and as long as the doctor was registered, they would be able to sign a Certificate of Fitness.

**RESOLVED UNANIMOUSLY: That the Licensing Panel noted the report and:**

- i. Agreed to change the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to allow a Certificate of Fitness to be signed either by the applicant's GP or by another UK registered appropriate medical practitioner.**

**CHANGES TO DRIVING LICENCE CHECKS FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS**

Greg Nelson, Trading Standards and Licensing Lead introduced the report to Members and highlighted the following key points:

- The requirement to see and verify an applicant's full UK driving licence before they can be issued with a RBWM private hire vehicle (PHV) or hackney carriage (HC) driver's licence was a fundamental and long standing requirement.
- The check ensured that the applicant had a full UK, NI or European driving licence for at least two years, as was required by the RBWM Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions ("the Policies"). It also checked the status of the licence, that is, whether it bears any endorsements or convictions which would have a bearing on whether or not to issue the applicant with a RBWM PHV or HC driver's licence.
- Up until now, applicants for a RBWM PHV or HC driver's licence had paid £7.50 to a company which carried out licence checks, the results of which were presented to RBWM Licensing Officers.
- The company that had provided the service, Intelligent Data Systems Ltd (IDS), had served notice that it would no longer provide the service from 19 October 2019. The Borough therefore, needed to provide an alternative means of driving licence checking and verification and amend the Policies accordingly.
- IDS had suggested another commercial supplier for the service which would be at a similar cost to the applicants. However officers believed that there was another

alternative which would reduce the cost to the applicant to zero, and would not take up any more officer/administrator time.

- The alternative would require the applicant to access their driving licence data via the [www.gov.uk](http://www.gov.uk) website and show the information provided to a RBWM officer at their application appointment.
- If the applicant did not have access to the internet, they could ask a RBWM officer to access the website and obtain the required information at their application appointment.
- Applicants would also be required to authorise access by RBWM licensing officers to their driving licence status for the duration of their hackney carriage, private hire or combined licence.
- The Trading Standards and Licensing Lead confirmed drivers did not need to provide a print out of their data, they could show a licensing officer the data electronically from their mobile device.
- Licensing officers would obtain authorisation to access a drivers licence for the duration of their RBWM driver's licence.

Councillor Clark stated the Council could charge drivers for the activity. Councillor Sharpe added the Borough was taking on the additional activity of checking licences so it seemed sensible to charge them for it. He did not see why the Council should waive the charges as an external company would charge. The Trading Standards and Licensing Lead said he would be the first to say that due to extra work being carried out by officers, extra resources would be required to cover it but, the driver would hand over a piece of paper or, show the data on his phone screen to prove who he was so the additional activity was negligible and did not warrant charging a fee. Councillor Sharpe stated officers would be checking approximately 500 licences per year so that would add up to a lot of additional activity to be carried out. Councillor Davey stated the new process was quicker than what was currently in place and it was a government service free to use. it would probably cost more to administer the fee that it would to carry out the check.

Councillor Cannon stated the Borough and it's officers were the regulator and not the friend of the drivers; he felt officers workloads would be slightly reduced by the new system proposals so it did not justify the charge. The Trading Standards and Licensing Lead explained to Members that the Borough needed to think about costs for drivers as the application process was a very costly exercise for drivers. He agreed that the Council were the driver's regulators but, it also needed to be as supportive as it could be.

Councillor Baldwin stated the deadline for needing the new system being in place was the 19 October 2019 and queried if by moving the checks in house, if the Council would be taking on any legal liability. The Trading Standards and Licensing Lead stated that the drivers had to be fit and proper and the checks would ensure that. Councillor Baldwin expressed some concern that the new system would potentially increase the likelihood of impersonation. The Trading Standards and Licensing Lead confirmed that it would not make any difference. The Borough had a disproportionate number of taxi drivers so, getting them to use an online app made it quicker and more cost effective for the Borough when carrying out checks. There had been incidents in the past of impersonation so, the officers always required to see the driver in person at the time of application. The changes to the system would not make any difference to that.

Councillor Davey said he had spoken to a taxi driver who had said he earned the same money today as a taxi drive as he did 15 years ago, but his costs had rocketed. Councillor Davey felt it was right not to charge the driver's for the service. Councillor Cannon agreed and did not consider it an appropriate way to increase receiving fees from drivers. The Trading Standards and Licensing Lead confirmed that if down the line officers saw their workloads increase and costs go up, they would bring a report back to Panel to request and increase in application fees to cover those costs.

**RESOLVED UNANIMOUSLY: That the Licensing Panel noted the report and:**



- i. **Agreed to change the Private Hire Driver Policy & Conditions and the Hackney Carriage Driver Policy & Conditions respectively to reflect the new driving licence checking procedure.**

#### DATES OF FUTURE MEETINGS

Members noted the next meeting of the Licensing Panel would be 21 January 2020.

The meeting, which began at 6.00 pm, finished at 7.00 pm

CHAIRMAN.....

DATE.....

This page is intentionally left blank

# Public Document Pack Agenda Item 4

## LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

TUESDAY, 1 OCTOBER 2019

PRESENT: Councillors David Cannon, Karen Davies and Phil Haseler

Officers: Rachel Lucas, Shilpa Manek, Greg Nelson, Mark Beeley and Lauren Dean

### APPOINTMENT OF CHAIRMAN

Councillor Haseler proposed Councillor Cannon to be Chairman for the Panel. This was seconded by Councillor Davies.

### APOLOGIES FOR ABSENCE

There were no apologies for absence received.

### DECLARATIONS OF INTEREST

There were no declarations of interest.

### PROCEDURES FOR SUB COMMITTEE

The Panel noted the procedures.

### CONSIDERATION OF APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003

#### **Licensing Officer**

The Trading Standards and Licensing Lead, Greg Nelson, introduced the application for Members to consider. Mr Nelson explained that the application related to a new premises licence. Mr Nelson informed the Panel that this was a new application for a premises licence with the standard opening hours of the premises from 6am to 11pm, Monday to Sunday and to permit the sale by retail of alcohol for consumption off the premises from 6am to 11 pm, Monday to Sunday. The application was outside of the current framework hours set out in the RBWM Licensing Policy Statement 2016-21. Mr Nelson informed the Panel that Mr David Davenport was the Designated Premises Supervisor (DPS). The premises was situated at 4 Brockenhurst Road, South Ascot.

The Licensing team had received no relevant representations from any of the responsible authorities. One submission had been made by the Planning Officer who objected to the licence application, although this was deemed not relevant as it did not relate to the four licencing objectives. There had been 24 representations from local residents and a petition that had been signed by 275 local residents. All the representations were available in the Agenda pack.

Mr Nelson reminded the Panel that they should have consideration for the four licensing objectives set out in the Licencing Act 2003, which were;

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children

All four objectives should be considered when making their decision, and their options were to;

- Grant the application as submitted
- Modify the conditions of the licence, by altering, omitting or adding to them
- Reject the whole or part of the application

### **Questions to the Licensing Officer**

Councillor Haseler commented on there being no objections from the police, but wanted to know if there were any anti-social hotspots in the surrounding area, Greg Nelson was not aware of any. Councillor Haseler further queried whether there was a rough sleeper problem, again to which Greg Nelson said there was nothing that he was aware of. The Applicant's representative asked about the previous licence which was connected to the property and whether alcohol was allowed to be consumed off the premises, Greg Nelson confirmed that there was a previous licence for the sale of alcohol by retail for consumption on the premises as it was previously a restaurant. The Applicant's representative then asked for confirmation on who had created the petition. Greg Nelson confirmed that it was the rival business Swinley Stores. The final question was to clarify that the site was a convenience store and therefore the Applicant argued the framework hours from the RBWM licencing policy did not apply. Greg Nelson said that the application was for a licence to sell alcohol by retail for consumption off the premises.

### **Applicant's Case**

The Applicant's representative, Leo Charalambides, informed the Panel that not all of the representations made against the applicant were relevant. In particular, the representative pointed to the petition which had been set up by rival business Swinley Stores and had therefore been made due to competition concerns. Addressing another common concern that there wasn't any desire to have another off licence in the area, Mr Charalambides argued that again this wasn't relevant to the Panel and that residents could choose not to shop at the premises if they do not wish to.

The premises owner was going to be having the following points at the premises:

- CCTV covering the front, alcohol section and till area
- Till prompts to restrict staff making mistakes.
- Electronic refusal register.
- Challenge 25 scheme.
- Continual staff training, both internally and externally.

The representative highlighted that they would not be stocking 'higher strength' alcoholic drinks, but did not clarify what these products were. By doing this, the representative believed that the applicant would be working with the local community and authorities to promote the four licencing objectives at the premises.

### **Questions to the Applicant by Members**

Councillor Haseler commented that the application was comprehensive, but queried what goods would be sold in the premises. He was informed that it sold a wide variety of goods and followed most other local convenience stores.

The Chairman asked about the function the premise would be performing as an off-licence, and used the example that petrol stations can isolate alcohol sales at certain times. The Applicant's representative clarified that if there was to be any problems, then restrictions could be put in place but there was no evidence that this would be needed.

The Chairman then queried about the hours that the DPS would be on site. The applicant confirmed that the DPS would not always be present during the opening hours, however, another trained member of staff would always be present.

Councillor Haseler asked about the age of staff that would be working on the premises, the applicant confirmed that no one under 18 would be employed, other than newspaper boys, but they would have no access to serve behind the counter.

### **Questions to the Applicant by Objectors**

Beverly Cooke, a local resident, asked for clarification on the closing time of the store, as she had previously been informed that the closing time would be 10pm. The applicant's representative confirmed that the closing time was proposed to be 11pm, 7 days a week. Ms Cooke also queried whether the CCTV would cover the green, to which the representative informed the Panel that they were not sure, but that it would definitely cover the entrances and other sensitive areas. Using CCTV to cover the green may cause issues with Data Protection.

### **Objectors' Case**

Beverly Cooke, resident, informed the Panel that a new store was not required especially as there was already a store there that sold groceries and alcohol in close proximity. She informed the Panel that there were already 19 other places in a one mile radius to buy food and drink. There would be additional anti-social behaviour problems in the area if a new store was to open, with there being evidence available that the area was a crime hot-spot, with many car break-ins taking place. Ms Cooke pointed to her own experience of cars on her road being broken in to, which she believed was caused by youths buying and drinking alcohol from the local off-licence. She requested that either for the licence not to be granted, or for the opening hours to fall within the recommended RBWM licencing framework.

Mr Singh, owner of local business Swinley Stores, also objected to the plans. His business had a licence to serve alcohol from 8am until 11pm but chose to open at 7am and close at 9pm in respect of the local community. He confirmed that he had started the petition and argued about the concerns of competition, but this was irrelevant to the four licencing objectives.

### **Questions to the Objectors' by Members**

Councillor Davies asked for more information on the anti-social behaviour that had been occurring in the area, and if they were using local stores to buy alcohol. The Panel were informed that those involved usually came from a near-by council estate, getting alcohol from Swinley Stores and consuming it on the adjacent green. She also asked for a comparison of opening times with supermarkets in the area, to which Mr Singh confirmed that they closed at

9pm, but believed that a local Tesco may be open 24 hours. It was also confirmed that Swinley Stores was the closest off-licence to the green.

Councillor Haseler wanted to clarify the distance between Swinley Stores and the green, and also what age group those involved in anti-social behaviour were. Ms Cooke explained that Swinley Stores was just a few doors down, but closed at 9pm. The people involved were of all ages. Councillor Haseler further queried about the local police presence, with the Objectors claiming that they hadn't seen any police and that the anti-social behaviour could go on for many hours. Haseler also asked about whether Mr Singh had experienced significant under age attempts to buy alcohol. He had not received any complaints about selling to under age customers, but sometimes experienced customers using fake ID's.

The Chairman asked why the Objectors' believed that crime and disorder would increase due to the new convenience store, to which the Objectors' criticised the difference between the current closing time of 9pm and the applicant's proposals for an 11pm finish. The Chairman commented that he didn't see any difference with McColl's being there, and that it would make little difference to crime in the area. The Objectors' had concerns that it seemed logical and that they assumed it would.

Rachel Lucas, Legal Representative, asked for clarification of the start time of the Objector's business, which was the store opening at 7am and alcohol being sold from 8am.

#### **Questions to the Objectors' by Applicant**

The applicant's representative had one question for the Objectors', to clarify if the previous licence holder was a restaurant. This was confirmed and that the closing time was normally between 10/10:30pm.

#### **Applicant's Summary**

The applicant's representative summarised that they had already made good decisions, pointing to the statement that McColl's would not sell drinks deemed to have a 'high alcohol percentage'. He explained that they wanted to serve the local community and help it thrive, and would be introducing the security measures outlined in the application. He concluded by claiming that the store would be a genuine benefit to the community.

#### **Objectors' Summary**

The Objectors' felt no need to summarise as they felt they had put forward everything they wanted to say in their case to the Panel.

#### **Trading Standards & Licensing Lead Summary**

Greg Nelson said that none of the responsible authorities had objected to this application. The Panel had heard from local residents who were best placed to know about what goes on in the area. The application was very comprehensive. The Panel should take into account all of the evidence that they had heard and then made a decision to;

- Grant the application as submitted
- Modify the conditions of the licence, by altering, omitting or adding to them
- Reject the whole or part of the application.

## Decision

The Sub Committee carefully considered all the submissions and noted that there was an objection from the Planning Officer, but this was deemed not relevant to the decision to grant a licence. There were no other objections from the responsible authorities which included Environmental Health, RBFRS, Local Safeguarding Children's Board, Public Health, Thames Valley Police and RBWM Licensing.

The Sub-Committee after very careful consideration, decided that the application for a new premises licence should be granted.

The Panel noted a submission made in the form of a petition signed by 275 local residents against the proposals and the views of Objectors' that attended the hearing. However, the Panel deemed that the applicant had suitable strategies in place to meet the four licencing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children.

The Sub-Committee were mindful of the framework hours, as laid down within the RBWM statement of Licensing Policy, and that the hours sought exceeded that in terms of morning opening. They were, however, of the view that Swinley Stores held an alcohol licence, which allowed off sales from 8am, and that this needed to be taken into account. Further, when considering the statutory guidance issued under S.182 of the Licencing Act, and in particular that contained at paragraph 10.15.

The meeting, which began at 10.00 am, finished at 11.08 am

CHAIRMAN.....

DATE.....

This page is intentionally left blank



## LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

TUESDAY, 19 NOVEMBER 2019

PRESENT: Councillors Gurpreet Bhangra (Chairman), Phil Haseler and Geoff Hill

Also in attendance:

Officers: Sarah Conquest, Anthony Lenaghan and Shilpa Manek

### APPOINTMENT OF CHAIRMAN

Councillor Hill proposed Councillor Bhangra be Chairman, this was seconded by Councillor Haseler.

RESOLVED UNANIMOUSLY: Councillor Bhangra was Chairman for the Panel.

### APOLOGIES FOR ABSENCE

No Apologies received.

### DECLARATIONS OF INTEREST

No declarations of interest were received.

### PROCEDURES FOR SUB COMMITTEE

The procedures were noted by all present.

### CONSIDERATION OF APPLICATION UNDER THE GAMBLING ACT 2005 - APPLICATION TO VARY A LICENSED PREMISES MACHINE PERMIT

The Panel were disappointed that the applicant was not present.

#### **Licensing Officer**

The Council's Licensing Officer, Sarah Conquest, introduced the application for Members to consider. Sarah Conquest explained that the application related to a variation of an existing licensed premises gaming machine permit, under the Gambling Act 2005, at The Bear, 8-10 High Street, Maidenhead, SL6 1QJ. The existing permit allowed for 5 category C machines. A category C machine is one that has a maximum stake of £1 and a maximum prize of £100.00. Members' policy was to delegate to officers to issue permits for up to 4 machines. For more than this, applications were referred to the Sub-Committee.

The Licensing Officer explained that the premises was large and the new machine would be in good line of site from the bar.

Members were told that no objections to the application had been received and the licensing team had experienced no issues with the premises, either from a licensing or gambling perspective. The Licensing Officer informed the Sub-Committee that they must have regard to the four Licensing Objectives and the Council's policy. He informed the Sub-Committee that the options open to them were to either allow or refuse the whole of the application.

### **Questions to the Licensing Officer**

Councillor Hill asked the Licensing Officer why the applicant was not present. The Licensing Officer explained to the Panel that the applicants were not able to attend.

### **Applicants Case**

Applicant not present.

### **Objectors Case**

No Objectors present.

### **Licensing Officers Summary**

The Licensing Officer had nothing else to add.

### **Decision**

After careful consideration the Sub-Committee agreed to vary the Licensed Premises Gaming Machine Permit, to allow the use of six Category C gaming machines.

The Sub-Committee noted that the premises were spread over two floors, with all gaming machines on the ground floor. It was accepted that the gaming machines could be well seen from the bar area, and that the premises had a good record in that no concerns had ever been raised in relation to gambling. The applicant's gambling policies were very robust, as well as the operation of the Challenge 21 policy. For these reasons the Sub-Committee agreed to the variation.

In making their decision, the Sub-Committee also had regard to national guidance and the Council's own Licensing Policy.

**RESOLVED UNANIMOUSLY: That the Licensed Premises Gaming Machine Permit be varied to allow the use of six Category C gaming machines.**

The meeting, which began at 10.15 am, finished at 10.45 am

CHAIRMAN.....

DATE.....

## LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

THURSDAY, 28 NOVEMBER 2019

PRESENT: Councillors John Baldwin, David Cannon and Phil Haseler (Chairman)

Officers: Andy Aldridge, Rachel Lucas, Mandy Mann, Chris Nash and Mark Beeley

### APPOINTMENT OF CHAIRMAN

Councillor Cannon proposed Councillor Haseler to be Chairman for the Panel. This was seconded by Councillor Baldwin.

### APOLOGIES FOR ABSENCE

There were no apologies for absence received.

### DECLARATIONS OF INTEREST

Councillor David Cannon informed the Panel that he was a mandatory consultee as Lead Member, and had already therefore expressed a view, but would be attending with an open mind. He would come to a conclusion based on what officers put forward, together with any other representations, and the views of his fellow Panel members.

### PROCEDURES FOR SUB COMMITTEE

The procedures were noted by all present.

### CONSIDERATION OF APPLICATION FOR THE PROPOSAL FOR THE EXTENSION OF THE PUBLIC SPACES PROTECTION ORDERS (PSPO) IN WINDSOR AND MAIDENHEAD

#### **Reporting Officer and RBWM Officers**

Chris Nash, Community Protection Principal, introduced the proposal for Members to consider. He explained that a PSPO was a geographical way of defining activities causing antisocial behaviour within a certain area and that they were not used to specifically target individuals. The recommendation to the Panel was to agree to extend the PSPOs for a further three years.

Mandy Mann, Anti-Social Behaviour Coordinator, explained the nature of the three PSPOs in the borough. They were; PSPO for alcohol consumption borough wide and upon The Brocas, Eton and a PSPO gating order for Footpath 51 in Eton. Residents had noticed an improvement in the areas which had been given a PSPO. As part of the research into whether PSPOs were effective, RBWM had carried out a consultation which lasted for six weeks. Out of 30 people who responded, 93% were supportive of an extension. Mandy Mann said that they also wanted Community Wardens to have the power to enforce PSPOs, which was not currently part of the agreement. There was a suggestion that the first two PSPO were very similar and could therefore be combined within one simplified order.

## Questions to the Reporting Officer

Councillor Cannon asked about the community warden aspect and what powers they currently had. Mandy Mann explained that the power to enforce PSPOs for community wardens would be a new power and would see them more closely linked to the police. With reference to the existing powers granted to wardens via the Community Safety Accreditation ('CSAS'), Chris Nash highlighted that these were not directly applicable to the PSPOs proposed, but would serve to support – such as the power to require the giving of name and address for antisocial behaviour witnessed.

Another question asked about the CSAS training related to whether Community Wardens were able to enforce individuals that gave fake personal details. Chris Nash confirmed that this power made it an offence not to give these details, able to be enforced by Thames Valley Police. Rachel Lucas, Legal Representative, explained this was up to the Chief Constable of TVP to give authorisation for this power, which they had.

Councillor Cannon commented that there was little difference between the first and second PSPOs. Chris Nash said they were currently two separate PSPOs and that RBWM was looking to extend both of them for a further three years.

Councillor Baldwin queried about the training that community wardens receive and whether this was adequate to enforce PSPOs. Andy Aldridge, Community Warden Lead, said that all wardens completed CSAS training and conflict management training which would also allow them to fulfil the PSPO requirements and also assist TVP in other defined situations. The training included scenarios of approaching a group of youths and how to deal with them, and therefore community wardens had the confidence to challenge and enforce PSPOs.

Councillor Cannon asked how many people took part in the consultation, and was told that 30 people took part from across the borough.

## Reporting Officer Summary

Mandy Mann summarised the proposal, which was to extend and maintain the existing PSPOs and give community wardens the power to enforce them. Following a discussion between Rachel Lucas and Chris Nash, the decision was taken to amend the recommendation (i) slightly so that it reflected that the Panel was in effect voting on two 'new' PSPOs as the previous timescale for the three referred to had elapsed. The content of the proposed orders remained the same.

## Decision

Following a discussion with members of the Panel and Rachel Lucas, the members of the Panel were in agreement that the two proposed PSPOs should be granted, as set out in the drafts provided.

The Panel agreed that the PSPO orders were effective in being a deterrent for crime and that empowering community wardens was a good idea.

The meeting, which began at 11.00 am, finished at 11.45 am

CHAIRMAN.....

DATE.....

Report Title:	<b>Proposed Changes to the RBWM Hackney Carriage Tariff and An Associated Amendment to Policy &amp; Conditions</b>
Contains Confidential or Exempt Information?	No – Part 1
Member reporting:	Councillor Cannon, Lead Member for Public Protection
Meeting and Date:	Licensing Panel 10 February 2020
Responsible Officer:	David Scott, Head of Communities
Wards affected:	All

www.rbwm.gov.uk



## SUMMARY

1. The tariff that RBWM licenced hackney carriage (taxi) drivers use to calculate the fares that they charge is set by the RBWM Licensing Panel and set out in the Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff (“the tariff”)
2. The majority of hackney driver representatives have requested an increase in the main tariff and other changes to the charges that they can impose.
3. This report sets out options for changes to the tariff and an associated change to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions (“the Policy”)

## 1. DETAILS OF RECOMMENDATION

**RECOMMENDATION:** That the Licensing Panel notes the report and:

- i) Makes a decision on each of the options for change set out in this report in Table 3 to Table 8

## 2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 The current Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff is set out in Appendix A.
- 2.2 Some of the hackney drivers have requested;
  - an increase in the basic tariff, Tariff 1 (with an equivalent increase in Tariff 2)
  - an increase in the charge levied when carrying larger numbers of passengers to reflect the extra duties required / costs incurred
- 2.3 The current tariff (Appendix A) was set by the Licensing Panel in October 2016 and provided a 15% increase on the previous tariff.

- 2.4 The preceding tariff increase before this was in 2014. That saw an increase of 3% in the tariff and the introduction of an extra 20p charge for each extra passenger for three or more passengers
- 2.5 Most of the representatives of the hackney drivers have said that the tariff needs to be increased because;
- the cost of living has increased since the last review of the tariff in 2016 so, in effect, they have not had a pay rise since then. They argue that many drivers are struggling to make a reasonable living unless they work unacceptably long hours.
  - the costs of fuel and vehicle maintenance have increased since 2016
  - RBWM has fallen behind neighbouring licensing authorities in the fares that the drivers can charge.
- 2.6 One of the representatives was strongly of the opinion that the tariff should not be increased because hackney carriage fares are already higher than those charged by Uber and some other private hire operators. He argued that any increase in the tariff would make the difference in fares even wider, meaning that passengers were more likely to use Uber or another private hire operator rather than a hackney carriage.
- 2.7 Whether RBWM licenced hackney carriage drivers can make a reasonable living is impossible to determine because their income is not known. However, it can be shown that there has been a gradual decrease in the numbers of new licences being issued and in the overall number of hackney carriage drivers licenced by RBWM since 2016, see Table 1

**Table 1**

Year	Number if new HC drivers licences issued	Overall number of HC drivers licences
2016	25	183
2017	15	169
2018	16	132
2019	12	146

(Note – this does not take into account the number of combined badges issued)

- 2.8 The average UK cost of diesel in October 2016 was 116.9p per litre, in September 2019 it was 131.4p, an increase of approximately 13% (<https://www.statista.com/statistics/299552/average-price-of-diesel-in-the-united-kingdom/>)
- 2.9 Inflation from 2016 to 2019 averages at 3.2% (Bank of England Inflation Calculator)
- 2.10 A simple comparison of tariffs between RBWM and neighbouring licensing authorities is set out in Appendix B based on the cost of a two mile journey in each area.
- 2.11 The RBWM tariff is lower than the other Berkshire licensing authorities and the Surrey authorities, but higher than most of the Buckinghamshire authorities. This means that the income of RBWM licenced drivers is less per two mile

journey than those drivers licenced by the other Berkshire authorities and the Surrey authorities

- 2.12 To set against the fares that drivers can charge are the costs that they incur to become a RBWM licenced hackney carriage driver. These are set out in Table 2;

**Table 2**

<b>Annual Charges</b>	
Hackney carriage vehicle licence	315
Hackney carriage drivers licence	100
<b>Total Basic Annual Charges</b>	<b>415</b>
<b>Other RBWM Charges</b>	
Knowledge test (once when first applying)	30
MOT and Vehicle Compliance Test (once or twice annually – depending on age of vehicle)	45
Meter installation and calibration (once when first installed)	250-500
DBS (when first applying then every three years)	44
Application of mandatory livery to vehicle (one-off payment)	170
Mandatory safeguarding training	21.60

- 2.13 The total basic annual charge (£415) has not been increased since the 2010/2011 financial year when a £60 surcharge per driver was introduced to contribute towards the cost of a taxi marshal in Windsor town centre.
- 2.14 Inflation from 2011 to 2018 averages at 2.6% (Bank of England Inflation Calculator). Had the basic annual charge kept pace with inflation it would now be £496.85
- 2.15 For a comparison with the total basic annual charge imposed by neighbouring licensing authorities, see Appendix C. As can be seen, whilst there is little consistency between the authorities listed, the RBWM basic annual charge is at the lower end of the scale
- 2.16 The other charges that RBWM drivers have to pay will have varied slightly since 2016 but exact figures are not available
- 2.17 The other request from the hackney carriage drivers is an increase in the charge levied when carrying larger numbers of passengers to reflect the extra duties required / costs incurred. For example, larger numbers of passengers take more time in picking up and dropping off, particularly when there is luggage involved
- 2.18 There is a demand for larger vehicles to carry groups of passenger who want to travel together. Private hire operators will impose a surcharge for a larger

vehicle to carry larger numbers of passengers and so it seems reasonable that the hackney carriages should be allowed to make a similar charge

- 2.19 There is also the fact that carrying larger numbers of people will cause more wear and tear to the vehicle, the tyres etc, and require more fuel, although this is difficult to quantify
- 2.20 The current RBWM tariff includes; “Extra Passengers: for Each Person Carried Above the Number of Two for the Whole or Part of the Distance – 20p”. This is over complicated and permits only a very small extra charge
- 2.21 The drivers point to the fact that other licensing authorities permit extra charges for carrying five or more passengers. For example Slough BC permit 40p for each additional passenger over 2 passengers, and “time and a half” when carrying five or more passengers in vehicles designed to do so
- 2.22 The simplest way to add an extra charge for carrying larger numbers of passengers is to introduce a flat fee for carrying more than a set number. For example, a flat £1 when carrying four or more passengers.
- 2.23 Members are asked to consider the options set out in Table 3, relating to the RBWM Hackney Carriage Tariff, and Table 4, relating to charges for carrying larger numbers of passengers

**Table 3**

Option	Comments
1. Make no changes to the RBWM Hackney Carriage Tariff	<p>Some drivers will argue that this will mean they cannot make a reasonable living, even if they work very long hours</p> <p>Others will argue that this will allow the hackney carriage drivers to remain competitive in the face of increasing competition from private hire operators</p>
<p>2. Change the RBWM Hackney Carriage Tariff to reflect an increase of one of the following;</p> <ul style="list-style-type: none"> <li>• 10%</li> <li>• 20%</li> </ul>	<p>Figures for each of these increases have been provided by a Member of The Association of Taximeter Installers</p> <p>If one of these options is chosen it can quickly be implemented, subject to the required consultation process</p> <p>Any increase will obviously add costs to the passenger. The increase will not equate directly to 10% or 20% respectively but these figures can be used as a guideline</p> <p>Using the figures in Appendix B (Fares Comparison Chart – Two Mile Journey) the cost of the RBWM two mile journey (currently £5.80) with an increase of 10% and 20%</p>



Option	Comments
	<p>respectively would be approximately;</p> <ul style="list-style-type: none"> <li>• 10% = £6.38</li> <li>• 20% = £6.96</li> </ul> <p>This can be used as a comparison with neighbouring local authorities as set out in Appendix B</p> <p>The current average cost for a two mile journey across the Berkshire authorities is £6.52</p>

**Table 4**

Option	Comments
1. Make no changes to the RBWM Hackney Carriage Tariff in respect of charges for larger numbers of passengers	The current 20p per extra passenger above two passengers would continue
2. Change the RBWM Hackney Carriage Tariff to remove; “Extra Passengers: for Each Person Carried Above the Number of Two for the Whole or Part of the Distance – 20p” and under “Extra Charges” insert; “Over four passengers £1.00”  This is a recommended option	This is the simplest way of increasing the fare to reflect the carrying of larger numbers of passengers
3. Consider other means of adding additional fares for carrying larger numbers of passengers	Local authorities use a variety of means of reflecting the carriage of larger numbers of passengers. These could be explored and brought to a future Licensing Panel if this was considered the preferred approach

- 2.24 Officers would like to take this opportunity to make a number of other changes to the RBWM Hackney Carriage Tariff to make it clearer for both drivers and passengers
- 2.25 Since January 2018 drivers have been prohibited from applying a surcharge to the fare when the passenger pays by debit or credit card but this has not stopped some drivers from imposing surcharges on their customers who pay by card.
- 2.26 To make this as clear as possible to passengers it would be helpful to have a statement on the RBWM tariff, displayed in all hackney carriages, stating “No extra charges will be incurred for payment by debit or credit card”

- 2.27 Complaints are received by licensing officers about hackney carriage drivers not using their meter. This is now mandatory for all journeys within RBWM but is not being adhered to by all drivers. It would be helpful to have a statement included on the tariff explaining to the customer when the meter should be used. For example “The driver **MUST** use the meter for all journeys within the Royal Borough of Windsor & Maidenhead. If the journey ends outside the Borough the meter must be used unless a set fare is agreed at the **START** of your journey”
- 2.28 The current tariff only has a postal address for the passenger should they wish to make a complaint or otherwise contact the Licensing team. It would be helpful if an e-mail address and telephone number were added to this
- 2.29 Members are asked to consider making the changes to the tariff card set out in Table 5 (no extra charges for paying by card), Table 6 (the use of the meter) and Table 7 (updated contact details).

**Table 5**

Option	Comments
1. The RBWM Hackney Carriage Tariff be amended to include the statement; “No extra charges will be incurred for payment by debit or credit card”  <b>This is a recommended option</b>	This will make the legal situation clear for both the driver and passenger
2. Make no change to the tariff card in this respect	Passengers will not be aware of that they should not be charged extra for paying by card

**Table 6**

Option	Comments
1. The RBWM Hackney Carriage Tariff be amended to include the statement; “The driver <b>MUST</b> use the meter for all journeys within the Royal Borough of Windsor & Maidenhead. If the journey ends outside the Borough the meter must be used unless a set fare is agreed at the <b>START</b> of your journey”  <b>This is a recommended option</b>	This will make the legal situation clear for both the driver and passenger
2. Make no change to the tariff card in this respect	Passengers will not be aware of when the meter should be used and the chances of being overcharged will not be reduced.

**Table 7**

Option	Comments
1. The tariff be amended to include the following contact details for the Licensing team; e-mail – <a href="mailto:licensing@rbwm.gov.uk">licensing@rbwm.gov.uk</a> phone – 01628 683840  <b>This is a recommended option</b>	This will provide the driver with contact details for the Licensing team  It will also make it easier for passengers to contact the Licensing team to report any issues or problems that they experience
2. Make no change to the tariff card in this respect	The current means of contact, ie a postal address, will be the only immediate means whereby a driver or passenger can contact the Licensing team

- 2.30 There is a requirement in the hackney carriage bye-laws that fares are clearly exhibited inside the carriage. At present, failure to do this is a breach of the bye-laws which requires a criminal prosecution to enforce.
- 2.31 A far more effective means of enforcement would be to make the failure to display the tariff a penalty point offence. If this is agreed by Members, they will need to agree the number of penalty points to impose for this infringement
- 2.32 Members are asked to consider making the change to the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions set out in Table 8

**Table 8**

Option	Comments
1. the following penalty point infringement be added to the RBWM Hackney Carriage Driver and Vehicle Policy and Conditions; “Without reasonable cause, failure to display the RBWM Hackney Carriage Tariff inside a hackney carriage so that it is clearly visible to passengers” <b>This is a recommended option</b>  It is further recommended that six penalty points be imposed for this infringement	This will ensure that both the driver and the passenger are fully aware of the tariff          Six penalty points is recommended because passengers who do not have the tariff available to consult will not know the correct fare applicable to their journey and this increases the potential for confusion and / or overcharging
2. Make no change to the tariff card in this respect	The price of journeys and how the fare is calculated will not be transparent for the passengers

### 3. KEY IMPLICATIONS

- 3.1 It is important to balance the needs of RBWM licenced hackney carriage drivers to be able to earn a reasonable living against the costs to passengers should the tariff be increased

3.2 The tariff card needs to be updated and made clearer

#### **4. FINANCIAL DETAILS / VALUE FOR MONEY**

4.1 There are no financial implications for RBWM services if the recommendations of this report are adopted

4.2 There will be implications for passengers if Members agree to increases in the RBWM Hackney Carriage Tariff

#### **5. LEGAL IMPLICATIONS**

5.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives a local authority the power to fix the rates or fares of hackney carriages within its area (as well as all other charges in connection with the hire of the vehicle) by means of a table of fares...

5.2 Conditions can be attached to vehicle licenses by virtue of sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976.

#### **6. RISK MANAGEMENT**

6.1 Any new condition attached to the Policy is in theory subject to challenge or judicial review. However, given the consultation process that will be undertaken and the nature of this proposed change, the likelihood of any challenge is remote.

#### **7. POTENTIAL IMPACTS**

7.1 No EQIA is anticipated at this stage.

7.2 There are no impacts of the recommendations in relation to climate change or sustainability.

7.3 There are no new Data Protection or GDPR implications arising from the revisions proposed in this report.

#### **8. CONSULTATION**

8.1 The consultation process for changes to the RBWM Hackney Carriage Tariff is as follows;

- A notice must be published in a local newspaper, stating the proposed fares or variation of the fares
- This must specify a date, not less than 14 days from the date on which the notice is first published. That date has two functions; it is the date by which any objections must be lodged; and it is the date on which the revised fares will come into effect if no objections are received.
- Objections can be sent to the Licensing Team by post or email.
- A copy of the notice must be available at the Council offices for inspection.
- Once the objection period of 14 days has expired, if there have been no objections then the new fares take effect at the end of the objection period.
- If objections are made and not withdrawn then they will be considered by the next Licensing Panel.
- In the light of those objections the Panel can then set a second date when the new fares come into force

- 8.2 Legal advice provided in 2014 recommended that any proposed revisions to Policy, such as that set out in Table 8, should be consulted upon before adoption as drivers have a reasonable expectation of being asked for their views.
- 8.2 That can be done e-mailing or writing to all hackney carriage drivers to ask for their views on the changes proposed in Table 8, if agreed by Members

## **9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 Any changes to the tariff agreed by Members will come into force subject to the consultation process set out in 8.1, above
- 9.2 Any changes to Policy agreed by Members are subject to the consultation process set out in paragraphs 8.2 and 8.3, above. Once that consultation process has been completed the final decision on implementation can be brought to the next Licensing Panel, or, if Members are in agreement, this decision can be delegated to the Head of Communities unless the consultation process provides results which would best be considered by the full Licensing Panel.

## **10. APPENDICES**

- Appendix A -- The current Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff
- Appendix B -- Fares Comparison Chart – Two Mile Journey - November 2019
- Appendix C -- Comparison of Basic Annual Charges

## **11. BACKGROUND DOCUMENTS**

None.

## **12. CONSULTATION (MANDATORY)**

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent</b>	<b>Commented &amp; returned</b>
Cllr Cannon	Lead Member for Public Protection	28/01/2020	29/01/2020
Cllr Haseler	Chair of the Licensing Panel	28/01/2020	30/01/2020
Duncan Sharkey	Managing Director	22/01/2020	27/01/2020
Russell O'Keefe	Executive Director - Place	22/01/2020	
David Scott	Head of Communities	22/01/2020	28/01/2020

## **REPORT HISTORY**

<b>Decision type:</b> Non-key decision	<b>Urgency item?</b> No
Report Author: Greg Nelson, Trading Standards & Licensing Manager 01628 683561 / 07970 446526	

## Appendix A

### Current Hackney Carriage Tariff

Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff			
Tariff One    6am to 11 pm		Tariff Two    11pm to 6am and Bank Holidays (50% above the normal rate or fare)	
For the first 927 yards (847m) or part thereof	£2.80	For the first 927 yards (847m) or part therefore	£4.20
For each additional 174 yards (159m), 40 seconds or part thereof	20p	For each additional 174 yards (159m), 40 seconds or part thereof	30p
<b>WAITING TIME</b>		<b>Soiling Interior of Vehicle</b> £80.00	
For each period of 40 seconds or uncompleted part thereof provided that where a hiring by distance terminates at the place at which it commenced, the rate of fare for which the proprietor or driver shall be entitled to demand and take for the hiring shall be three quarters of the rate or fare prescribed by the foregoing table.		<b>Soiling Exterior of Vehicle</b> £20.00	
<b>EXTRA CHARGES</b>		<i>None of the stated fares will apply if the hirer at the commencement of the hiring expresses his desire to engage by time.</i>  <i>Where a Hackney Carriage furnished with a taximeter is hired by distance the driver is not entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for extra charges authorised by the above table which may not be recorded on the face of the taximeter.</i>  <b>Any complaints or other communications should be sent to Licensing, Town Hall, St Ives Road, Maidenhead, SL6 1RF</b>	
<b>Booking Fee</b>			
For each hiring under Section 67 of the Local Government (Miscellaneous Provisions) Act 1976	£1.00		
<b>LUGGAGE</b>			
For each package carried outside the vehicle	20p		
<b>EXTRA PASSENGERS</b>			
Extra Passengers for Each Person Carried Above the Number of Two for the Whole or Part of the Distance	20p		
NOVEMBER 2016			

## Appendix B

### Fares Comparison Chart – Two Mile Journey - November 2019

Licensing Authority	Fare (for a two mile journey Nov 2019)	When Tariff Last Increased
RBWM	5.80	2016
Slough	6.00	2013
Reading	7.20	2017
Wokingham	6.40	2014
West Berkshire	6.80	2013
Bracknell Forest	6.00	2011
Aylesbury Vale	4.30	2019
South Bucks	5.60	2014
Chiltern	5.40	2012
Wycombe	6.20	2019
Elmbridge	6.10	2011
Guildford	7.60	2019
Runnymede	6.20	2014
Spelthorne	6.20	2015
Surrey Heath	6.40	2012
London	7.80	2017
London (Heathrow)	10.60	2017

## Appendix C

### Comparison of Basic Annual Charges

Licensing Authority	Cost of Basic Annual Charges (Hackney Carriage Vehicle Licence and Hackney Carriage Drivers Licence)**
RBWM	315 + 100 = <b>415</b>
Slough*	179 + 226 = <b>405</b>
Reading*	400 + 328 = <b>728</b>
Wokingham	282 + 147 = <b>429</b>
West Berkshire	282 + 147 = <b>429</b>
Bracknell Forest	282 + 147 = <b>429</b>
Aylesbury Vale	300 + 65 = <b>365</b>
South Bucks	399 + 161 = <b>560</b>
Chiltern	399 + 161 = <b>560</b>
Wycombe*	266 + 62 = <b>328</b>
Elmbridge	215 + 135 = <b>350</b>
Guildford	250 + 384 = <b>634</b>
Runnymede	271 + 148 = <b>419</b>
Spelthorne	341 + 296 = <b>637</b>
Surrey Heath	295 + 95 = <b>390</b>
London***	<b>£1000</b> (approx)
London (Heathrow)***	<b>£1000</b> (approx)
(* denotes the licensing authority imposes a cap on the number of hackney carriages that it will licence)	(** denotes initial annual charges, may be approximate if only 3 year licenses are granted. Some authorities have a reduced charge for renewals)  (*** - London drivers are required to pass the knowledge - £600 in extra charges)





This page is intentionally left blank