

NOTICE  
OF  
MEETING  
**LICENSING PANEL**

will meet on

**TUESDAY, 5TH JULY, 2022**

**At 6.00 pm**

In the

**GREY ROOM - YORK HOUSE, AND ON [RBWM YOUTUBE](#)**

TO: MEMBERS OF THE LICENSING PANEL

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

SUBSTITUTE MEMBERS

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

Karen Shepherd – Head of Governance - Issued: 27 June 2022

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 **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

**Recording of Meetings** – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to 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 OF PREVIOUS MEETING</u></b>  To confirm the Minutes of the meeting held on 19 April 2022.	5 - 10
4.	<b><u>MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEES</u></b>  Panel to note the minutes of the subcommittees held on 6 May 2022, 9 May 2022 & 7 June 2022.	11 - 26
5.	<b><u>A PROPOSAL TO CHANGE THE RBWM HACKNEY CARRIAGE TARIFF &amp; POLICIES</u></b>  To receive the report.	27 - 54
6.	<b><u>DATES OF FUTURE MEETINGS</u></b>  Dates of future meetings: <ul style="list-style-type: none"><li>• 25 October 2022</li><li>• 13 February 2023</li><li>• 4 April 2023</li></ul> All are currently scheduled to be held in the Council Chamber, Town Hall, Maidenhead.	-

## MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

### Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

*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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
  - a) that body has a place of business or land in the area of the council, 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.

### Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

*Other Registerable Interests (relating to the Member or their partner):*

*You have an interest in any business of your authority where it relates to or is likely to affect:*

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
  - (i) exercising functions of a public nature*
  - (ii) directed to charitable purposes or*

*one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*

### **Disclosure of Non- Registerable Interests**

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

**You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

### **Other declarations**

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

# Agenda Item 3

## LICENSING PANEL

TUESDAY, 19 APRIL 2022

PRESENT: Councillors Gurpreet Bhangra (Chairman), David Hilton (Vice-Chairman), Phil Haseler, David Cannon, John Baldwin, Mandy Brar, Karen Davies, Jon Davey, Geoff Hill, Maureen Hunt and Julian Sharpe

Also in attendance: Councillor Donna Stimson and Councillor Gurch Singh

Officers: Oran Norris-Browne, Greg Nelson, Jane Cryer, Giuseppe Bruzzese and Lauren Deane

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bowden and Luxton. Councillors Sharpe and Hunt acted as substitutes.

### DECLARATIONS OF INTEREST

For transparency Councillor Bhangra informed all that he held a TfL private hire licence and was a SIA close protection officer.

Councillor Brar informed all that she was an RBWM licence holder.

### MINUTES

**RESOLVED UNANIMOUSLY: that the minutes of the last meeting held on 12 October 2021 were a true and accurate record.**

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

**RESOLVED UNANIMOUSLY: that the minutes of all the Licensing and Public Space Protection Order Sub Committees were noted by the Panel.**

### DEALING WITH THE NIGHT TIME ECONOMY

The Panel considered the written report on Dealing with the Night Time Economy.

Greg Nelson, RBWM Trading Standards and Licensing Manager introduced the report to the Panel and stated that there were several optional statutory provisions that the Council could adopt to help deal with the night time economy. This included both pros and cons of each.

Greg Nelson introduced the first option to the Panel; this was a Late-Night Levy. He said that the levy would enable licensing authorities to raise a contribution from late-opening premises licenced to supply alcohol towards policing the night time economy. It would cover the whole of the licensing authority's area. However, the licensing authority would choose the period during which the levy applied (it would be between 00.00 and 06.00) and decide what exemptions and reductions should apply from a list set out in regulations.

Greg Nelson added that if a licensing authority chose to introduce the levy in their area, all licenced premises which were authorised to supply alcohol in the levy period would be affected, whether or not they actually open during the levy period. He added that premises that did not wish to operate in the levy period would be able to make a free minor variation to

their licence before the levy was introduced to change their hours, and so take them out of the period covered by the levy.

Greg Nelson said that the levy amount was set at a national level and also that some venues would be exempt from this, and these were:

- Premises with overnight accommodation
- Theatres and cinemas
- Bingo halls
- Community Amateur Sports Clubs
- Community premises
- Country village pubs
- Business Improvement Districts ('BIDs')

Greg Nelson said that work was currently being done on estimating the amount of money that a levy would raise in RBWM, depending on the hours during which the levy would apply. For example, the levy could be set to apply to all premises open between 00.00 and 06.00, but this might be unfair to those located away from, and therefore not part of the problems caused by, the night time economy (NTE). The levy could therefore be set later, for example from 02.00 to 06.00, but this would reduce the number of premises to which it applied and so would reduce the amount of money raised.

Greg Nelson said that the police must receive at least 70% of the net levy revenue and the licensing authority could retain up to 30% of the net levy revenue to fund other activities besides policing. However, there were restrictions on the types of services that licensing authorities could fund with the levy revenue to ensure that levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the NTE.

Greg Nelson admitted that an obvious drawback to a levy being introduced was that it would apply to all licensed premises, even if they were not open at these times. He also admitted that wider research was to be needed in order to establish the costings involved in this to the borough.

The 2<sup>nd</sup> option that was introduced to the Panel was the Early Morning Alcohol Restriction Order (EMRO). He explained to the Panel what this would entail. The licensing authority would then be able to implement this on premises in order to promote the 4 licensing objectives of the borough.

Greg Nelson said that a premises would not have to close during the scheduled hours, but they would indeed have to cease the sale of alcohol during this time. EMROs would be designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which was not directly attributable to any specific premises. He added that since their introduction in 2012, not a single licensing authority in England or Wales, had introduced an EMRO.

In terms of drawbacks, Greg Nelson said that in two recent premises licence applications for nightclubs in RBWM, the applicants stressed how essential it was for them to be licenced until 03.00 or 04.00. They strongly argued that if they were required to close at 02.00, they would simply not be profitable and so could not operate if restricted to that time. If this was accepted as accurate then it would be possible that the introduction of an EMRO in Windsor town centre would mean the closing of some or all late-night venues and the end of the NTE as we know it. He stressed that some may see this as good, however it would have severe economic impact on the town, including huge impacts on other businesses such as private hire cars and takeaways. This would likely leave the borough open to a potential judicial review.

The third and final option that was introduced to the Panel was the Cumulative Impact Assessment (CIA). Greg Nelson said that a CIA may be drawn up and published by a licensing authority to help it to limit the number or types of licence applications granted in such

areas after the assessment has been carried out. It must include a statement saying that the licensing authority considered that the number of premises licences in one or more parts of its area is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the four licensing objectives. Evidence would have to be provided in that case.

Greg Nelson said that as with the other 2 options, there were also drawbacks with the CIA. The effects of the pandemic were so that the NTE was virtually shut for around 2 years. This meant that there was a severe lack of data available to the licensing authority. He added that since the NTE had reopened, crime and anti-social behaviour had increased.

Greg Nelson ended his report to the Panel by stating that it was recommended that the Licensing Panel delegated authority to the Head of Housing, Health and Trading Standards, in consultation with the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection, to determine what the costs would be for independent expert research into the three statutory licensing options discussed in this report whilst looking at all RBWM options to see if it could be done within existing budgets and in-house capabilities.

The Chairman asked Greg Nelson if he had any ideas on the costings of conducting the research discussed. He confirmed that he did not have that information.

Councillor Davey asked if the Levy amount was set by Government. He confirmed that the Levy charge was indeed set nationally by Government.

Councillor Hilton offered some insight into his time as Chairman of the former Crime & Disorder Overview & Scrutiny Panel. He said that he had been on a walkaround with the Police in Windsor and Maidenhead 11 years ago. He stated that there were 2 Sergeants and 10 officers, which gave good feelings amongst the public. He then outlined his thoughts on the 3 options and said that if someone was prepared to pay, then the NTE could be managed. Over the last 11 years, he said that the Police were paying less due to cutbacks. He added that he supported the proposals within the paper. Greg Nelson thanked him for his comments and his wisdom.

Councillor Haseler thanked Greg Nelson for the report and asked if any research had been conducted on whether other local authorities had implemented any of the options and how much it cost. Greg Nelson said that this would occur with similar Councils in size and population to RBWM.

Councillor Hill asked why it was specifically now that this was being looked at after the effects of the pandemic had already negatively impacted the NTE. Greg Nelson said that pre-covid, a CIA was already being considered however this was hampered by the pandemic. He said that an ad-hoc working group had been set up with Councillor Cannon and David Scott, Head of Communities last October to look at best practices in dealing with the NTE. He acknowledged the impact that this could have on businesses and stated that nothing would be implemented without the correct thorough research having taken place.

Councillor Baldwin echoed fellow Councillor concerns for businesses suffering from the pandemic and the effects that these options could have on them further. He said that a late-night levy could be described as an afterthought and an extra tax to fund policing that was known to be required anyway. He then outlined his position on the 3 options, with the EMRO being described as impractical, the late-night levy being punitive and the CIA as being a more balanced and measured approach to dealing with the NTE. He then asked if the 30% from the late-night levy would be ring-fenced. Greg Nelson confirmed that this would be the case as stated within the report.

Councillor Sharpe said that the research was needed to be able to make an informed decision on what option to actually take, with costs being taken into account. He said that he was fully supportive of the recommendation and would like for it to come back to the Panel once further

research had occurred. Greg Nelson apologies for there being no figures to present to the Panel but stated that he would provide the Panel with this at a future meeting when available.

Councillor Davies said that as a Windsor resident, she was pleased to see this being on the agenda. She agreed with the general consensus amongst her fellow Panel members and welcomed further research on costings. Greg Nelson acknowledged this and thanked her for her comments.

Councillor Brar asked how many other authorities had these late-night levies in place. Greg Nelson said that he was unaware of this specific number but stated that it would only be relevant to study authorities that were similar to RBWM.

Councillor Hunt questioned whether any of these options were the best way forward at this time and asked if it were possible to look at ways of working with the Police in putting more officers in place to deal with the NTE. She also expressed concern on the cost that would occur in conducting the research.

Greg Nelson replied by stating that the authority worked very closely with the Police and that it was very unlikely that Policing numbers could be increased. He added that having one bit of research on all 3 options would probably be the best way forward. The scope of the research could also possibly be limited if desired by the Panel.

Councillor Haseler provided a Panel with a breakdown of the cost of the levy on businesses, stating how much it would cost businesses per week. The maximum cost was £28.71 per week.

Councillor Hill asked if Pub Watch could be worked with on this. Greg Nelson said that the borough worked closely with them and that licensing officers attended all of those meetings, and that they would be involved in the process of any of the 3 options if pursued.

Councillor Davey asked whether the Police could alter the amount of precept that could be collected. Councillor Hilton said that they collect this directly from the general public and that they do have opportunities to this.

Councillor Cannon, Cabinet Member for Anti-Social Behaviour, Crime and Public Protection, said that the discussion had been extensive, however it was all based upon mere speculation. The recommendation being put to the Panel was to not implement any of the options, but merely to decide whether to sanction an investigation into the costs of implementing any of the 3 options. If it was shown to not be viable financially, then that could be looked at in the future.

Councillor Cannon then proposed to accept the officer recommendation. This was seconded by Councillor Hilton.

**AGREED UNANIMOUSLY: That the Licensing Panel delegated authority to the Head of Housing, Health and Trading Standards, in consultation with the Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection, to determine what the costs were for independent expert research into the three statutory licensing options discussed within the report whilst looking at all RBWM options to see if it could be done within existing budgets and in-house capabilities.**

#### DATES OF FUTURE MEETINGS

Members noted that the next meeting of the Licensing Panel would be 5 July 2022.

The meeting, which began at 6.05 pm, finished at 7.20 pm



CHAIRMAN.....

DATE.....

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# Agenda Item 4

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

FRIDAY, 6 MAY 2022

PRESENT: Councillors David Cannon, John Baldwin and Gurpreet Bhangra

Also in attendance: Councillor Mandy Brar

Officers: Rebecca Oates, Oran Norris-Browne, Jane Cryer, Craig Hawkings and Desmond Michael

### APPOINTMENT OF CHAIRMAN

Councillor Bhangra proposed that Councillor Cannon be Chairman. Councillor Baldwin seconded this motion.

**RESOLVED UNANIMOUSLY: That Councillor Cannon be Chairman for the remainder of the hearing.**

### APOLOGIES FOR ABSENCE

No apologies for absence were received.

### DECLARATIONS OF INTEREST

No declarations of interest were made.

### PROCEDURES FOR SUB COMMITTEE

Members noted the procedures for the sub-committee.

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

Craig Hawkings, Reporting Officer for the Royal Borough of Windsor & Maidenhead introduced the report and outlined the information that the Sub-Committee were to consider. A summary of the application was as follows:

To licence two fields to the south of Long Lane, Cookham. These fields would only be used for Let's Rock the Moor if they were unable to use Marsh Meadow.

- Exhibition of Films: Saturday from 11:00 – 22:30
- Live Music: Saturday from 11:55 to 22:30
- Recorded Music: Saturday from 10:30 to 22:30
- Performance of Dance: Saturday from 11:55 to 22:30
- Supply of alcohol (on the premises): Saturday from 11:00 to 22:00

Craig Hawkings stated that where relevant representations had been made, the Licensing Authority must hold a hearing to consider them, unless agreed by the parties. The Licensing and Public Space Protection Order Sub-Committee could take steps as are appropriate for the promotion of the licensing objectives as relevant. To be 'relevant', the representation had to relate to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives which were set out in the Licensing Act 2003.

He stated that the four licensing objectives were:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

With regards to responsible authorities, Craig Hawkings stated that no representations had been made. Written representations had been received from Councillor Mandy Brar, Ward Councillor for Bisham and Cookham, and Ms. Claire Wright.

Councillor Baldwin asked Craig Hawkings if the license would be perpetual should it be granted.

Craig Hawkings stated that so long as the annual fee was paid, the license would be ongoing.

Edward Grant, Head of Safety at Symphotech, presented the applicant's case to the Sub-Committee. Symphotech were employed by the applicant, UK Live, as consultants to advise and support UK Live on safety and licensing.

Edward Grant stated that the new premises on Long Lane would only be used in the event that Marsh Meadow was unable to be used. There were no current plans to hold the event on Marsh Meadow, and this application was part of a contingency plan. Edward Grant stated that UK Live prioritised public safety above all else, citing the cancellation of the most recently planned event in Cookham in October 2021. He additionally stated that no representations had been made by relevant authorities, including the Royal Borough of Windsor and Maidenhead and the Police.

Edward Grant addressed the two representations that had been made by Councillor Brar and Ms. Wright. He summarised both representations as being concerned about highways and the public moving to and from the licensed premises. These concerns focused on issues such as no pavements, no lighting, the wider impact on the community and the traffic levels. Ms. Smith

also expressed concerns about noise pollution. Edward Grant stated that a noise management plan was in place and the applicant would happily accept mirrored conditions. There was evidence of compliance with the Code of Practice for noise management produced by the Noise Council. Independent noise consultants had been employed by the applicant to ensure that volumes were lowered. There was a full record of noise levels both front of house and at the nearest noise sensitive buildings for Let's Rock the Moor. The applicant had worked with Environmental Health and residents and was committed to reducing noise pollution and minimising disruption. Shows were scheduled to finish at 22:30 and the applicant had volunteered to mirror these conditions on the new application.

With regards to traffic safety, Edward Grant referred to section 8.1 of the Royal Borough's Statement of Licensing Policy which states that conditions which may be proposed to promote public safety. He noted that these conditions did not specifically identify or authorise safety management beyond the licensed premises but stated that public safety was one of the applicant's key priorities. Edward Grant noted that Councillor Brar stated that the event was well organised, which he stated was a result of working closely with responsible authorities. Several measurements had been implemented by working with the Highways authority. The correct legislation was used for road closures to lawfully manage traffic. Special event traffic restriction orders were used to manage traffic. A request for special police services had not been made, but the applicant had worked with the wider policing family. Edward Grant welcomed questions from the panel.

Councillor Bhangra asked how UK Live enforced the Challenge 25 policy on the supply of alcohol.

Edward Grant stated that ID was checked upon entry to the event and wristbands were issued to those people who may be challenged under the policy. Each bar within the premises had a personal license holder present as well as refusal register. Additionally, there was both a management and security team that would monitor events within the bars and the festival as a whole. Edward Grant noted that the genre of music at the festival meant that the event was not heavily attended by younger people.

Councillor Bhangra asked about measures in place if cases of spiking were reported.

Edward Grant stated that bars were monitored and on-site medical teams were present at the festival. The priority, should an incident occur, was the treatment and welfare of the person to ensure they were safe. The applicant would assist police in the investigation of any potential incident and noted that CCTV was used across the site and at bars. Edward Grant noted that there had been no recorded incidents at any event so far.

Councillor Baldwin noted that the smooth operation of the festival on its current site may not translate to the new premises. Councillor Baldwin asked about the different challenges that may be faced if the site was to be moved.

Edward Grant noted that 30 shows were held across the UK, with each venue holding its own challenges. The best solution was working with local authorities which have local knowledge of the area, which would be the case if the venue were to be moved. Edward Grant noted that the application for the new premises was part of a contingency plan.

Councillor Baldwin asked if the applicant had considered the potential changing nature of the site over the coming years, considering that the license would be perpetual if granted.

Edward Grant stated that in terms of development of the site, the applicant would continue to look at and work with plans as the area developed. The applicant would be unable to anticipate these plans but would be able to accommodate and respond to them. Edward Grant noted that Let's Rock the Moor was the flagship event for UK Live and should the original site one day become unavailable, other venues within the area would be looked at.

The Chairman asked for clarification that this application was a back-up plan should the original site be unable to hold the event, and the event would not be moved if this was not the case.

Edward Grant confirmed that this application was part of a back-up plan in the event of being unable to use the original site. He also confirmed that the applicant had nothing further to add.

Craig Hawkings stated in summary that the Sub-Committee was obliged to determine this application with a view to promoting the four licensing objectives. In making its decision, the Sub-Committee was obliged to have regard to national guidance and the Council's own Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence that it hears.

Craig Hawkings stated that the options available to the Sub-Committee were as follows:

- Reject the application
- Refuse to specify a person in the licence as the premise's supervisor
- Grant the application but modify the activities and/or the hours and/or the conditions of the licence
- Grant the application

Craig Hawkings stated that where conditions were attached to a license, the reasons for those conditions must be given in writing.

Craig Hawkings then stated that any party to the hearing may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

The Chairman thanked everybody for their time and attendance and informed the Sub-Committee that a letter would be sent out within 5 working days of the hearing informing participants of the decision.

During their deliberations, the Sub-Committee considered the written representations provided by the applicant and those making relevant representations. The Panel also heard oral evidence from the applicant and Craig Hawkings, Reporting Officer at the Royal Borough of Windsor & Maidenhead.

After careful consideration of all the evidence provided, the Sub-Committee decided to allow the application in full. In making their decision, the Sub-Committee had regards to its duty to promote and uphold the four licensing objectives.

The meeting, which began at 10.00 am, finished at 10.45 am

CHAIRMAN.....

DATE.....

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

MONDAY, 9 MAY 2022

PRESENT: Councillors Gurpreet Bhangra, David Cannon and Geoff Hill

Also in attendance: John Sennett (Applicant) and Christina Sequeira (Objector)

Officers: Roxana Khakinia, Desmond Michael, Greg Nelson and Oran Norris-Browne

### APPOINTMENT OF CHAIRMAN

Councillor Bhangra proposed that Councillor Cannon be Chairman. This was seconded by Councillor Hill.

**RESOLVED UNANIMOUSLY: That Councillor Cannon be Chairman for the remainder of the hearing.**

### APOLOGIES FOR ABSENCE

Apologies were received from Craig Hawkings, Reporting Officer for RBWM. Greg Nelson acted as the Reporting Officer for the hearing.

### DECLARATIONS OF INTEREST

There were no declarations of interest made.

### PROCEDURES FOR SUB COMMITTEE

Members noted the procedures for the sub-committee.

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

Greg Nelson, RBWM Trading Standards and Licensing Manager began by stating that the application was to renew the Sexual Entertainment Venue (SEV) license for the premises known as The Honeypot, 81 Queen Street, Maidenhead, SL6 1LT. This SEV license needed to be renewed on an annual basis. Greg Nelson then defined what this license entailed.

In terms of objections, Greg Nelson stated that no objections had been made by Thames Valley Police, but there had been 2 objections made by outside individuals. These objections were noted in Appendix C of the report.

Greg Nelson outlined the premises' application history which was as followed:

- 12.10.2011 - Application for new license - Licence granted
- 16.12.2012 - Renewal of SEV - licence renewed
- 15.11.2013 - Renewal of SEV - licence renewed
- 31.10.2014 - Renewal of SEV - licence renewed
- 16.11.2015 - Renewal of SEV - licence renewed
- 10.11.2016 - Renewal of SEV - licence renewed
- 07.02.2017 - Renewal of SEV - licence renewed
- 22.01.2018 - Renewal of SEV - licence renewed
- 15.12.2019 - Renewal of SEV - licence renewed

- 08.01.2020 - Renewal of SEV - licence renewed
- 13.04.2021 – Renewal Granted after Hearing Held on 07.04.21
- 22.03.2022 – Renewal application received

Greg Nelson set out the grounds for refusing an application for the grant, renewal, or transfer of a licence. He said that a licence must not be granted:

(a) to a person under the age of 18.

(b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months.

(c) to a person, other than a body corporate, who is not a resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) to a body corporate which is not incorporated in an EEA State; or

(e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Greg Nelson added that a licence may be refused where:

(a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.

(b) if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, or transfer of such a licence if he made the application himself.

(c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality.

(d) that the grant or renewal of the licence would be inappropriate, having regard—

- i. to the character of the relevant locality; or
- ii. to the use to which any premises in the vicinity are put; or
- iii. to the layout, character or condition of the premises, vehicle, vessel, or stall in respect of which the application is made.

Greg Nelson informed the Sub-Committee that the decision to refuse a licence must be relevant to one or more of the above grounds.

The Chairman asked Greg Nelson to clarify that no limit to SEV licenses had ever been set within the borough. Greg Nelson confirmed this to be the case.

Councillor Bhangra asked if the premises had ever been subject to a call-in. Greg Nelson confirmed that it had not, however they were required to renew their license annually.

John Sennett, Applicant, began his oral submission by stating that the premises had been active for around 22 years and that up until the time of the hearing, only 1 objection had been received which was in 2021. No objections had ever been made by Thames Valley Police during this time and he stated that the premises had a good relationship with them. He emphasised the importance that moral grounds play no part in the decision made by the Sub-Committee and asked them to grant the renewal as applied for.

Councillor Hill asked the applicant what he would do to reassure persons such as the objector who walked past the venue and felt uncomfortable. The applicant replied by stating that nobody was present outside, and the building was very discrete. The front door was open, but all that could be seen was a reception desk. He added that he did not necessarily understand the objector's concerns.

Christina Sequeira, Objector, began her oral submission by saying that she completely understood the commercial aspects of the premises, and that she was merely objecting to the location of it. The Objector said that Maidenhead was a very small town that was dominated by rather small buildings. She admitted that one part of the town was thriving with areas such as the Coppa Club and Waitrose, whereas the part of the town where the Honeypot was located, was rather rundown.

The Objector said that she regularly walked past the premises on her way home from the train station and that in the evenings, she did feel slightly vulnerable on her way past. She added that she feared for both younger and older women walking past who could in turn feel the same, if not worse. She added that the large logo for the premises could be seen from quite far away and that it was uncharacteristic for the town and unappealing.

With the regeneration of the town centre underway and making considerable progress, she questioned whether persons would want to open businesses or live nearby to a premises such as this. She admitted that she would be comfortable with it being re-located to a different part of the town that was less prominent. She also noted the lack of objectors could be due to the lack of knowledge surrounding objecting to premises licenses within the borough.

Councillor Bhangra asked the objector if she had ever experienced any issues outside of the premises when walking past. She confirmed that she had not, however said that she was quite assertive, and that other women may not be as much.

Councillor Hill asked the objector if she believed that the area of town that the premises was currently in was the correct one, due to the building site that was present and the future redevelopment of the York Road football stadium. She replied by stating that if the Council wished for the area to flourish then they must surely act now to ensure businesses were attracted to that area, ready for when the building works were completed.

The Chairman asked the objector on her thoughts of the locality of the premises as they were at the hearing, and not in the future. She stated that the redevelopments were moving at such a rapid pace that this was difficult to do. She said that it was not a hideous area, however said that the venue could be better suited if it was change into a bar on the corner for example.

The applicant said to the objector that as stated by the Council, Queen Street where the premises was located, was deemed to be an entertainment area. Therefore, the premises in question fell into this remit.

The applicant summarised by saying that the town centre redevelopments had started 17 years ago and therefore were not quick. He said that the premises was in a discrete location and had operated for 22 years without any real issues. He asked the Sub-Committee to grant the renewal as applied for.

Greg Nelson was then invited to summarise to the Sub-Committee. He said that the Sub-Committee must have regard to all the representations that were made and the evidence it heard both orally and via written submissions. The options available to the Sub-Committee were that it may:

a) renew the licence, attaching any conditions they consider reasonable under paragraph 8(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or

b) refuse the application under paragraph 12(2) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

He stated that where the Sub-Committee refused to renew a licence then it was required to give written reasons for its decision to the licence holder.

The Sub-Committee were asked to determine the application.

During the deliberations, Councillor Hill stated that he had no real issues with the premises in its current state.

Councillor Bhangra agreed and said that no representations had ever been made by Thames Valley Police to give them any real cause for concern, leaving the Sub-Committee with no grounds to refuse the renewal on this basis.

The Chairman agreed also and stated that the only grounds that they had to refuse the renewal was the location of the premises. However, he stated that no evidence was present for them to refuse the renewal on that basis.

In making their decision, the Sub-Committee considered all of the written submissions that had been provided. The Sub-Committee also heard oral evidence at the hearing from John Sennett, Applicant, Christina Sequeira, Objector and from Greg Nelson, Reporting Officer at the Royal Borough of Windsor & Maidenhead.

**AGREED UNANIMOUSLY: That the application to renew the SEV license be granted as applied for.**

The meeting, which began at 10.55 am, finished at 11.25 am

CHAIRMAN.....

DATE.....

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

TUESDAY, 7 JUNE 2022

PRESENT: Councillors David Cannon, Mandy Brar and Sayonara Luxton

Also in attendance: Councillor Ewan Larcombe, Councillor John Baldwin, Mike Ward (applicant) & Carly Gibbons (applicant)

Officers: Oran Norris-Browne, Jane Cryer and Craig Hawkings

### APPOINTMENT OF CHAIRMAN

*Although the agenda had not been published with the required 5 working days' notice, the Sub-Committee agreed to consider this item as an urgent item, in accordance with Section 100B (4) (b) of the Local Government Act 1972 to enable the re-hearing of the application to be held as soon as possible.*

Councillor Luxton proposed that Councillor Cannon be Chairman for the duration of the Sub-Committee. This was seconded by Councillor Brar.

**RESOLVED UNANIMOUSLY: That Councillor Cannon be Chairman for the remainder of the hearing.**

### APOLOGIES FOR ABSENCE

No apologies for absence were received.

### DECLARATIONS OF INTEREST

Councillor Cannon declared that he was Ward Councillor for Datchet, Horton & Wraysbury where this premises was located. He had visited this premises socially, as with any premises within his Ward and attended the meeting with an open mind.

### PROCEDURES FOR SUB COMMITTEE

Members noted the procedures for the sub-committee.

### CONSIDERATION OF AN APPLICATION OF A VARIATION TO A CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Jane Cryer, Legal Advisor began by informing all participants in the meeting that this was a new hearing and therefore it should be treated as such. All information from the previous hearing ought to be removed, in order to allow for a fresh hearing to take place.

Craig Hawkings, Reporting Officer outlined the report to the Sub-Committee. The application was for a variation to a club premises certificate under the Licensing Act 2003. The premises in question was Wraysbury Cricket Club located at The Green, Wraysbury, TW19 5HE.

The application was for the following licensable activities:

Live Music (Indoors & Outside):

Wednesday-Friday 19:00-23:00

Saturday to Sunday 12:00 – 23:00

Playing of Recorded Music (Indoors):	Monday-Tuesday 15:00-23:00 Wednesday 12:00-23:00 Thursday 12:00-00:00 Friday & Saturday 12:00 – 01:00 Sunday 12:00-00:00
Supply of alcohol ON the premises:	Monday-Tuesday 15:00-23:00 Wednesday 12:00-23:00 Thursday 12:00-00:00 Friday & Saturday 12:00 – 01:00 Sunday 12:00-00:00
Hours Premises are open:	Monday-Tuesday 15:00-23:00 Wednesday 12:00-23:00 Thursday 12:00-00:00 Friday & Saturday 12:00 – 01:00 Sunday 12:00-00:00

Craig Hawkings stated that no representations had been received from responsible authorities. 42 representations had been received from residents. 30 representations of objection were received from other persons. 12 representations of support were received from other persons.

Craig Hawkings noted that within the report, conditions had been volunteered and agreed by the applicant to adhere to the 4 licensing objectives as set out by the Licensing Act 2003.

Councillor Luxton asked at what time children under the age of 18 were allowed in the premises until. Craig Hawkings stated that this would be a question for the applicant.

The applicant had no questions for the reporting officer.

Mike Ward, applicant, began by making a statement on behalf of the club in relation to the fictitious information that had been spread around regarding the premises. He then said that the club needed to raise funds to ensure the upkeep of the club, the facilities and the green. This additional revenue was important to spend on the green to prevent any injuries occurring to players for example.

Mike Ward stated that a couple of years ago, local sport had been encouraged within the village and that this had led to an increase in members and players at the club. This therefore showed a need to raise funds and improve the facilities. The village green was used not just by the club, but also by the village as a whole too, further suggesting that it was in the village's interest for further revenues to be increased. He then stated the importance of sport on mental health and physical health, especially within children.

Mike Ward said that the club were merely applying for the variation to simply increase their revenues in order to help fund these further improvements to the club. A forum had

also been held with local residents, themselves, and licensing officers to attempt to aid residents in providing them with information.

Carly Gibbons, applicant, then discussed an email that had been sent to Wraysbury Parish Council following a meeting. Opening hours and timings were suggested and verbally agreed between the club and the Parish Council, however no written agreement was received via email. These verbally agreed times were as follows:

Opening Hours:	Monday-Wednesday 15:00-23:00 Friday & Saturday 12:00-01:00 Thursday, Sunday & Bank Holidays 12:00-23:00
Performance of Live Music (Indoors):	Monday-Wednesday 15:00-23:00 Friday & Saturday 12:00 – 01:00 Thursday, Sunday & Bank Holidays 12:00-23:00
Playing of Recorded Music (Indoors):	Monday-Wednesday 15:00-23:00 Friday & Saturday 12:00 – 01:00 Thursday, Sunday & Bank Holidays 12:00-23:00
Playing of Live Music (Outdoors):	Monday-Wednesday 15:00-23:00 Friday & Saturday 12:00 – 23:00 Thursday, Sunday & Bank Holidays 12:00-23:00
Playing of Recorded Music (Outdoors):	Monday-Wednesday 15:00-23:00 Friday & Saturday 12:00 – 23:00 Thursday, Sunday & Bank Holidays 12:00-23:00
The Supply of Alcohol:	Monday-Wednesday 15:00-23:00 Friday & Saturday 12:00 – 01:00 Thursday, Sunday & Bank Holidays 12:00-23:00

Mike Ward made it clear that the change they had made from the Parish Council's suggested hours were for Fridays & Saturdays having a finishing time of 01:00 instead of 00:00. This was not agreed in written format, only verbally.

Councillor Brar asked if the club was hired out. Mike Ward stated that this was only done for club members.

Councillor Luxton asked for clarity over the proposed hours from the Parish Council. Mike Ward gave this clarity and stated that these were only verbally agreed and explained that the extra 1 hour they proposed was so that it was in line with neighbouring premises within the area.

Councillor Luxton came back on her question on under 18 entry to the club. Mike Ward stated that there was no set rule on this, however it was very unlikely that under 18's would be within the club after 9pm, or 10pm at the absolute latest.

Councillor Luxton asked about CCTV camera coverage. Mike Ward said that 2 additional cameras had been added and that the whole licensed premises was now covered by CCTV. This aided in adhering to the licensing objectives.

The Chairman asked about the other neighbouring premises that were said to have an opening time until 01:00 hours. Mike Ward outlined the 3 premises in question and provided distances up to around 200 metres and 100 yards.

Councillor Luxton asked how long the club kept CCTV footage for. Mike Ward said that all footage was stored to the cloud, but usually all incidents were wrapped up within a month.

Craig Hawkings had no questions but informed the Sub-Committee that the use of CCTV cameras was a condition that existed within the license.

Jane Cryer asked when the cricket season started and finished. Mike Ward said that the season started in April and ran to the first week of September. The financial stream ran throughout this period, and therefore all of their revenue had to be virtually made for 12 months during this short period.

Jane Cryer then asked for clarity for the Sub-Committee on the forum. Carly Gibbons said that this came about due to a lot of talk on Facebook, both positive and negative. Over 50 people attended, and it did get extremely heated.

Mike Ward summed up for the applicant by saying that there was a lot of fictitious talk ongoing and that they wished for this to stop, and they wished to move on with this new variation.

Councillor Brar asked if there had ever been any complaints against the club. Craig Hawkings stated that there had never been any issues with the club in over 12 years. He also stated that out of the 40 representations that had been made, nobody had attended the hearing to orally present this evidence.

Craig Hawkings summarised by stating that when the Sub-Committee made their decision they must, having regard to the application and to the relevant representations, take such step or steps as it considered appropriate for the promotion of the licensing objectives.

The steps were:

(a) Reject the application.

(b) Refuse to specify a person in the licence as the premise's supervisor; (\*Note – not all of these will be relevant to this particular application)

(c) Grant the application but modify the activities and/or the hours and/or the conditions of the licence.

(d) Grant the application.

The Sub-Committee were then reminded that any party to the hearing may appeal against the decision of the Sub-Committee to the Magistrates' Court within 21 days of the notification of the determination.

The Sub-Committee were then asked to determine the application.

All parties confirmed that they were happy that they'd had the opportunity to say everything that they wished too and that they had nothing further to add. The Chairman then acknowledged that Councillor Larcombe had his hand raised in the public gallery. Upon advice of the clerk, the Chairman was advised that there had been no registered speakers for the Sub-Committee to consider. The Legal Advisor stated that unfortunately Councillor Larcombe



was unable to address the Sub-Committee due to the statutory requirements having not been met to enable him to do so. This was in accordance with the Licensing Act 2003.

The meeting, which began at 11.02 am, finished at 11.40 am

CHAIRMAN.....

DATE.....

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Report Title:	<b>Proposed Changes to the RBWM Hackney Carriage Tariff and Policies</b>
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor D Cannon, Cabinet Member for Anti-Social Behaviour, Crime and Public Protection
Meeting and Date:	Licensing Panel 05 July 2022
Responsible Officer(s):	Tracy Hendren, Head of Housing, Environmental Health & Trading Standards
Wards affected:	All

## REPORT SUMMARY

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”)

A substantial proportion of hackney drivers have requested an increase in the main tariff and other changes to the charges that they can impose. This report sets out the changes requested by the drivers and the reasons for this.

Officers would like to take this opportunity to update the RBWM hackney carriage and private hire driver policies in two other respects. These are changes to checks carried out to ensure drivers have the right to work in the UK and changes to the penalty points system. The agreement of the Licensing Panel for these changes is requested.

## 1. DETAILS OF RECOMMENDATION(S)

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

- i) agrees on the proposed increases to the hackney carriage tariff as set out in Table 1A and once the required consultation process has been completed, the final decision on implementing the changes is delegated to the Head of Housing, Environmental Health & Trading Standards in consultation with the Licensing Panel Chair and the Cabinet Member for Anti-Social Behaviour, Crime and Public Protection
- ii) agrees the changes to policy set out in Table 1B in respect of checks on driver applicants’ right to work in the UK, and
- iii) agrees to the changes to policy in respect of penalty point infringements as set out in Table 1C and agrees
  - a. that a consultation with the trade should be carried out before these changes are formally adopted, and
  - b. that once that consultation process has been completed, the final decision on implementing the changes is delegated to the Head of Housing, Environmental Health & Trading Standards in consultation with the Licensing Panel Chair and the Cabinet Member for Anti-Social Behaviour, Crime and Public Protection

## 2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

### Options

**Table 1A: Options arising from this report – the hackney carriage tariff**

Option	Comments
<p>Agree the changes to the RBWM Hackney Carriage Tariff set out in Table 2, below, and require prominent signage in respect of any minimum fare that is agreed</p> <p><b>This is the recommended option</b></p>	<p>This will help hackney carriage drivers cope with the current cost of living increases, in particular increases in the costs of fuel, and allow them to charge similar fees to comparable transport providers</p>
<p>Make other changes to the RBWM Hackney Carriage Tariff</p>	<p>The Licensing Panel may wish to make changes other than those proposed in Table 2</p>
<p>Make no changes to the RBWM Hackney Carriage Tariff</p>	<p>Hackney carriage drivers will argue that this would mean that they will not be able to cope with increases in the cost of living, in particular increases in the costs of fuel, and therefore cannot make a reasonable living, even if they work very long hours</p>

**Table 1B: Options arising from this report – checks on the right to work in the UK**

Option	Comments
<p>1. replace;</p> <p>i) paragraph (h) of section 2, Application Requirements, of the RBWM Hackney Carriage Driver and Vehicle Policy &amp; Conditions, AND</p> <p>ii) paragraph (h) of section 2, Application Requirements, of the RBWM Private Hire Driver and Vehicle Policy &amp; Conditions, with the following wording;</p> <p>“All applicants must provide proof of the right to work and reside in the UK. This can be done by providing a valid UK passport, the correct Irish or Channel Islands documentation, or, for other passport holders,</p> <p>i) a passport endorsement, or an Immigration Status Document issued by the Home Office, showing that the holder is exempt from immigration control, is allowed to stay indefinitely in</p>	<p>Applicants should not be licenced unless they have the right to live and work in the UK</p> <p>This will ensure current “right to work” requirements for RBWM licenced drivers are fully up to date and that no drivers will be licenced who do not have the right to live and work in the UK</p>

Option	Comments
<p>the UK, has the right of abode in the UK, or has no time limit on their stay in the UK, or</p> <p>ii) other documentation included in the government’s “Employers’ right to work checklist” which can be found at the “Foreign nationals working in the UK” section on <a href="http://www.gov.uk">www.gov.uk</a>. In this case, licenses will only be issued for the length of time until the applicant’s permission to be in the UK expires”</p> <p><b>This is the recommended option</b></p>	
<p>No action is taken in this respect</p>	<p>RBWM policies will not be up to date and RBWM may be subject to civil penalty for failing to ensure that licenced drivers have the right to work in the UK</p>

**Table 1C: Options arising from this report – penalty point infringements**

Option	Comments
<p>The RBWM Licensing Panel agrees the changes to the RBWM Hackney Carriage Driver and Vehicle Policy and Conditions and the RBWM Private Hire Driver and Vehicle Policy and Conditions policy set out in Appendix C and Appendix D in respect of changes to the system of penalty points, subject to consultation with the trade</p> <p><b>This is the recommended option</b></p>	<p>Officers will be able to take substantive action for the infringements listed. These are not serious enough to require the revocation of a driver licence but are unacceptable and should therefore be made subject to formal action in the form of penalty points</p> <p>The use of penalty points is a long established procedure both at RBWM and at other licensing authorities. Points are only issued where there is sufficient evidence to do so, and drivers can appeal if they wish</p>
<p>The RBWM Licensing Panel does not make these changes to RBWM policies</p>	<p>Officers will not be able to take substantive action for the infringements listed</p>

2.1 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”).

- 2.2 A substantial number of RBWM licenced hackney drivers, approximately 81%, have indicated by means of two petitions (see Appendix A) that they want;
- an increase in the basic tariff, Tariff One and a minimum fare of £6 (with an equivalent increase in Tariff Two), and
  - an increase in certain other charges

- 2.3 The current fares in the Royal Borough of Windsor and Maidenhead Hackney Carriage Tariff and the requested changes, for comparison, are set out in Table 2

**Table 2**

<b>Current Tariff</b>	<b>Proposed Tariff</b>
<p><b>Tariff One</b> For the first 899 yards (822m) of per thereof: £3.00</p> <p>For each additional 157 yards (143m), 36 seconds or part thereof: £0.20</p>	<p><b>Tariff One</b> • Minimum Fare: £6.00 • For the first 899 yards (822m) or part thereof: £3.30 • For each additional 141 yards (129m), 32.4 seconds or part thereof: £0.20</p>
<p><b>Tariff Two (23.00 to 06.00 and Bank Holidays - 50% above the normal rate or fare)</b> For the first 899 yards (822m) of per thereof: £4.50</p> <p>For each additional 157 yards (143m), 36 seconds or part thereof: £0.30</p>	<p><b>Tariff Two (23.00 to 06.00 and Bank Holidays - 50% above the normal rate or fare)</b> • Minimum Fare: £9.00 • For the first 899 yards (822m) or part thereof: £4.95 • For each additional 141 yards (129m), 32.4 seconds or part thereof: £0.30</p>
<p><b>Waiting time</b> • For each period of 36 seconds or uncompleted part thereof: £0.20</p>	<p><b>Waiting time</b> • For each period of 32.4 seconds or uncompleted part thereof: £0.20</p>
<p><b>Extra charges</b> • Luggage: for each package carried outside the vehicle: £0.20</p> <p><b>Extra passengers</b> • Over three passengers: £1.00</p>	<p><b>Extra charges</b> • Luggage: for each package carried outside the vehicle: £0.40</p> <p><b>Extra passengers</b> • When carrying four adult passengers only £1.00 • For people carriers carrying five and above passengers a “b” tariff will apply. The b tariff is a 50% surcharge above the standard rate and is indicated in the Tariff display by the tariff number followed by a b (ie “1b” for Tariff One and “2b” for Tariff Two)</p>

- 2.4 As can be seen, the proposals include a minimum fare of £6 for Tariff One (up from £3.00) and £9 for Tariff Two (up from £4.50). The way that this would work is that the meter would start on £3.30 and at the end of the journey the driver will press a stop button on the meter. If the fare at that time is less than £6 it will automatically revert to £6.00. The drivers are also proposing "minimum fare £6.00" stickers inside the vehicle.

- 2.5 The "minimum fare £6.00" signage would have to be sufficiently prominent to ensure that there is no confusion for passengers and should be approved by the Head of Service for the Licensing team.
- 2.6 Some drivers may need to replace their taximeter to ensure that they can implement the minimum fare and "b" aspects of the proposed tariff. All taximeters must comply with the Measuring Instruments Regulations 2016 as amended by the Product Safety and Metrology etc (Amendment etc) (EU Exit) Regulations 2019. This can be established by ensuring that the taximeter is UKCA marked (or CE marked if complying with the 2016 regulations).
- 2.7 The current tariff was set by the Licensing Panel in February 2020 and provided a 15% increase on the previous tariff.
- 2.8 The preceding tariff increases before this were in October 2016, which provided an increase of 15% in the tariff, and in 2014 which saw an increase of 3% in the tariff.
- 2.9 The hackney drivers set out their reasoning for the proposed increases in the tariff in Appendix A and they are as follows;
- the effects of the rises in the cost of living
  - the current minimum fare (£3) being completely unreasonable
  - drivers sometimes have to wait a long time for a fare and that fare can be very low as journeys usually do not last much longer than a mile
  - a £6 minimum fare will be comparable with fares charged by private hire operators
- 2.10 The average UK cost of diesel in London in February 2020 was 128.6p per litre. In June 2022 average prices reached 190.92, an increase of 48% since February 2020 (source <https://www.rac.co.uk/drive/advice/fuel-watch/13/06/2022>).
- 2.11 The Consumer Prices Index including owner occupiers' housing costs (CPIH) rose by 7.8% in the 12 months to April 2022 (the latest figures available).
- 2.12 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 (source; <https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>).
- 2.13 All of the other Berkshire licensing authorities have increased their tariffs in 2021 or 2022 and are now higher than in RBWM. This means that the income of RBWM licenced drivers is less per two mile journey than those drivers licenced by all of the other Berkshire authorities.
- 2.14 To set against the fares that drivers can charge are the costs that they incur to become a RBWM licenced hackney carriage driver, set out in Table 3;

**Table 3**

<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 Charges (£)</b>	
RBWM Knowledge test (once when first applying)	30
MOT and Vehicle Compliance Test (once or twice annually – depending on age of vehicle – set externally)	45
Meter installation and calibration (once when first installed – set externally)	250-500
DBS (when first applying then every three years)	44
Application of mandatory livery to vehicle (one-off payment – set externally)	1000
Mandatory safeguarding training	25.00
Mandatory medical five yearly (set externally)	50 to 100

- 2.15 The total basic annual charge (£415) has not been increased since the 2010/2011 financial year.
- 2.16 The number of RBWM licenced hackney carriage drivers has decreased steadily over the last six years, see Table 4

**Table 4**

Year	Number of new HC driver licences issued	Total number of HC driver licences issued
2016	25	181
2017	15	163
2018	16	141
2019	12	163
2020	8	99
2021	7	97
2022 (Jan to May)	1	45

- 2.17 Should the Licensing Panel agree to any changes to the current tariff there is a legal requirement that a notice setting out the new tariff be published in at least one local newspaper covering the borough and be available at the Town Hall (it will also appear on the RBWM website). This will provide a 14 day period during which objections to the new tariff can be made.
- 2.18 Should any objections be made they will need to be considered before the tariff is implemented. It is requested that this be delegated to the Head of Housing, Environmental Health & Trading Standards in consultation with the



Licensing Panel Chair and the Cabinet Member for Anti-Social Behaviour, Crime and Public Protection.

- 2.19 Members of the Licensing Panel are asked to consider the proposals set out in Table 2 relating to changes to the RBWM Hackney Carriage Tariff, and the recommendations in Table 1A.**
- 2.20 Officers would like to take this opportunity to make some amendments to the hackney carriage and private hire policies to bring them into line with changes to the rules on the right to work in the UK, and to update the penalty points provisions.
- 2.21 The EU passport is no longer acceptable for this purpose. In effect the new requirements are a UK passport (or Irish or Channel Islands documentation) or, for other passport holders, an endorsement in their passport or an Immigration Status Document issued by the Home Office showing that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- 2.22 To reflect these changes, Members of the Licensing Panel are asked to agree the changes set out in Table 1B, above.**
- 2.23 Officers would like to take this opportunity to amend and update the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Drivers and Vehicle Policy & Conditions in respect of the penalty point system which each policy includes.
- 2.24 Penalty points can be imposed on a driver by a licensing enforcement officer for lesser infringements which do not breach the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 (the relevant legislation covering hackney carriage and private hire licensing), or which do not warrant the suspension or revocation of the licence.
- 2.25 Without the penalty point system these lesser infringements would go unchallenged and there would be no means of taking formal action over them.
- 2.26 The number of points imposed can either be 3, 6 or 12 points, and if 12 unspent points are accumulated (points are spent 12 months from being imposed) the driver is automatically referred to the Licensing Panel to decide, what, if any, further action is required.
- 2.27 For the most serious infringements an immediate referral to the Licensing Panel can be imposed for the Panel to consider the revocation of the licence.
- 2.28 The current list of penalty points infringements and the suggested amendments are listed in Appendix C. These changes are mainly to clarify the infringements in terms of who can commit them, and how notifications should be made.
- 2.29 The additional infringements recommended by officers are listed in Appendix D. These have been recommended because they cover driver incidents or behaviours which have been reported to officers in the past, which do not

currently fall within the penalty points system, but which officers believe should be subject to formal action to demonstrate that unacceptable behaviours or activities have consequences.

2.30 Examples of such incidents or behaviours are disrespect towards council staff; licensees attending meetings or appointments late; being poorly presented; behaving in a disorderly or uncivil manner; vehicles being in poor condition. It must be stressed that the vast majority of drivers act professionally and politely but those that do not, should not be able to go unchallenged.

**2.31 Members of the Licensing Panel are asked to agree the changes set out in Table 1C, above.**

### **3. KEY IMPLICATIONS**

3.1 In agreeing an increase in the RBWM hackney carriage tariff, Licensing Panel members will be recognising that the current tariff does not provide sufficient income for RBWM licenced hackney carriage drivers.

3.2 In agreeing the change to policy in respect of driver applicants' right to work in the UK, Licensing Panel members will ensure that RBWM is complying with the most recent requirements in this respect and RBWM will avoid civil penalties for failing to ensure that licenced drivers have the right to work in the UK.

3.3 In agreeing the changes to policy in respect of penalty point infringements Licensing Panel members will be ensuring that the current system is clearer, and that certain unacceptable activities and behaviours by RBWM licenced drivers that do not currently fall within the penalty point system are now included.

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

4.1 The matters covered by this report are operational and within existing budgets, and so have no financial implications.

### **5. LEGAL IMPLICATIONS**

5.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 gives a licensing authority the power to fix the rates or fares of hackney carriages within its area by means of a table of fares, or tariff.

5.2 Failure to comply with the Immigration, Asylum and Nationality Act 2006 in respect of conducting right to work checks to confirm an individual's right to live and work in the UK may give rise to a civil penalty against RBWM.

5.3 Conditions, such as the penalty points requirements in driver and vehicle policies, can be attached to hackney carriage and private hire driver licences by virtue of sections 47 & 48 of the Local Government (Miscellaneous Provisions) Act 1976.

## 6. RISK MANAGEMENT

- 6.1 There are no risks in relation to increasing the hackney carriage tariff as the changes would bring RBWM hackney fares into line with comparable licensing authorities and with fares charged by private hire operators.
- 6.2 The risks associated with amending RBWM policies in respect of checks on the right to live and work in the UK are set out in table 5.1, below.
- 6.3 The risks associated with implementing the changes to the RBWM penalty points system are set out in table 5.2, below.

**Table 5.1: Impact of risk and mitigation - the right to work in the UK**

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
Civil penalty or criminal prosecution if RBWM fails to comply with its obligations under the Immigration, Asylum and Nationality Act 2006 in respect of checks on a driver's right to live and work in the UK	Medium	The implementation of the checks for the required documentation as set out in Table 1B	Low

**Table 5.2: Impact of risk and mitigation – penalty point infringements**

<b>Risk</b>	<b>Level of uncontrolled risk</b>	<b>Controls</b>	<b>Level of controlled risk</b>
Judicial Review or appeal against the imposition of unfair or unreasonable conditions	Low	The process in determining the policies, via the Licensing Panel and with appropriate consultation with the drivers, is considered fair and reasonable and balances the needs of the drivers with the duty to protect the public	Very low

## 7. POTENTIAL IMPACTS

- 7.1 Equalities. A screening Equality Impact Assessments can be found at Appendix E
- 7.2 Climate change/sustainability. There are no climate change or sustainability impacts.

7.3 Data Protection/GDPR. The processing of personal data required by some aspects of this report which be carried out under existing procedures and controls which comply with the Data Protection Act 2018 and the General Data Protection Regulations.

7.4 There are no Human Rights or any other impacts.

**8. CONSULTATION**

8.1 Standard practice, based on legal advice given previously, is that changes to hackney carriage and private hire driver and vehicle policies should be consulted on with the trade.

8.2 The proposal to increase the tariff came from the drivers so a consultation with them is not strictly necessary if the recommended option is agreed. However, the Panel may decide on alternative changes to the tariff which would need to be consulted on with the trade. As well as this, as explained in paragraph 2.17, there is a legal requirement that a notice setting out a new or amended tariff be published in at least one local newspaper covering the borough and be available at the Town Hall (it will also appear on the RBWM website). This will provide a 14 day period during which objections to the new tariff can be made.

8.3 The changes to policy in respect of driver applicants’ right to work in the UK is a legal requirement with which RBWM must comply. Consultation with the drivers is therefore not required but the changes will be clearly notified to applicants by means of the RBWM website and all relevant paperwork.

8.4 The changes to policy in respect of penalty points have been requested by officers. If they are agreed by the Licensing Panel they will be notified to and consulted on with the trade for a four week period. Subject to their response, the final decision on implementing the changes can be delegated to the Head of Housing, Environmental Health & Trading Standards, in consultation with the Licensing Panel Chair and the Cabinet Member for Anti-Social Behaviour, Crime and Public Protection.

**9. TIMETABLE FOR IMPLEMENTATION**

9.1 Implementation dates are set out in table 6.

**Table 6: Implementation timetable**

<b>Date</b>	<b>Details</b>
22/07/2022	Changes to the RBWM hackney carriage tariff agreed by the Licensing Panel on 05/07/2022 will come into effect on this date, subject to the results of the 14 day consultation
06/07/2022	Changes to RBWM policies in respect of checks on driver applicants’ right to work in the UK agreed by the Licensing Panel on 05/07/2022 will come into effect

03/08/2022	Changes to RBWM policies in respect of changes to the penalty points system agreed by the Licensing Panel on 05/07/2022 will come into effect
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## 10. APPENDICES

10.1 This report is supported by five appendices:

- Appendix A – petitions from RBWM licenced hackney carriage drivers
- Appendix B – a comparison of hackney carriage tariffs
- Appendix C – list of current penalty points infringements and the suggested amendments
- Appendix D – proposed new penalty points infringements
- Appendix E – EQIA screening assessment

## 11. BACKGROUND DOCUMENTS

11.1 There are no background documents:

## 12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputies)</i>	
Adele Taylor	Executive Director of Resources/S151 Officer	16/06/22	
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	16/06/22	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	16/06/22	23/06/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	16/06/22	22/06/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	16/06/22	27/06/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Kevin McDaniel	Executive Director of Children's Services	16/06/22	22/06/22
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing, Environmental Health & Trading Standards	14/06/22	16/06/22
<i>External (where relevant)</i>			
N/A			
Confirmation relevant Cabinet	Councillor D Cannon, Cabinet Member for Anti-Social	Yes (21/06/2022)	

Member(s) consulted	Behaviour, Crime, and Public Protection  Cllr G Bhangra, Chair of the Licensing Panel	Yes (21/06/2022)

#### REPORT HISTORY

<b>Decision type:</b>	<b>Urgency item?</b>	<b>To follow item?</b>
Licensing Panel decision	No	No

Report Author: Greg Nelson, Trading Standards & Licensing Manager, 07970 446 526
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# **Appendix A - Hackney Carriage Tariff Petition**

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## **Petition to Raise the Hackney Carriage Tariff Rates**

We, the Hackney Carriage drivers of RBWM, petition the Licensing Panel to raise the rates of Hackney Carriage fares. We feel that with the rises in the cost of living, that now is an appropriate time to update the current tariff.

The following includes the changes the drivers would like to be made to the tariff:

### **Tariff One**

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#### **06.00 to 23.00**

- Minimum Fare: £6.00
- For the first 899 yards (822m) or part thereof: £3.30.
- For each additional 157 yards (143m), 36 seconds or part thereof: £0.22.

### **Tariff Two**

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#### **23.00 to 06.00 and Bank Holidays (50% above the normal rate or fare)**

- Minimum Fare: £9.00
- For the first 899 yards (822m) or part thereof: £4.95.
- For each additional 157 yards (143m), 36 seconds or part thereof: £0.33.

### **Waiting time**

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- For each period of 36 seconds or uncompleted part thereof: £0.22.

### **Extra charges**

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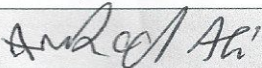
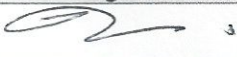



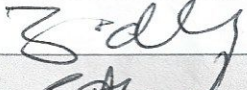
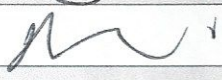
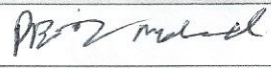
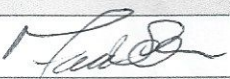

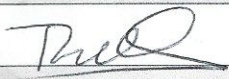
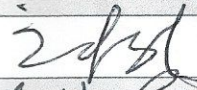
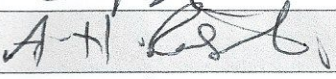
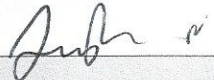
- Luggage: for each package carried outside the vehicle: £0.40.
- Extra passengers: £0.40 per additional passenger

We believe these increases are appropriate and justified. The current minimum fare is £3. We believe this to be completely unreasonable. Firstly, as the majority of customers are commuters from the train station, the taxi journeys usually do not last much longer than a mile. Secondly, drivers wait up to an hour in a queue, before they receive a taxi fare, and to only receive an extremely low fare around the £3 region is very frustrating, which is especially heightened now with the increased cost of living.

We propose that the taxi meter starts at £3.30 (a 10% rise from the current tariff). If the meter doesn't exceed £6 from the journey, the fare will cost a minimum of £6. We believe this is justified, as taxi companies such as Uber and Bolt charge a minimum fare of £6.45. Also, the popular taxi company in Maidenhead, U Want Taxis, have a minimum charge of £7.00. We also believe that a 10% rise to £0.22 is appropriate for each additional 157 yards (143m), 36 seconds or part thereof.

## Hackney Carriage Tariff Petition

Petition to Raise the Hackney Carriage Tariff Rates

<u>Name of Driver</u>	<u>Plate Number</u>	<u>Driver Signature</u>
Mohammad Yasin	838	
RAHEES	833	RAHEES
AMJAD ALI	811	
SARIB	891	
ABID ALI	815	
Muhammad AZHAR	0948	M. Azhar
YASEEN HUSSAIN	0823	
Muazil Hossain	0839	
A. Hussain	830	A. Hussain
Zahid Ali	846	
S. AHMED	855	S. Ahmed
AMSIDALI	846	
PERVAIZ MAHMOOD	841	
SUMMAN DAR	HV0826	
SAJID ALI	UD5253	
Tamveer Munir	928	
ZAHID	972	
ASAD RASID	0814	
Jugal An	820	



## Hackney Carriage Tariff Petition

Petition to Raise the Hackney Carriage Tariff Rates

<u>Name of Driver</u>	<u>Plate Number</u>	<u>Driver Signature</u>
Faiz Ali	838	Faiz Ali
WASID-HUSSAIN	852	<del>Wasid Hussain</del>
ARSHAD.MAHMOOD	937	Arshad M
ASHRAQ NAZIR	807	Ashraaq
SAJID AYUB	897	Sajid
Zaman Ali	828	Zaman
M. NAZIR	848	M. Nazir
NASEER AHMED	876	Naseer
ABDUL SATTAR	991	Sattar
MASOOD AHMED	914	Masood
SHAHID ALI	976	Shahid Ali
M. RAJIB	843	M. Rajib
Umar Hageet	861	Umar
P. AKHTAR	837	P. Akhtar
M. MAJID	883	M. Majid
Z. ALI	860	Z. Ali
A. KHAN	983	A. Khan
M. Rishard	853	Rishard
M. Mushtaq	825	M. Mushtaq
M. Munir	884	M. Munir
MOHAMMAD MUNIR	829	M. Munir
M. HAMMED SULAMAN	809	M. Hammed
Amir Mehmood	881	Amir
M. Ashfaq	088	Ashfaq



We the drivers from Royal Borough Windsor and Maidenhead would like the council to increase the fare price for normal vehicle hire. We would also like to increase the fare of a people carrier rate to time and half tariff.

Driver badge number	Driver name	Signature
CD 7206	ZAHED AHMED	S Ahmed
HD 6948	TIBOR TILL	Till
HD 7041	FAYYAZ HUSSAIN	Fayyaz
HD 7055	Khuram	Khuram
HD 0875	S SAFWAL	S Safwal
HD 991	ABDUL SATTAH	Abdul Sattah
HD 882	S NAZIR	S Nazir
HD 0272	M. YOUNIS	M. Younis
HV 0977	A. TAPASLTO	A. Tapaslto
HD 7103	M. F ALoui	M. F Aloui
CD 7141	A Asghar	A Asghar
HD 6879	SYED H. SUKCHARG	Syed H. Sukcharg
HD 0851	SAJJAD ALI	Sajjad Ali
HD 7049	JILALI AFAILAL	Jilali Afaial
HD 7032	NORBERT CSASAR	Norbert Csasar
HD 6980	ABID HUSSAIN	Abid Hussain
CD 7120	KAMRAN HUSSAIN	Kamran H
CD 7203	AHMED	Ahmed
HD 7007	SYED HA HAMDANI	S. Hamdani
HD 6849	BASHARAT MEHMOOD	Basharat
HD 6999	Shahafat Anu	Shahafat Anu

## Appendix B - Comparison of Hackney Carriage Tariffs

### Fares Comparison Chart – Two Mile Journey – May 2022

Licensing Authority	Fare (2 mile journey)	When Tariff Last Increased
RBWM	6.40	2020
Slough	7.00	2022
Reading	8.00	2021
Wokingham	8.20	2022
West Berkshire	7.40	2021
Bracknell Forest	6.60	2021
Buckinghamshire	6.00	2012
Elmbridge	6.10	2011
Guildford	7.60	2019
Runnymede	6.60	2014
Spelthorne	6.20	2015
Surrey Heath	7.80	2022
London	9.80	2022
London (Heathrow)	13.40	2022

Taken from PHTM HACKNEY TAXI FARE TABLES at <https://www.phtm.co.uk/taxi-fares-league-tables/2022-05>

## Appendix C – Current RBWM Penalty Points and Proposed Changes

Details of misconduct by a RBWM licenced hackney carriage or private hire driver, or private hire operator where applicable	Points
<p>Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession</p> <p><b>CHANGE TO</b></p> <p>Failing to wear or clearly display a private hire driver or hackney carriage driver badge whilst working</p>	3 Points
<p>Not having a fire extinguisher and/or first aid kit in the vehicle</p> <p><b>SEPARATE OUT</b></p> <p>Not having a fire extinguisher in a RBWM licenced hackney carriage or private hire vehicle</p> <p>Not having a first aid kit in a RBWM licenced hackney carriage or private hire vehicle</p>	3 Points  3 Points
<p>A vehicle issued with Dispensation and not having the plate in the vehicle or the Dispensation Certificate in the vehicle</p> <p><b>CHANGE TO</b></p> <p>For a vehicle issued with a Dispensation, failing to have the plate or the Dispensation Certificate in the vehicle whilst working</p>	3 Points
<p>Failing to notify the Licensing Officer of any points or convictions being imposed by the Courts within 7 days</p> <p><b>CHANGE TO</b></p> <p>Failure to notify the RBWM Licensing team within 7 days, in writing, of details of any convictions or offences, including DVLA penalty points</p>	6 Points
<p>Failure to notify a change of address within 7 days</p> <p><b>CHANGE TO</b></p> <p>Failure to notify the RBWM Licensing team within 7 days, in writing, of a change of address</p>	3 Points
<p>Driving an unlicensed vehicle</p> <p><b>CHANGE TO</b></p> <p>Using a vehicle as a hackney carriage or private hire vehicle without the appropriate vehicle licence</p>	12 points
<p>Allowing an unlicensed driver to drive a Private Hire Vehicle or Hackney Carriage Vehicle</p> <p><b>CHANGE TO</b></p>	12 Points

Allowing an individual without a RBWM hackney carriage or private hire driver licence to drive a RBWM licenced hackney carriage or private hire vehicle	
Failing to renew a Hackney Carriage or Private Hire driver licence or vehicle licence within the correct time (unless extenuating circumstances apply)	3 points
Unlawfully plying for hire <b>CHANGE TO</b> A RBWM licenced private hire driver unlawfully plying for hire in a RBWM licenced private hire vehicle	Referral to Licensing Panel to consider revocation of licence
Failing to display an identity plate correctly on the vehicle <b>CHANGE TO</b> Failure to correctly display a hackney carriage or private hire vehicle plate on the rear of the vehicle	3 Points
Failing to notify the Licensing Officer of being involved in an accident within 72 hours <b>CHANGE TO</b> Failure to notify the RBWM Licensing team within 72 hours, in writing, of being involved in an accident	6 Points
Private Hire Operators failing to notify the Licensing Officer of any complaints received <b>CHANGE TO</b> A RBWM licenced private hire operator failing to notify the RBWM Licensing team within 7 days, in writing, of any complaints received about any of their drivers or vehicles	3 Points
Private Hire Operators failing to maintain their records in the correct format <b>CHANGE TO</b> A RBWM licenced private hire operator failing to keep and maintain records in accordance with their licence conditions	3 Points
Failing to attend the Town Hall when directed by a Licensing Officer <b>CHANGE TO</b> A RBWM licenced hackney carriage or private hire driver failing to attend Maidenhead Town Hall when directed by a Licensing Enforcement Officer	1-12 points Number of points issued at the discretion of a Licensing Enforcement Officer based on evidence available and seriousness of infringement
Allowing more passengers to be carried in the vehicle than authorised by the private hire or hackney carriage vehicle licence	6 Points

Causing or permitting a private hire or hackney carriage vehicle to wait on double yellow lines, other than to allow passengers to board or alight	3 Points
Causing or permitting a private hire or hackney carriage vehicle to wait on a single yellow line in contravention of the notices displayed, other than to allow passengers to board or alight	3 Points
Causing or permitting a private hire or hackney carriage vehicle to wait in a marked disabled bay	6 Points
Causing or permitting a private hire or hackney carriage vehicle to wait in a bus stop	6 Points
Causing or permitting a private hire or hackney carriage vehicle to wait in any other restricted space	3 Points
Causing or permitting a Private Hire or Hackney Carriage Vehicle to block the driveway or entrance of any residence, business, school or any other public building or space	3 Points
Private Hire or Hackney Carriage Driver driving erratically and / or without due care and attention to pedestrians or other road users <b>CHANGE TO</b> Driving erratically and / or without due care and attention to pedestrians or other road users whilst operating in a RBWM licenced hackney carriage or private hire vehicle	6 Points
Private hire driver, without reasonable cause, charging more for a fare than was quoted at or before the outset of the journey.	12 points (Note: 12 points would trigger an immediate referral to the Licensing Panel)
Hackney carriage driver, without a reasonable excuse, refusing to take a fare for a journey wholly within Royal Borough of Windsor and Maidenhead.	12 points (Note: 12 points would trigger an immediate referral to the Licensing Panel)
Hackney carriage driver not using the taximeter for a journey wholly within the Royal Borough of Windsor & Maidenhead	12 points (Note: 12 points would trigger an immediate referral to the Licensing Panel)
Hackney carriage driver using the incorrect tariff so as to inflate the cost of the journey.	12 points (Note: 12 points would trigger an immediate referral to the Licensing Panel)

All written notifications to the Licensing team should be submitted by e-mail to [Licensing@RBWM.gov.uk](mailto:Licensing@RBWM.gov.uk) or by letter to RBWM Licensing, Town Hall, Maidenhead, SL6 1RF.

## Appendix D – Proposed Penalty Points

Details of misconduct by a RBWM licenced hackney carriage or private hire driver	Points
Uncivil, disorderly or in any way inappropriate conduct or behaviour whilst operating as a RBWM licenced hackney carriage or private hire driver, including whilst waiting at a hackney carriage rank or any other place	1-12 points Number of points issued at the discretion of a Licensing Enforcement Officer based on evidence available and seriousness of infringement
Unsatisfactory condition of the interior or exterior of a RBWM licenced hackney carriage or private hire vehicle	6 points
Smoking or evidence of smoking in a RBWM licenced hackney carriage or private hire vehicle	3 points
Failure to display 'no smoking' signage in accordance with the Health Act 2006 in a RBWM licenced hackney carriage or private hire vehicle	3 points
A RBWM licenced hackney carriage or private hire driver failing to carry an assistance dog without a relevant medical exemption certificate	12 (Note: 12 points would trigger an immediate referral to the Licensing Panel)
A RBWM licenced private hire vehicle with Dispensation failing to display the identity plate whilst completing a non-contract job	6 points
Abusive or disrespectful behaviour towards a council officer, member of the public or other licenced driver	6-12 points Number of points issued at the discretion of a Licensing Enforcement Officer based on evidence available and seriousness of infringement
Failing to provide reasonable assistance to a passenger	1-12 points Number of points issued at the discretion of the Licensing Officer
Failure to attend punctually, a pre-arranged appointment without reasonable cause, including appointments relating to the grant or renewal of a RBWM hackney carriage or private hire driver or vehicle licence	3 points
A RBWM hackney carriage roof sign not connected or functioning correctly	3 points
Failure to comply with road traffic and vehicle excise legislation (for example illegal driving, illegal parking, vehicle defects, vehicle tax)	1-12 points Number of points issued at the discretion of a Licensing Enforcement Officer based on evidence available and seriousness of infringement
Obstructing or failing to provide information and assistance to an authorised RBWM officer	1-12 points Number of points issued at the discretion of a Licensing Enforcement Officer based on evidence available and seriousness of infringement
A RBWM licenced hackney carriage driver not displaying in a RBWM licenced hackney carriage the required "minimum fare" signage, as approved by the Head of Service for the Licensing team.	6 points

All written notifications to the Licensing team should be submitted by e-mail to [Licensing@RBWM.gov.uk](mailto:Licensing@RBWM.gov.uk) or by letter to RBWM Licensing, Town Hall, Maidenhead, SL6 1RF.



## Appendix E - EQUALITY IMPACT ASSESSMENT

### EqIA : Report to Licensing Panel; Changes to the Hackney Carriage Tariff; Amendments to Hackney Carriage and Private Hire Driver & Vehicle Polices relating to Driver Checks and Penalty Points

**Essential information**

Items to be assessed: (please mark 'x')

<b>Strategy</b>		<b>Policy</b>	x	<b>Plan</b>		<b>Project</b>		<b>Service/Procedure</b>	
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<b>Responsible officer</b>	Greg Nelson	<b>Service area</b>	Trading Standards & Licensing	<b>Directorate</b>	Adults, Health and Housing
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<b>Stage 1: EqIA Screening (mandatory)</b>	Date created: 01/06/2022	<b>Stage 2 : Full assessment (if applicable)</b>	n/a
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**Approved by Head of Service / Overseeing group/body / Project Sponsor:**

*"I am satisfied that an equality impact has been undertaken adequately."*

**Signed by (print):** Tracy Hendren

**Dated:** 16/06/2022

## Appendix E - EQUALITY IMPACT ASSESSMENT

### **EqlA : Report to Licensing Panel; Changes to the Hackney Carriage Tariff; Amendments to Hackney Carriage and Private Hire Driver & Vehicle Polices relating to Driver Checks and Penalty Points**

#### **Guidance notes**

##### **What is an EqlA and why do we need to do it?**

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

##### **What are the "protected characteristics" under the law?**

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

##### **What's the process for conducting an EqlA?**

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

##### **Openness and transparency**

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

##### **Enforcement**

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

## Appendix E - EQUALITY IMPACT ASSESSMENT

### **EqIA : Report to Licensing Panel; Changes to the Hackney Carriage Tariff; Amendments to Hackney Carriage and Private Hire Driver & Vehicle Polices relating to Driver Checks and Penalty Points**

#### **Stage 1 : Screening (Mandatory)**

##### **1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?**

The report to which this screening assessment applies is a report to be presented on 5 July to the RBWM Licensing Panel which has three aims and objectives;

- To decide on whether there should be an increase in the hackney carriage tariff (the tariff is the rate at which the taximeter is set, this determines the fee charged to the customer and is set by RBWM), and if so to agree the increase to be implemented
- To endorse a change to RBWM policies to reflect current legal requirements to check a RBWM licenced hackney carriage or private hire driver's right to live and work in the UK, to bring RBWM into line with statutory requirements
- To endorse changes to RBWM policies in respect of penalty points infringements which can be imposed on drivers for minor breaches, to bring the penalty point system up to date and capable of dealing with issues that are brought to the attention of the Licensing team

**1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".**

## Appendix E - EQUALITY IMPACT ASSESSMENT

### EqIA : Report to Licensing Panel; Changes to the Hackney Carriage Tariff; Amendments to Hackney Carriage and Private Hire Driver & Vehicle Polices relating to Driver Checks and Penalty Points

Protected characteristics	Relevance	Level	Positive/negative	Evidence
<b>Age</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics
<b>Disability</b>	Relevant	Medium	Negative/ Positive	<p>The Dept for Transport's Disability and Accessibility Statistics published in 2021 (Transport: Disability and Accessibility Statistics, England 2019/20 (publishing.service.gov.uk)) showed that, on average, people with disabilities take more and shorter taxi rides annually than those without a disability (17 vs. 11 rides, averaging 3.6 miles vs 5.5 miles). Disabled adults are also more likely to use taxis as their main mode of transport (2.2% vs 1.1%). An increase to the hackney carriage tariff would therefore result in a greater proportionate increase in cost for disabled passengers</p> <p>One of the proposed changes to the penalty points system is to introduce an infringement "Failure to carry an assistance dog without a relevant medical exemption certificate". This will have a positive impact as it will increase protection for persons who require assistance dogs such as guide dogs</p>
<b>Gender re-assignment</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics
<b>Marriage/civil partnership</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics
<b>Pregnancy and maternity</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics

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<b>Race</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics
<b>Religion and belief</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics
<b>Sex</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics
<b>Sexual orientation</b>	Not Relevant			There is no evidence available to suggest that the items included in the report to the Licensing Panel could have an impact on people (including staff and customers) with protected characteristics

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#### Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	Not at this stage	Greg Nelson	n/a
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

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