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Notice of Meeting

Licensing Panel

Councillors Mandy Brar (Chair), Kashmir Singh (Vice-Chair), Clive Baskerville, Geoff Hill, Neil Knowles, Wisdom Da Costa, Jack Douglas, Siân Martin, Genevieve Gosling, John Story and Mark Wilson

Monday 16 October 2023 6.00 pm

Council Chamber - Town Hall - Maidenhead & on [RBWM YouTube](#)

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Agenda

Item	Description	Page
1	Apologies for Absence The Panel shall receive any apologies for absence.	-
2	Declarations of Interest The Panel are asked to declare any interests that they may have.	3 - 4
3	Minutes The Panel are to approve the minutes of the meeting held on Tuesday 5 July 2022 as a true and accurate record.	5 - 14
4	Minutes of Licensing and Public Space Protection Order Sub Committees The Panel are asked to note the minutes of the Sub Committees that were held on 21 July 2022, 28 October 2022, 23 January 2023, 16 February 2023 & 27 July 2023.	15 - 38
5	DBS Checks on RBWM Licensed Drivers To note the report and: <ul style="list-style-type: none">i) Agree in principle that the current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions be amended to require that all RBWM licenced hackney carriage and private hire drivers enable the Licensing team to check their DBS for new information every six months,ii) Agree that this should be consulted on with licenced drivers, operators and all interested parties to determine how this is best achieved, andiii) Agree that final recommendations to introduce the six-monthly DBS checks are brought to the next Licensing Panel on 13 February 2024 for final implementation.	39 - 54

6	<p>Hackney Carriage Livery - Options for Change for Electric and Hybrid Vehicles</p> <p>To note the report and:</p> <ul style="list-style-type: none"> i) Agree that research should be conducted into the availability and cost of electric and hybrid hackney carriages, and whether the models available comply with requirements for wheelchair accessibility. ii) Agree that consultation should be conducted with hackney carriage drivers and all other interested parties as to possible changes to the livery on electric and hybrid vehicles, and iii) Agree that the results of the research, the consultation, and options for changes to the livery on electric and hybrid hackney carriages, be brought to the next Licensing Panel meeting on 13 February 2024 	55 - 64
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By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Oran Norris-Browne, Oran.Norris-Browne@RBWM.gov.uk, with any special requests that you may have when attending this meeting.

Published: Friday 6 October 2023



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:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

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, or a body included under Other Registerable Interests in Table 2 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 financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in 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 (referred to in the paragraph above) **affects** the 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, 5 JULY 2022

PRESENT: Councillors Gurpreet Bhangra (Chairman), Gary Muir, Ross McWilliams, Julian Sharpe, David Cannon, John Baldwin, Mandy Brar, Karen Davies, Jon Davey, Geoff Hill and Sayonara Luxton

Officers: Mark Beeley, Greg Nelson and Tracy Hendren

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bowden, Councillor Hilton and Councillor Haseler. Councillor McWilliams, Councillor Sharpe and Councillor Muir were attending the meeting as substitutes.

Councillor McWilliams had informed the clerk that he would be late to the meeting.

DECLARATIONS OF INTEREST

Councillor Brar declared that she was a licensee.

The Chairman declared that he was a Transport for London PCO driver and was a SIA Close Protection officer. He was declaring this in the interests of openness and transparency. Further information was available on Councillor Bhangra's register of interests and had no bearing on the agenda this evening.

MINUTES OF PREVIOUS MEETING

Greg Nelson, Trading Standards & Licensing Manager, gave the Panel an update on what had been discussed at the last meeting. The council had been unable to find a person or organisation to carry out the research that had been discussed. However, colleagues were considering a Business Improvement District (BID) application, this would raise money via a local levy to fund projects within the BID's area boundaries. A BID could only be set up after a ballot of businesses in the defined area. The idea of a BID would be included in a night time economy strategy paper due to be considered by Cabinet in August 2022, where various options would be discussed. If a BID was the preferred option, it would probably replace the potential for a late night levy, rather than having the two schemes run in parallel. If the late night levy was to be used, the amount of money raised would be:

- Between 12am – 6am, the amount raised would be £203,000, of which £98,500 would come from Windsor businesses.
- Between 2am – 6am, the amount raised would be £51,500, of which £29,000 would come from Windsor businesses.
- Between 3am – 6am, the amount raised would be £27,000, of which £13,000 would come from Windsor businesses.

Councillor Davey said that a big percentage went to the police, it seemed like a big project for the council to focus on which would not gain that much revenue.

Greg Nelson confirmed that Thames Valley Police received 70% of the amount raised, he understood the comments made by Councillor Davey.

Councillor Baldwin asked if the BID would be looking to consider the same area of concern as the night time economy levy, which was Windsor. He noted that the night time economy levy needed to apply to the whole borough, where as the BID could apply to a specific area.

Greg Nelson said that it depended on what Cabinet and Full Council agreed in terms of the detail of the area and which part of the borough was covered. Any money raised could be used for projects in the local area.

Councillor Cannon clarified that the idea of the night time levy was to address problems across the borough, not just Windsor. On the money received from the BID, it was for the BID group to decide how to spend the money rather than hand it all over to the police.

Greg Nelson confirmed that the late night levy would apply across the borough. The BID would be run by an independent group, the money would be spent as chosen by that group.

Councillor Hill said that things had changed over the past couple of months, costs had gone up and he asked whether it was right that a levy was being considered on businesses in the borough under the current economic climate.

RESOLVED UNANIMOUSLY: That the minutes of the Licensing Panel meeting held on 19th April 2022 were approved as a true and accurate record.

MINUTES OF THE LICENSING AND PUBLIC SPACE PROTECTION ORDER SUB COMMITTEES

RESOLVED UNANIMOUSLY: That the minutes of the Licensing & Public Space Protection Order Sub Committees held on 6th May 2022, 9th May 2022 and 7th June 2022 were noted by the Panel.

A PROPOSAL TO CHANGE THE RBWM HACKNEY CARRIAGE TARIFF & POLICIES

The Chairman explained that the report would be considered in three separate items, with the Panel discussing and voting on each part of the recommendation that had been proposed by officers in the report.

Councillor Sharpe suggested that the Panel considered the recommendations in the opposite order.

The Chairman decided to keep the order as it was presented in the report, there were a number of taxi drivers present at the meeting who were there to speak on the first recommendation in the report.

Greg Nelson outlined the report and said that the hackney carriage tariff was the means by which the fare was calculated. The tariff was set in law under the Local Government Miscellaneous Provisions Act 1976, the local authority set the level of the tariff. Around 81% of drivers in RBWM had requested an increase in the basic tariff, tariff 1, and in the equivalent tariff for night time and bank holidays, tariff 2. They had also asked for an increase in several other charges. The main proposal in the report was the introduction of a minimum fare of £6, up from £3, and £9 for the second tariff. The meter would start at £3.30 and at the end of the journey, once the stop button was pressed, the meter would revert to £6. Drivers had proposed that 'minimum £6 fare' stickers were introduced inside vehicles, it was important that this change was made clear to passengers. Greg Nelson suggested that the signage to be used was signed off by the Head of Housing, Environmental Health & Trading Standards before coming into use.

The other proposal in the report considered the introduction of a B tariff, for people carriers of five or more people. The current tariff was set by the Licensing Panel in February 2020 and had provided a 15% increase on the previous tariff. Previous increases had been agreed in 2016 and 2014. If the Licensing Panel agreed any changes to the tariffs, there was a requirement for the new tariff to be published in at least one local newspaper covering the borough and also be available at the Town Hall. There would be a 14 day period where objections to the new tariff could be made, these would need to be considered before the new tariff could be implemented.

There were two registered public speakers present at the meeting. Mr Sabir said it was important that the tariff rose to offset the issues that drivers faced today, with inflation and fuel costs rising rapidly. It was felt that this tariff rise was essential as the current tariff did not serve its purpose at all. The current minimum tariff meant that some journeys were not worth doing for drivers and this was not sustainable, especially as private operators were able to charge more. The proposal to raise the minimum tariff to £6 would go a long way to addressing the issues caused by the current situation. On the five or more passenger tariff, Mr Sabir suggested that this needed to be increased as it was cheaper for customer groups of this size to use a people carrier rather than two 'standard' cars and meant that drivers made less money. Mr Sabir suggested that there should be a 50% increase so that five or more passengers could be charged a fairer price.

Councillor McWilliams arrived at the meeting.

Mr Yasin said that taxi drivers had struggled over the course of the pandemic and now due to the rising fuel costs. The vast majority of journeys in RBWM were short and it meant the minimum fare was important, it helped to ensure that drivers were able to recover any costs and make a profit. Drivers were required by law to take the next passenger in the queue, drivers could wait a significant period of time for a customer who only wanted to travel a short distance. Other private operators charged more than £6 minimum fare already. Taxi drivers also were rarely flagged down around the borough, most customers booked in advance or got a taxi from the taxi rank. A 10% rise in the tariff could only cover the costs of taxi drivers, they would still be unable to make a profit. A number of taxi drivers had been forced to leave the profession due to the costs and they were unable to make a living.

The Chairman asked how the proposed changes to the tariffs would be implemented.

Greg Nelson explained that the meters would need to be adjusted, should the proposed tariff increases be agreed by the Panel.

Councillor Cannon asked how many licensed hackney carriage drivers there were in RBWM.

He was informed that there were just under 100 drivers.

Councillor Cannon said that the petition had been signed by around 80 drivers, therefore the petition had been signed by approximately 80% of all drivers in the borough. The industry was making the request for this, therefore the Panel should consider it careful. It was a commercial operation, by increasing the price, drivers could price themselves out of the market.

Councillor Luxton asked how the tariff compared to other Berkshire local authorities. She asked why it was a 40p charge for additional luggage rather than 40p per suitcase or bag.

Greg Nelson said that a comparison had been made with local authorities in the South, this had been included in the report. The Panel could set the tariff level, it could change the amount charged for extra luggage if it wanted to.

Councillor Sharpe understood the points which had been raised by the taxi drivers. He asked if there was a comparison available to compare what other private operators were able to charge.

Greg Nelson said that RBWM had no control over what private operators charged their customers. He had been informed that an average was approximately £6 or £7 for their minimum charge.

Councillor Sharpe said that the hackney carriages were therefore cheaper for residents than private hire operators. He asked if there was an increase in business for hackney carriage drivers as a result.

Greg Nelson was unable to answer the question but he was aware that hackney carriage drivers had been struggling.

Councillor Sharpe asked whether putting the price of hackney carriages up was the right thing to do for residents, this needed to be considered. He understood the case from the taxi drivers.

Councillor Hill said that he was supportive of the recommendation which had been made by officers. The request had been made by the taxi drivers and they therefore knew if they would be pricing themselves out of the market.

Councillor Davy commented that the five or more customers tariff was not mentioned in the report. He felt that a sheet should clearly be shown in taxis which contained information on all of the charges and tariffs.

Greg Nelson confirmed that it was included in the report, under tariff B. There was a requirement for tariffs to be displayed in the hackney carriage, it was important that the council did not receive complaints from residents about being overcharged if the price increase was agreed by the Panel.

Councillor Davey noted the cost of the meters being set to include the price increase, he asked if there was anything the council could do to help with this additional cost.

Greg Nelson said that he was happy to speak to the engineers to see if the minimum fee could be charged.

ACTION – Greg Nelson to speak to engineers about the cost of changing meters for RBWM hackney carriage drivers.

Councillor Davey agreed with the recommendation.

Councillor Brar asked if there were any electric charging points at the taxi ranks in the borough.

Greg Nelson said that there were no charging points currently, in the RBWM five year plan there was an aim to consider how to address the issue of RBWM licensed cars going electric.

Councillor Brar said that RBWM had used a company which had installed the electric charging points already in the borough, the council should use the same company to see if points could be installed at taxi ranks. She said that she would send Greg Nelson the details after the meeting.

Councillor McWilliams had joined the meeting late but confirmed that he had heard both of the public speakers watching through YouTube and had arrived to hear the full debate and discussion from the Panel in person. He was inclined to support the recommendation but was concerned about those residents who were disabled and relied on hackney carriages to transport them around the borough. The impact had been noted as part of the Equalities Impact Assessment which was included as part of the report pack and this was worth considering.

Councillor Davey commented on the electric charging points and said that infrastructure officers were aware of the organisation which Councillor Brar had mentioned.

Councillor Luxton suggested that she would like to see the additional package charge raised from 40p, either to 50p or £1.

Greg Nelson understood the sentiment but needed to clarify the language used. The tariff used the word 'package' and the number of packages carried 'outside the vehicle'. This was historic wording and it would therefore be sensible to use the word suitcase.

Councillor Davey suggested that the decision on the level of the fee to be charged was deferred to the drivers for them to decide.

Councillor Cannon noted that the decision would go out to consultation with taxi drivers anyway, any amendment could be considered by the Panel.

Greg Nelson asked for an addition to the recommendation, that if any increase was agreed, that relevant signage would be produced and signed off by the Head of Housing, Environmental Health & Trading Standards.

The recommendation was proposed by Councillor Cannon and seconded by Councillor Luxton.

A named vote was taken.

Recommendation i) listed in the report (Motion)	
Councillor Gurpreet Bhangra	For
Councillor Gary Muir	For
Councillor Ross McWilliams	For
Councillor Julian Sharpe	For
Councillor David Cannon	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Karen Davies	For
Councillor Jon Davey	For
Councillor Geoffrey Hill	For
Councillor Sayonara Luxton	For
Carried	

RESOLVED UNANIMOUSLY: That the Licensing Panel:

- i) Agreed the proposed increases to the hackney carriage tariff as set out in Table 1A and once the required consultation process had been completed, the final decision on implementing the changes was delegated to the Head of Housing, Environmental Health & Trading Standards in consultation with the Licensing Panel Chairman and the Cabinet Member for Anti-Social Behaviour, Crime and Public Protection.**
- ii) Agreed that the wording on the extra charge for each package carried outside the vehicle was changed to 'for each suitcase carried outside the vehicle'. The exact amount that the price should be increased by was delegated to the Head of Housing, Environmental Health & Trading Standards after consultation with hackney carriage drivers.**

- iii) **Agreed that appropriate signage would be displayed in all hackney carriages informing customers of the increase in tariffs, the signage would be signed off by the Head of Housing, Environmental Health & Trading Standards.**

The Panel moved on to consider the second part of the recommendation listed in the report.

Greg Nelson said that some changes were required to the checks that the council carried out when considering if a taxi driver was able to live and work in the UK. Staff were already carrying out the amended changes, RBWM just needed to formally amend the policies, with the agreement of the Panel.

Councillor Luxton asked how the council checked that documents produced by applicants were legitimate, for example did officers check that passports were real.

Greg Nelson confirmed that all documents were checked in person.

Councillor Brar said that she was sure that a proper driving licence needed to be in place before applicants visited the Town Hall.

Greg Nelson said that it was clear on the website which documents they needed to bring.

The recommendation was proposed by Councillor Cannon and seconded by Councillor Sharpe.

A named vote was taken.

Recommendation ii) listed in the report (Motion)	
Councillor Gurpreet Bhangra	For
Councillor Gary Muir	For
Councillor Ross McWilliams	For
Councillor Julian Sharpe	For
Councillor David Cannon	For
Councillor John Baldwin	For
Councillor Mandy Brar	For
Councillor Karen Davies	For
Councillor Jon Davey	For
Councillor Geoffrey Hill	For
Councillor Sayonara Luxton	For
Carried	

RESOLVED UNANIMOUSLY: That the Licensing Panel:

- i) **Agreed the changes to the policy set out in Table 1B in respect of checks on driver applicants' right to work in the UK.**

The Panel moved on to the third recommendation listed in the report.

Greg Nelson outlined the changes to penalty points which could be offered to hackney carriage drivers for any infringements. Penalty points could be imposed by a licensing enforcement officer, this would be points on their RBWM hackney carriage license rather than DVLA points. They were generally issued for small infringements, with either three, six or twelve points issued. If twelve unspent points were acquired, the case was referred to the Appeals Panel to decide what action was required.

Councillor Hill felt that a number of the examples where points could be given to drivers was open to interpretation, particularly the number of points that could be given. For example, disorderly behaviour was very generic and hard to distinguish what was the correct amount of points that should be issued.

Greg Nelson understood these comments, the reason for the broad number of points that could be issued was due to the varying circumstances where an issue could occur. All points were appealable, officers needed to justify themselves.

Councillor Baldwin asked for confirmation that the number of points per offence had not changed, the only changes were to the wording of the policy.

Greg Nelson confirmed that this was correct.

Councillor Baldwin said that notification was required in writing, if this was a challenge would hackney carriage drivers be able to gain assistance from the council. Councillor Baldwin believed that the penalty points should not be for breaches of the law, but a number did and therefore it seemed like a double punishment.

Greg Nelson explained that the penalty points were designed to cover the more minor infringements but some offences were replicated under the law. Legal advice had clarified that there could be a duplication, this had been used for a number of years. The requirement for things to be in writing was so that it avoided any issues of miscommunication between the council and hackney carriage drivers. Greg Nelson confirmed that assistance could be provided if it was needed.

Councillor Baldwin commented on offences which needed to be reported within 7 days, but it was an ongoing issue, then the penalty points would not apply.

Greg Nelson understood the point, having the availability of points as a method did have its issues. The system was transparent and allowed the council to deal with issues that came up and avoided going through criminal prosecution.

Councillor Cannon said that RBWM was not a prosecuting authority, there was a requirement for some older vehicles to have an MOT every six months. This was a council requirement and not a legal one. The Panel needed to have confidence in the professionalism of officers when penalty points were handed out. Officers had the choice of three, six or twelve points. Councillor Cannon believed that the number of points given to a driver that did not carry a fire extinguisher or first aid box should be more than the current three point penalty.

Councillor Davies said that she was supportive of the current system, she asked if there was any guidance for officers so that they could make fair and consistent decisions when penalty points were issued.

Greg Nelson said that officers had considered whether appeals for penalty points needed to go to a Panel of Councillors, there was a process in place where it could be heard by a senior officer. Some hackney carriage drivers appealed any points received, this was their right but it meant that Panels were being convened regularly which was not the best use of the council's time.

Councillor Davies asked if there was anything that could be referred to when officers made decisions.

She was informed that all decisions needed to be evidence based and proportionate. The appeal would be set up and the Panel would hear both sides, before making a judgement.

Councillor Luxton queried the change to an individual being allowed to drive a hackney carriage without the correct license and what the number of points for this offence would be.

Greg Nelson confirmed that it was a 12 point penalty, the license would not be revoked immediately, that was a decision for a sub committee of the Licensing Panel to decide. The penalty point system ran alongside the powers officers had to revoke or suspend a license.

Councillor Sharpe believed that the council needed to be supportive of the taxi drivers, they were currently operating in a difficult environment. The facility to impose points was a useful if it was required.

Greg Nelson said that the vast majority of drivers were excellent and did a good job. They were not RBWM employees but the council wanted to ensure high standards for its residents.

Councillor Baldwin commented that there would be no consultation on these changes, if the Panel agreed them they would come into force almost immediately. He asked if any incidents would be considered from the past in retrospective action.

Greg Nelson confirmed that no retrospective action would be taken, taxi drivers would be consulted on the changes. The authority was the regulator, therefore the council should decide what it wanted to do before consulting with the drivers.

Councillor Davey asked for six and nine penalty points, would officers consult with a more senior officer to make sure that the correct decision had been made.

Greg Nelson explained that there were four licensing officers and a team leader, the team leader would be involved in the discussions if required.

Councillor Davies asked if there were any views on the proposals from hackney carriage drivers.

Greg Nelson said that there was a balance between public safety, how the drivers came across and doing their job professionally. Officers believed that the sanctions were proportionate and fair.

Councillor Hill asked why the number of penalty points that could be given was either three, six or twelve.

Greg Nelson was not sure of why this was the case. For the incidents where a sanction of 1-12 points was listed, he was happy to change this to three, six, nine or twelve points.

Councillor Cannon said that no Members had suggested any changes to the proposals which had been recommended by officers. It was important that the council engaged with its drivers but that it retained its clear position as the regulator.

The recommendation was proposed by Councillor Davey and seconded by Councillor Cannon.

A named vote was taken.

Recommendation iii) listed in the report (Motion)	
Councillor Gurpreet Bhangra	For
Councillor Gary Muir	For
Councillor Ross McWilliams	For
Councillor Julian Sharpe	For
Councillor David Cannon	For
Councillor John Baldwin	For
Councillor Mandy Brar	Abstain
Councillor Karen Davies	For
Councillor Jon Davey	For
Councillor Geoffrey Hill	For
Councillor Sayonara Luxton	For
Carried	

RESOLVED: That the Licensing Panel:

- i) **Agreed to the changes to the policy in respect of penalty point infringements as set out in Table 1C.**
- ii) **Agreed that a consultation with the trade should be carried out before these changes were formally adopted.**
- iii) **Agreed that once the consultation process had been completed, the final decision on implementing the changes was delegated to the Head of Housing, Environmental Health & Trading Standards in consultation with the Licensing Panel Chairman and the Cabinet Member for Anti-Social Behaviour, Crime and Public Protection.**
- iv) **Agreed that for all penalty points which were listed as ranging from 1-12 points, the Trading Standards & Licensing Manager would amend these to be either a three, six, nine or twelve point sanction.**

DATES OF FUTURE MEETINGS

The next meeting was due to take place on Tuesday 25th October 2022, starting at 6pm.

The meeting, which began at 6.00 pm, finished at 7.40 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

THURSDAY, 21 JULY 2022

PRESENT: Councillors Mandy Brar, Gurpreet Bhangra and David Cannon

Also in attendance: Councillor Gurch Singh

Officers: Oran Norris-Browne, Greg Nelson, Craig Hawkings, Anthony Lenaghan and Alex Lisowski

APPOINTMENT OF CHAIRMAN

Councillor Bhangra nominated Councillor Cannon to be Chairman of the Sub-Committee. This was seconded by Councillor Brar.

AGREED: That Councillor Cannon be Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

Councillor Brar declared that she was a licensee.

PROCEDURES FOR SUB COMMITTEE

The Sub-Committee noted the procedures.

CONSIDERATION OF AN APPLICATION TO VARY A PREMISES LICENCE S34 OF THE LICENSING ACT 2003

Greg Nelson, Reporting Officer outlined the report to the Sub-Committee. The application was for a variation to a premises licence under s34 of the Licensing Act 2003. The premises in question was Labyrinth, Unit 15A Windsor Royal Station, Windsor SL4 1PJ.

The proposed variation that was being applied for was to remove the 9th and 10th conditions of Annex 3 of the current premises licence which read:

“An ID scanning system will be employed at the premises and will be utilised for all customers. This will be in operation during licensable activities and shall be a condition of entry”, and

“The scanning of all ID’s, with no discretion allowed”.

This variation being applied for was for this to be replaced by the following:

“An ID system will be employed at the premises and in operation during licensable activities. The ID system will be utilised for all customers and a condition of entry EXCEPT that a customer may be admitted to the premises without ID in the following circumstances:

1. The customer without ID must be accompanied by a customer with ID whose details would of course be recorded.
2. A clear head and shoulders CCTV picture is taken of the customer without ID and retained.
3. The customer without ID must provide a bank card or other document which confirms their name so that the name is retained and a copy of the document.
4. The date and time of entry, customers name and documentation, head and shoulders picture and ID of their companion would be retained, and the entry signed off by a senior manager.”

Greg Nelson then provided some background information on the premises and its licence history. A minor variation to the licence was submitted on 16 May 2022 and was subsequently refused by RBWM Licensing. The applicant, Epic Bars and Clubs Berkshire Limited, therefore decided to apply for a full variation, which was the subject of the hearing.

Greg Nelson said that 2 representations had been received from responsible authorities. These were from RBWM Licensing and RBWM Trading Standards. Greg Nelson did point out that the applicant had responded to RBWM trading Standards to their satisfaction, and therefore the Trading Standards representation was not a matter for the Sub-Committee to consider. No representations were received from other persons, therefore RBWM Licensing’s representation, was the only one for the Sub-Committee to consider.

Greg Nelson reminded the Sub-Committee of the 4 licensing objectives, which were as follows:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Chairman asked if the licence that had been granted was a new licence. Greg Nelson confirmed that the license was granted in August 2021 and that the premises opened in April 2022.

Andrew Woods, the applicant’s representative, began his submission by stating that in no way was the variation to the licence in any way dismissive of the licensing objectives, and instead it sought to help promote them. He outlined to the Sub-Committee a brief history of the licence and the premises. He said that the applicants were very experienced in the night time economy business. He stated that a neighbouring premises named ATIK had a rough capacity of 1,000 people, with a slightly younger clientele. This compared to the applicant’s premises, which had a rough capacity of 400 people. He said that no neighbouring premises other than ATIK had a condition on their premises licence where an ID scanner was required. Labyrinth did have this condition and scanned 100% of IDs.

Andrew Woods wanted to place on record that himself and the applicants had a very good working relationship with the Licensing Authority and Craig Hawkings, Licensing Team Leader, and that this would continue regardless of the Sub-Committee’s decision. He admitted that the ID scanner was quite useful at times, for example it had been able to inform them that the average age of their customers was 27 years old.

Andrew Woods said that the applicant was highly skilled within the late-night entertainment business and that the 100% scanning of ID’s did currently aid them in identifying their market and audience. He admitted that this was of course not the reason for 100% ID scanning being used, but that the applicant was a huge fan and supporter of it. He then offered some clarity on what the applicant was applying for specifically and how the discretion would be applied. He added that the Challenge 25 policy would be used, and if the customer looked under 25, then this discretion would not be allowed to be used.

Andrew Woods said that he had provided the Sub-Committee with the operating times of neighbouring premises and pointed out that they had no conditions for an ID scanner, other than ATIK. RBWM policy did not mention the need for a premises to even need an ID scanner.

Andrew Woods said that originally Thames Valley Police had no objections or concerns regarding this application, however he did note that the position had changed a few days prior to the hearing due to an alleged incident that had occurred in Windsor. He then outlined the timeline of events to the Sub-Committee to give them some context to the situation. He stressed that the incident had not occurred on the premises and that the premises was aiding the police in their investigations.

Anthony Lenaghan, Legal Officer, reminded all to use the word 'alleged' as this was an ongoing investigation.

Andrew Woods said that if the variation to the licence was granted then they would expect roughly 10-12 persons per night being allowed in through use of the discretion that had been outlined. He added that the incidents that had occurred on the premises since it had opened had all been dealt with correctly and did not break any of the licensing objectives. The police had been complimentary about how the premises had dealt with these.

Nigel Blair, Applicant, then provided a brief history on the premises' operation within the borough. He said that in all of his other venues outside of the borough, the variation that was being applied for, was used. He stressed that large groups attended the premises and if one of them did not have their ID, then the group would move onto a neighbouring premises, which cost the premises business.

Councillor Bhangra asked for some clarity on the Challenge 25 policy and whether or not a simple bank card would be a suitable item of ID.

Andrew Woods said that the door staff were trained and that they would have to make an assessment as to whether that person looked over 25 or not.

Councillor Brar said that the ID scanner appeared to be working well and asked why they wished to change this.

Andrew Woods said that large groups of people were having to be turned away from the premises if one person had forgotten ID. As neighbouring premises did not have ID scanners, these groups would instead go there. This was not good financially for the premises.

Councillor Brar expressed some concern over identifying whether or not people were over 25 or not. Andrew Woods said that the Challenge 25 policy would be applied at all times, including with the use of the discretion.

Councillor Bhangra said that the ID scanner's data was kept for 31 days currently and asked if they would keep it longer. Andrew Woods said that, if necessary, they would keep the information for 12 months.

The Chairman said that the Challenge 25 policy as part of the discretion was not present currently within their submissions. Andrew Woods admitted that it was not specifically put as part of the discretion, but this could be added.

The Chairman said that the premises had later operating hours than all other

premises nearby and that the variation being applied for, was merely for commercial reasons. Andrew Woods agreed but said that the variation would not challenge or break the licensing objectives.

The Chairman expressed concern at the proposed variation and stated that so far, he could see no reason other than commercially, to grant the variation. He added that there were currently no guarantees that people attending the premises would even know each other, hence giving the discretion policy a potentially challenging outcome. He also added concern of

the wording of the discretion being applied by a senior manager. Better wording was suggested as being applied by the senior manager on duty at that time.

Andrew Woods said that the variation was not originally planned when applying for the licence. The variation would successfully adhere to all four of the licensing objectives. Nigel Blair added that many customers now pre-booked their tickets and through this, they were constantly reminded that they must bring ID to be allowed entry. He added that some people did still forget their ID's, however the premises did try their hardest to inform as best they could.

Charles Kelly, Applicant, added that he had numerous conversations every night where 46-year-olds who did not carry ID, were not allowed entry to the club due to the 100% ID scanning condition. He added that this was an issue, and the variation being applied for would address this successfully and in accordance with the licensing objectives.

Councillor Bhangra asked what would happen if the ID scanner became faulty.

Charles Kelly stated that no internet connection was required and that they also had 2 scanners, which reduced the likelihood that the premises would be left with no ID scanner. It was agreed that this would be a very rare occasion.

Craig Hawkings, who had made representations about the application on behalf of RBWM Licensing, as a responsible authority, began by echoing Andrew Woods' comments about their good relationship, and that it would continue after the decision of the hearing was made.

Craig Hawkings briefly outlined some of the points that he had made within his representations, including the crime statistics and the fact that the use of a bank card as a form of ID was not satisfactory in identifying a person. He noted that the main competitor of the premises within Windsor was ATIK, and that they too had a condition in their license where they must complete 100% of ID scanning.

Craig Hawkings questioned how the information of persons would be stored such as the name from the bank card or the details of the accompanying person. He also added his concern over how a photo would be taken of a person and said that a 'clear' photo was too brief.

Craig Hawkings said after further investigations by Thames Valley Police, that he would withdraw his remarks about the incidents on 10 April and 16 June 2022. However, three other incidents had still occurred. This included the most recent alleged sexual assault that had occurred in Windsor, with the alleged suspect being tracked back to the premises. Due to the condition of carrying out 100% of ID scanning, the alleged suspect was easily and quickly identified. This showed the value of scanning 100% of all ID's.

Craig Hawkings said that a bank card did not have a photo of the person, therefore this could be a different person's bank card and false names could be provided. This would hinder police investigations. A disagreement had occurred between the RBWM Licensing team and Thames Valley Police about their non-objecting to the application.

Alex Lisowski, on behalf of RBWM Licensing, as a responsible authority, wished to point out that Andrew Woods had stated that the proposed variation had been discussed with the police, however it had not been discussed with the RBWM Licensing team until the application was received. He also added that Andrew Woods had said that if the variation was refused then all other premises should be given added conditions to do with the scanning of ID's. As per the licensing objectives, any conditions should be used as a deterrent to not stop people from committing crimes, but it should include measures to detain people in the event that crime was committed.

The Chairman asked Craig Hawkings about Andrew Woods' references to the licensing objectives. Alex Lisowski said that he believed that he had covered this with his point on the deterrent. The Chairman agreed.

Andrew Woods said that Craig Hawkings had stated that the premises was associated with violence and that this was based on four incidents. Two of these incidents saw people refused entry, one incident saw a person ejected from the premises, and one was an alleged incident that occurred away from the premises. He asked Craig Hawkings if he was basing his statement off of those sole incidents and said that this was completely wrong.

Craig Hawkings replied by stating that he was just using the crime statistics that had been provided by Thames Valley Police. Alex Lisowski listed the incidents and stated that violence may not have occurred, but aggression was present in all incidents and that this was certainly a form of violence.

Andrew Woods said in relation to other premises not having a condition on their license stating that they require 100% ID scanning, that it was his understanding that this would only be imposed if there was evidence available that suggested the premises required it. Craig Hawkings confirmed this. Andrew Woods then asked why this condition was therefore implemented when the premises first opened, as there was no existing evidence available.

Craig Hawkings confirmed that it was Thames Valley Police who had asked for the condition to be added to the premises license when it was first granted, however he could not dispute the fact there had been no incidents.

(The Chairman adjourned the meeting at 1:10pm)

(The meeting resumed at 1:20pm)

The Chairman welcomed everybody back and asked the clerk to confirm the procedures.

The clerk confirmed that Andrew Woods would provide his summary first, followed by Greg Nelson.

Andrew Woods referred to a High Court case which suggested that no speculation could be made on cases and that there had to be hard evidence when it came to the Sub-Committee making their decision.

Andrew Woods said that it was grossly unfair to connect the premises to violence. He said that the incidents that had been discussed, showed that measures were in place at the premises to limit violence. He said that the basis of the application was to allow people who were over 25 access to the premises in certain circumstances where they had forgotten their ID. He said that the licensing objectives were not affected at all.

Andrew Woods said that they would be happy to change one of the conditions being applied for from requiring one person to have ID per person without, to requiring two persons with ID per person without ID.

Andrew Woods said that the deterrent would still remain if the variation was granted, which was in line with the licensing objectives. He said that the 100% of ID scanning was very stringent and that no other premises had this as a condition other than ATIK, which was deemed slightly unfair. He noted that RBWM licensing policy did not dictate that the 100% scanning of ID's was required.

Greg Nelson summarised the licensing authority's case and outlined some of the changes in wording that had been discussed during the course of the Sub-Committee. He looked to Andrew Woods for confirmation on these, in which he confirmed the following:

- Incorporating the Challenge 25 policy into the wording of the variation.

- A change in wording to who had authority to use the discretion. It would read as the manager on duty at that time.
- A change to the number of persons with ID per person without ID from one to two.
- Clarity would be needed on the quality of the photograph of the person without ID.
- Data would be stored for 12 months in accordance with GDPR and Data Protection.

Greg Nelson asked the Sub-Committee to bear this in mind when making their decision. He reminded the Sub-Committee of the four licensing objectives and reminded them to ensure that they took all written and oral representations into account. He then gave the Sub-Committee the options that they had.

The Chairman asked all parties if they had anything else to say, which they did not. They were then asked if they were happy that they had been given every opportunity to say everything that they wished too. All parties confirmed this.

The Chairman thanked all parties for their attendance and reminded everyone that the decision of the Sub-Committee would be provided within five working days of the hearing.

During their deliberations, the Sub-Committee considered all of the written and oral submissions that were provided by the Applicant, Officers of the Council, and Objectors.

After having heard all of the evidence that had been presented to them, the Sub-Committee agreed to grant the variation subject to some conditions and changes to current wording, which were as follows.

1. The date and time of entry, customers name and documentation, head and shoulders picture and ID of their companion would be retained, and the entry signed off by the senior manager on duty **at that time**.
2. The 'Challenge 25' policy must be robustly applied at all times, including when admitting any and all customers to the premises.
3. The customer without ID must be accompanied by **2 customers with ID** whose details would be recorded as per the existing practice.
4. A clear head and shoulders CCTV picture is taken of the customer without ID and retained **for 12 months to comply with GDPR and the Data Protection Act. The picture should be of a sufficient quality, as defined by the Police, to enable physical identification of a person.**

The meeting, which began at 11.10 am, finished at 2.15 pm

CHAIRMAN.....

DATE.....

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

FRIDAY, 28 OCTOBER 2022

PRESENT: Councillors Mandy Brar, Sayonara Luxton and David Cannon

Officers: Oran Norris-Browne, Craig Hawkings and Anthony Lenaghan

APPOINTMENT OF CHAIRMAN

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

AGREED: That Councillor Cannon be Chairman for the duration of the meeting.

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

No declarations of interest were made.

PROCEDURES FOR SUB COMMITTEE

The Sub Committee noted the procedures.

CONSIDERATION OF APPLICATION FOR A VARIATION TO A PREMISES LICENSE

Craig Hawkings, Reporting Officer for the Royal Borough of Windsor and Maidenhead began by outlining the report to the Sub-Committee. The application was for a variation to the premises license under the Licensing Act 2003. The premises in question was Boom Boom Bar, 3 The Arches, Goswell Hill, Windsor, SL4 1RH.

The variation to the license that was being applied for was as follows:

- Live Music (indoors) Monday to Wednesday 23:00 - 01:00
Thursday to Sunday 23:00 - 02:00
- Recorded Music Indoors (Indoors) Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:00
- Anything of a similar description Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:00
- Late Night Refreshment Monday to Wednesday 23:00 - 01:00
Thursday to Sunday 23:00 - 02:00
- Supply of alcohol ON the premises Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:00
- Hours premises are open Monday to Wednesday 11:00 - 01:00
Thursday to Sunday 11:00 - 02:30
- Seasonal Variations Christmas Eve 11:00 until 02:30 hrs.
- New Year's Eve from the end of permitted hours on New Year's Eve until the beginning of permitted hours New Year's Day. Additional one (1) hour to be added on the occasion of clocks altering to British Summer Time Additional one (1) hour on all public bank holidays.

Craig Hawkings said that no representations had been received from responsible authorities including RBWM Trading Standards, RBWM Licensing and Thames Valley Police, amongst others. 2 written objections had however been received from local residents in close proximity to the premises. An invitation as per the statutory guidelines was extended to these individuals to attend the hearing and give oral representations, however this was declined.

Councillor Luxton asked for clarification on the hours that were being applied for and if the sale of alcohol time was the same as the operating hours. Craig Hawkings offered clarity to the Sub-Committee and also stated that the sale of alcohol would cease at 02.00 hours, 30 minutes before the end of the night at 02.30 hours.

Councillor Brar asked if this applied to bank holidays also. Craig Hawkings confirmed that was correct.

The Chairman asked if all the existing conditions would remain on the premises license if granted. Craig Hawkings confirmed this.

Vik Maharaj, Applicant, said that he wished to address some of the concerns that had been raised by the 2 objectors within their written representations. He firstly said that safety was the premises' number 1 priority. The premises had a total of 27 CCTV cameras, that were used to monitor events during the evening and to assist the Police when required if anything was ever needed to be reviewed, as with any licensed premises. The premises also deployed up to 5 to 6 door staff on a Saturday night, when their license dictated that this many would not be needed. The premises also had their own dispersal plan which had been shared with Thames Valley Police in the past and been approved. Vik Maharaj also said that their plan was used by the police as an example to show other licensed premises what one should look like. He added that the use of ID scanners also occurred and recognised their importance to keeping both their staff and guests safe.

Vik Maharaj then said that a premises approximately 30 metres away named Labyrinth already had a license which allowed them to be open until 03.30 hours, 7 days per week. He stated that Boom Boom Bar, was asking for a lot less than that.

Vik Maharaj said that the premises had been making use of Temporary Event Notices, that had been granted by RBWM Licensing without any issues. These notices were allowing them to in a sense, trial the extended hours on bank holidays to see if they would work not just for the premises, but also for the police and also the Licensing Authority.

Vik Maharaj added that it was only his premises and ATIK nightclub that regularly attended the Night Time Economy meetings with residents, which showcased their commitment to working with residents. The premises was also in contact with a resident who was a part of a WhatsApp group for residents within the local area to the premises. This allowed the premises to engage closely with these residents. It was noted that one of the written representations also specifically mentioned noise pollution. Vik Maharaj said that their speakers were especially designed by an engineer for the sound to be directed through the club towards the middle, which was away from residents that were located behind the premises. These had also been tested by the responsible authority and were deemed effective at doing this.

Councillor Luxton asked about taxi marshalling. Vik Maharaj said that this was discussed regularly at Pub Watch meetings with residents. The Chairman advised that this was not a matter for the Sub-Committee to determine with regards to the application before them, although he did acknowledge its importance.

Vik Maharaj summarised by simply acknowledging the point made by Councillor Luxton with regards to taxi marshalling and said that it did aid a lot with dispersals.

Craig Hawkings then summarised by stating that when the Sub-Committee make 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) Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- (c) 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.

During the deliberations the Sub-Committee acknowledged the written submissions that had been made by the 2 objectors and took these into account carefully when making their decision. They also noted that the operating hours in the variation being applied for did fall outside of the RBWM Policy Framework Hours. It was also noted that through the use of Temporary Event Notices, the premises had already operated with these hours over the past 2 years, with no issues having arisen as confirmed to the applicant by Thames Valley Police. Therefore, on balance having carefully considered all of the evidence that had been put before them both orally and in writing, the Sub-Committee unanimously agreed to grant the variation as applied for.

AGREED UNANIMOUSLY: That the variation to the premises license be granted in full as applied for.

The meeting, which began at 10.00 am, finished at 10.40 am

CHAIRMAN.....

DATE.....

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LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

Monday 23 January 2023

Present: Councillors Gurpreet Bhangra, Mandy Brar and Phil Haseler (Chairman)

Also in attendance virtually: Councillor Catherine del Campo and Councillor Ewan Larcombe

Officers: Oran Norris-Browne, Greg Nelson, Anthony Lenaghan and Alex Lisowski

Officers in attendance virtually:

APPOINTMENT OF CHAIRMAN

Councillor Bhangra proposed that Councillor Haseler be Chair for the duration of the meeting. This was seconded by Councillor Brar.

AGREED: That Councillor Haseler be Chair for the duration of the meeting.

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

Councillor Brar declared that she was a licensee within the borough.

PROCEDURES FOR SUB COMMITTEE

All parties present noted the procedures.

CONSIDERATION OF AN APPLICATION TO REVIEW A PREMISES LICENSE UNDER s51 of the LICENSING ACT 2003

Greg Nelson, Reporting Officer for the Royal Borough of Windsor & Maidenhead, began by stating that the two representatives of Jagz Ltd, that had attended the hearing were looking for there to be an adjournment of the meeting. He said that it would be timely to hear the reasons for this before any further persons spoke at the meeting. Other parties and the panel would then be able to ask questions and share their thoughts on what had been discussed. The Chair agreed that this was the best way forward and invited the representatives of Jagz Ltd to address the panel.

Philip Haywood & Candice Curtis, representatives on behalf of Jagz Ltd, explained the current situation to the panel. They said that they currently held a 10% stake in the company known as Jagz Ltd and that they were the new management of the premises. They took control of the running and management of the premises on 2 December 2022, from the majority shareholder, Natasha Tah.

In time, they were seeking to turn the premises into a member's club, having been in that business for around 40 years already. They requested an adjournment of the meeting until a time when they had 100% ownership of the business, which had started but of course took time due to a legal process having to be followed. Since December 2022, they were adamant that the conditions on the license had all been met and that they would continue to be followed until such a time where variations could be discussed.

Richard Ferguson, Regional Manager of the site since July 2022 confirmed the current situation that had just been outlined. He stated that he was in support of the plan that had been proposed and that the current lease was a rolling one.

Councillor Brar asked how long he had known about the issues surrounding the premises under the management of Natasha Tah. He replied by saying that he knew about the issues quite early on in July 2022, when he arrived. He said that he was looking forward to working with a new entity.

Alex Lisowski, RBWM Licensing Enforcement Officer and Applicant, asked when the earliest was that the lease could end. He replied by saying that when the lease came to an end, it would go into statutory continuation, where it would continue on the current terms.

Alex Lisowski stated that he was opposed to an adjournment of the meeting. This was because the deal that was in place to change ownership of the premises had not yet been signed and delivered. Therefore, this could mean that Natasha Tah, remained as the majority shareholder of the business and that she could also re-take control of the premises' management. Natasha Tah was the majority shareholder, and she held a minimum of 75% of overall shareholdings. This allowed her to have the power to depose both Philip Haywood & Candice Curtis as she was also the leaseholder of the premises. Councillor Brar asked for clarity around this, which Alex Lisowski provided.

Councillor Bhangra asked when he first had dealings with Natasha Tah. He confirmed that contact first occurred in August 2022.

Richard Ferguson said that he had been given an indication that Natasha Tah was no longer involved in the day to day running of the premises, which now sat with both Philip Haywood & Candice Curtis. He was supportive of this and was looking forward to it.

Councillor Bhangra asked if any breaches of the licensing conditions had occurred at the premises since 2 December 2022. Alex Lisowski confirmed that he was not aware of any breaches and stated that he had no issues with the new interested individuals. Candice Curtis said that Natasha Tah was happy to sign over all of the shares, however a legal process existed and that this was being followed.

Debie Pearmain, Thames Valley Police, said that Natasha Tah should be present at the meeting in order to answer the questions around why the licensing conditions had been breached. She wished for the meeting to be adjourned until such a time that Natasha Tah could attend the meeting herself. It was confirmed that she was unable to attend due to legitimate medical reasons, which had been accepted prior to the meeting.

Councillor Bhangra asked Debie Pearmain how many breaches she had on record for the premises. She confirmed that she had 3 breaches on record. Meetings had occurred between her and Natasha Tah in the past over these and meetings would occur in the future with the new owners of the premises in due course.

Candice Curtis confirmed to the best of her ability, that no further breaches would occur at the premises and that they were looking forward to providing a new service to residents.

Alex Lisowski said that there was 1 further director of the company. When he sent a message to Natasha Tah inviting her to the hearing, he made sure to state that another director could attend on behalf of Jagz Ltd. As this director had also not attended, he wished for the meeting to go ahead.

The Chair thanked all parties for their questions and contributions and said that the meeting would briefly be adjourned so that the panel could discuss options with Anthony Lenaghan, Legal Officer. All parties then left the room.

Meeting was adjourned at 11:25

Meeting re-convened at 11:29

The Chair welcomed all parties back into the meeting and stated that the panel had agreed to adjourn the hearing until a later date. The reasons for this were to allow the completion of the new minority shareholders to acquire the business in question and fulfil the legal process involved. The other reason was due to Natasha Tah not being present, the panel wished for her to attend a future meeting to answer to the reasons as to why the licensing conditions were breached and give her account of events.

AGREED UNANIMOUSLY: That the meeting be adjourned until a specified date which will be advised forthwith to all parties.

The meeting, which began at 10.50 am, finished at 11.35 am

Chair.....

Date.....

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LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

Thursday 16 February 2023

Present: Councillors Phil Haseler (Chairman), Sayonara Luxton and Mandy Brar

Also in attendance: Councillor David Hilton

Officers: Laurence Ellis, Oran Norris-Browne, Craig Hawkings and Roxana Khakinia

Appointment of Chair

Councillor Brar proposed Councillor Haseler to be Chair for the duration for the meeting. This was seconded by Councillor Luxton.

AGREED: That Councillor Haseler be Chair for the duration of the meeting.

Apologies for Absence

No apologies for absence were received.

Declarations of Interest

Councillor Brar declared that she was a licensee within the Borough.

Procedures of the Sub Committee

All parties present noted the procedures.

Consideration of an application for a new premises licence under the Licensing Act 2003

Craig Hawkings, Reporting Officer for RBWM, introduced the report to the Sub-Committee: consideration of an application made for a premises licence for 5 Winkfield Road, Ascot, SL5 7LX. He explained that the purpose of the hearing was for the Sub-Committee to hear the application, receive written and oral representations from other parties, and then to make the decision in respect to the application.

Craig Hawkings explained that the application was to licence a convenience store with the following activities:

- Supply of alcohol ON & Off the premises Monday to Sunday 07:00–23:00
- Hours premises are open Monday to Sunday 07:00–23:00

Craig Hawkings stated that the designated premises supervisor (DPS) was the applicant, Mr Honey Singh, and the application was advertised in accordance with statutory regulations. He also listed the four licensing objectives which were set out in the Licensing Act 2003:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

Craig Hawkings stated that there were no representations received from any of the responsible authorities that had consulted on the application for the 28-day consultation period, though there had been agreed conditions between the Applicant and Thames Valley

Police. However, the application did receive 17 representations of objection from other persons.

Craig Hawkings informed that the application did fall slightly outside of RBWM's recommended opening hours, with the opening hours being 2 hours earlier at 7:00-23:00 rather than the recommended 9:00-23:00.

Craig Hawkings then stated that the application would have been granted under his delegated powers if it did not receive representations of objection.

Craig Hawkings then presented the Sub-Committee's options:

- Reject the application.
- Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- Grant the application.

He reminded the Sub-Committee that they had a duty to behave impartially and that their decision must be based on the evidence that had been presented to them.

The Chair asked for clarification on whether alcohol would be served on the premises. Craig Hawkings replied that the Applicant could apply for that, but it was up to them.

Councillor Brar asked how long the store had been on the premises. Craig Hawkings answered that there had been previous shops beforehand, but it was currently not the convenience store of the application.

The Chair asked if the premises could be changed from the previous existing retail store into a convenience store without an alcohol licence or if the Applicant required additional authorisation or approval, stating the reason that the Sub-Committee had convened due to the application of an alcohol licence. Based on what he knew, Craig Hawkings replied that if the application was to establish a shop that did not sell licensable products (e.g., alcohol), then the Sub-Committee would not need to convene, and the Applicant would not be required to apply for a premises licence. Roxana Khakinia, Legal Officer, informed the change of use was a planning issue and not a licencing matter, and that the reason for the Sub-Committee was because of objections to the application.

Councillor Luxton asked about parking in the area around the premises. Craig Hawkings replied that there was a parking issue in the area, but it appeared to already have been an issue. He added that the weight of granting or refusing a premises licence by way of controlling a parking issue may be enforced by highways or parking enforcement.

Mr Honey Singh, Applicant, explained that he was open to changing their operating hours to satisfy resident objections. He conveyed that parking and traffic would always be an issue as businesses in the area would always attract customers. He also mentioned that there were couple of parking spaces outside the store. Regarding rubbish and litter, Mr Singh conveyed that he would provide a bin to be placed outside of the store and ensure that the bin was regularly collected. On public safety, he stated that CCTV cameras would be operating, and that the store's staff would ensure that there were no people standing outside the store.

Councillor Luxton asked about the plans on timings. Craig Hawkings replied that Mr Singh could sell alcohol for whatever hours and the Licensing Act allowed 24-hour sale of alcohol. He stated that the store's opening hours would be as stated in the application – 7:00-23:00 with 12:00 closure on Fridays and Saturdays – unless Mr Singh decided to change the opening times to satisfy resident objections.

The Chair asked if the store could open for longer hours than alcohol sales. Craig Hawkings replied that opening hours was not a licensable activity while alcohol sales was, and therefore the alcohol sales restricted by the licence.

Councillor Luxton asked how the licenced selling hours would be monitored. Craig Hawkings replied that this would be relied upon complaints to the RBWM Licensing Department as well as licensing enforcement monitors visiting the premises and looking at CCTV, till receipts and witness statements.

The Sub-Committee moved onto representations from other persons. Councillor Hilton, where the premises was located in his ward, spoke first. He first raised concerns about the store being closed at midnight on Fridays and Saturdays and raised that there was a mismatch in the report and the application, which stated midnight closing time for two evenings a week, and the notice on the store which stated the licence was for 23:00 closing time. Craig Hawkings replied that if there were any discrepancies or irregularities in the licensing process, then the Sub-Committee meeting could seek to resolve them. After consulting with Mr Singh, Craig Hawkings confirmed that the applicant was willing to reduce the opening hours on Friday and Saturday to 23:00.

Councillor Hilton began by stating that he was speaking on behalf of 3 Objectors: Mr David Wood, and Mr and Mrs Grant. The Objectors, he relayed, expressed concern about parking as the store had no dedicated parking and therefore would exacerbate the current challenging parking issue in the area. Regarding parking spaces outside the store along the footway in Kennel Ride, Ascot, he counterargued that this would block the footway for residents. He said that the Objectors he was representing have had their driveways blocked by parking. He also mentioned that cars being parked on the footway would affect mothers with children and pushchairs as they had to walk in the 40 mile-per-hour road to circumnavigate the parked car. Therefore, he argued, would risk public safety.

Regarding public safety, Councillor Hilton then discussed that Mr and Mrs Grant frequently noticed nitrous oxide containers and empty bottles of vodka littered near their house and around the nearby alleyway and grassland. He mentioned that the resident couple had once experienced an incident of an anti-social young person on their home property.

Councillor Hilton relayed that the Mr Wood that transforming the premises from a business that operated in daytime hours to a night-time store would be "out of character" in the residential location. Councillor Hilton then stated that Mr Wood raised concerns about the noise generated by the store, especially late at night as well as the customers who may congregate there. With other nearby stores in the area which had daytime opening hours, Councillor Hilton relayed that Mr Wood questioned whether another store which closed at 23:00 was needed. Councillor Hilton then mentioned that the Sub-Committee had the power to restrict opening hours to a more suitable time, such as 9:00pm.

Councillor Hilton then raised the concern of large delivery vehicles travelling through the area as well as loading and unloading.

The Chair suggested that Panel members and the Applicant ask questions to each speaker rather than having all questions asked after all representations had spoken.

The Applicant had no questions or comments.

The Chair asked about the age range of the anti-social youths who hanged around in the nearby alleyway and grassland. Councillor Hilton replied that anti-social behaviour was not a prominent issue, as it had not been recently raised by the Neighbourhood Action Group for a long period, but it nevertheless occasionally existed.

Councillor Luxton asked Councillor Hilton about opening times, who responded that the closing time of 9:00pm was the usual time that stores in the area closed. He conveyed that the Mr and Mrs Grant believed that late night opening hours was inappropriate in a residential area.

Councillor Luxton asked if the residents that Councillor Hilton was representing had expressed a preference of the timing of unloading. Councillor Hilton had not received a preference of time from Mr and Mrs Grant but believed 7:00am would be considered appropriate.

Elizabeth Michael, an Objector, expressed concern about the application. She explained that she owned a store nearby which would get busy during certain events like Halloween and therefore experienced busy traffic, arguing the area was not used to a high congestion of traffic.

Elizabeth Michael then conveyed that parking was a public health issue as there was no parking and therefore cars had to park on the side of the road, blocking the walkway. She stated this therefore forced residents to walk in the road to move around the parked cars. She added that this would be a major issue for people in wheelchair and parents with pushchairs. She also argued that the potential increase in traffic and parking would pose a greater risk to children. Elizabeth Michael was also sceptical that the applicant can manage people outside their store to diminish public nuisance.

The Chair asked the Objector if another convenience store nearby sold alcohol, to which Elizabeth Michael confirmed and added that it had some parking spaces outside. The Chair then questioned if the other store was where youths bought alcohol. Elizabeth Michael replied that Applicant's store was close to some grassland in which youths could gather in contrast to the other nearby store.

The Applicant, Mr Singh, counterargued that the issues raised by the Objector were already taking place and therefore found it irrelevant to his application. He then stated that it was a local council issue to ensure public safety. He reiterated that he would be managing people outside his store to mitigate anti-social behaviour but added that he would not be able to manage all people in Ascot.

The next Objector, Craig Duthie, spoke. He explained that he had experienced anti-social behaviour in the form of a break-in and theft in his property, adding that he wished for there to be no more nuisance in the area. The Objector then stated that parking was an issue with driveways frequently being blocked, including his. He mentioned that he welcomed the suggestion of double yellow lines. He also counterargued the Applicant's claim that there were 2 parking spaces outside the shop, stating that there was none, including the unloading of goods for the premises. The Objector concluded that he would welcome either a refusal of the application or the opening timings to be altered under public safety, stating that there were safety concerns for residents due to parked cars blocking the pavement.

The Chair asked the Objector what was causing the parking issues outside his property. The Objector replied that while it was quiet at the moment, it was previously people parking their cars on driveways for a supposedly short time to quickly access a shop. He believed that this issue may arise again if an off-licence store was established.

The Panel and Applicant had no questions or comments.

The final Objector spoke, Carl Durham. He stated that he lived near the premises and expressed concern about the potential high congestion of traffic and customers to the convenience store. He also raised that there was no parking outside the premises, adding that he had to be careful with his children and a risk of public safety. He also conveyed that anti-social behaviour would likely increase if the store was approved. He was also sceptical that the frequent unloading of goods could be done safely.

The Chair asked Craig Hawkings if the applicant would have to check with Planning on whether a change of use would be required. Craig Hawkings responded that it was the responsibility of the applicant to determine if a change of use was necessary and that it did not affect the licensing process. If there was a requirement for a change of use, it would have to go through Planning.

The Chair then asked Roxana Khakinia whether the parking went under any of the licencing objectives in which the Sub-Committee would base its decision on. Roxana Khakinia replied that the parking was dealt under Planning Department and therefore would not be under consideration. However, she added, the Sub-Committee could take into account residents' concerns in line with issues of public safety.

The Chair asked for any questions. On the change of use issue and that planning approval was required, Elizabeth Michael questioned whether there would be another consultation process. The Chair replied that a change of use may not be required to go through a planning committee and would be determined by planning officers under delegated powers.

Roxana Khakinia added that a consultation process may take place if there were objections to the planning application if it was required. She also stated that if a licence was granted to the applicant and there was a planning issue, it did not mean that they could open the store as they would be required to possess all appropriate licences. Craig Hawkings clarified that the granting any premises licence would not override any current planning restrictions on the premises.

Elizabeth Michael then asked how residents would be notified of a planning issue. The Chair replied that Planning Officers would notify the immediate neighbours in the area.

Councillor Hilton asked who would check that there were no planning restrictions on the premises. The Chair replied that it was down to the Applicant. Craig Hawkings stated that the consultation process did involve consulting planning officer who would highlight any irregularities.

Roxana Khakinia asked the applicant on how they were going to manage deliveries if they were granted the licence. Mr Singh replied that they would investigate to understand the area further (e.g., busy periods) to make the arrangements for deliveries and that they were dropped off in a small patch of land. Roxana Khakinia then asked about any arrangements for rubbish collections. Mr Singh replied that they have arranged for rubbish collection which would take place every fortnight.

Regarding the applicant's offer to compromise on changing opening times, an Objector asked if a 9:00pm closing time would be suitable for them and something they would consider. Mr Singh replied that he would look into this. Craig Hawkings clarified that the licence allowed opening times up to the timings which the licence allowed though some stores may work under that timeframe.

Councillor Luxton asked the applicant about moving youths from outside the store as well as the regular clearing of litter. The applicant replied that the bins would be cleared every day and that he would engage with any youths outside the store through communication and understanding.

Craig Hawkings summarised the licensing authority's case. Having regarded the application and to the relevant representations, the Sub-Committee had to take such steps as it considered appropriate for the promotion of the licensing objectives. The steps were:

- Reject the application.
- Grant the application but modify the activities and/or the hours and/or the conditions of the licence.
- 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.

LICENSING & PUBLIC SPACE PROTECTION ORDER (PSPO) SUB COMMITTEE

THURSDAY 27 JULY 2023

PRESENT: Councillors Neil Knowles, Mark Wilson and Kashmir Singh

Officers: Oran Norris-Browne, Craig Hawkings and Roxana Khakinia

APPOINTMENT OF CHAIR

Councillor Wilson proposed that Councillor Knowles chaired the meeting. Councillor K. Singh seconded this.

AGREED: That Councillor Knowles be Chair for the duration of the sub-committee.

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brar. Councillor K. Singh attended as substitute.

DECLARATIONS OF INTEREST

No declarations of interest were made.

PROCEDURES OF THE SUB COMMITTEE

The procedures were noted.

CONSIDERATION OF AN APPLICATION FOR A NEW PREMISES LICENSE

Craig Hawkings, Licensing Team Leader, outlined the report to the members of the sub-committee, which included the difference in opening hours between the summary page and the ones outlined in the report. This was due to a change in hours that had been offered by the applicant prior to the hearing. The new hours being applied for were as followed:

- Supply of alcohol off the premises – Monday to Sunday 06:00 – 22:00
- Hours premises are open – Monday to Sunday 06:00 – 22:00

Craig Hawkings then reminded all parties what the four licensing objectives were of the Royal Borough.

The Designated Premises Supervisor (DPS) was Mrs Lisa Fernley.

Objections had been received from 8 persons, who were notified of the hearing however declined the invitation to attend. The last day of representations was Tuesday 4 July 2023. If no objections had been received, then the license would have been given as applied for by the Local Authority.

Councillor K. Singh asked if the change in opening hours in the morning from the framework hours of 09:00 to 06:00 was normal. Craig Hawkings stated that there was no reason for this and that it was not an uncommon practice, so was perfectly acceptable.

Hardish Purewal introduced their case to the sub-committee members. They provided a brief explanation of One-Stop and how it was situated. There would be a limited range of between 2,000 and 3,000 products on offer, showcasing its limited size. Alcohol would therefore be a minimal amount of this. There would be roles on offer in the premises for the local community,

which would enhance the job opportunities there for local residents, who would be offered preferential opportunities. Hardish Purewal said that the premises wished to be out there within the local community and if any issues were to arise within the local community, then Debie Pearmain, Thames Valley Police, would be liaised with as they worked closely together.

Hardish Purewal said that there would be good training on offer to staff. This would be for multiple different elements when it came to a store, including training on the Challenge 25 policy. Refresher training would be on offer too, along with conflict training and instructions on how to spot if a person looked drunk. Hardish Purewal then explained how the premises would use the Challenge 25 policy, including specific processes that would occur on the physical till. In terms of security, cameras would be installed and linked to a central system along with panic alarms. Spirits would be behind the counter, out of reach of customers.

Hardish Purewal then wished to respond to some of the representations that had been received from residents, that related specifically to the four licensing objectives. She said that the store would try their best to move persons away from the green space and that no alcohol would be sold to already intoxicated persons. Thames Valley Police had also confirmed that there was no evidence of anti-social behaviour in the area too, however this would always be monitored and acted upon. The closing hours had been reduced from 00:00 to 22:00 hours, based on feedback from local residents.

Councillor K. Singh asked if the trading hours would be 7 days a week of 06:00 to 22:00 and that the Sunday trading hours did not apply due to it being a smaller store? This was confirmed by Hardish Purewal

Councillor Wilson asked about large delivery vehicles and how the applicant would manage this. The Chair said that this could potentially cross over onto the planning application stage and therefore fell out of the sub-committee's remit. Hardish Purewal confirmed this but stated that the premises would of course do their best to minimise disruption to the local community.

The Chair then clarified that the application that was before the sub-committee members was simply for the provision of selling alcohol at the premises and did not cover other things such as vaping and e-cigarettes, that had been asked by Councillor Wilson.

Hardish Purewal summarised by stating that the business was excellent along with its history, and that there had been no evidence presented that they believed was enough to suggest that they should not be granted the premises license as applied for.

Craig Hawkings outlined the options that were on offer to the Sub-Committee Members:

- 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.

During the deliberations, it was discussed that although the sub-committee sympathised with the persons who made objections, many of these were more related to planning & did not necessarily affect the 4 licensing objectives of the authority.

Having taken all written representations into account, the sub-committee saw no extenuating circumstances that would suggest that any of the four licensing objectives would be breached, that would suggest for them to not grant the application as applied for along with the condition that had been offered by the applicant which was to reduce the closing hours to 22:00 hours from 00:00 hours, Monday – Sunday.

The meeting, which began at 11.30 am, finished at 12.24 pm

CHAIRMAN.....

DATE.....

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Report Title:	DBS Checks on RBWM Licenced Drivers
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Werner, Cabinet Member for Public Protection
Meeting and Date:	Licensing Panel 16 October 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Amanda Gregory, Assistant Director of Housing, Environmental Health & Trading Standards
Wards affected:	All

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REPORT SUMMARY

All new RBWM licenced hackney carriage and private hire drivers are required to provide an enhanced DBS before they can be considered for a licence.

Checks on existing drivers' DBSs are automatically carried out every three years although other checks are carried out as and when necessary.

Based on government requirements, this report seeks changes to this process so that existing drivers' DBSs are checked every six months.

This will tie in with a move away from a paper based DBS application process to an on line process which RBWM is currently undergoing.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That the Licensing Panel notes the report and:

- i) **Agrees in principle that the current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions be amended to require that all RBWM licenced hackney carriage and private hire drivers enable the Licensing team to check their DBS for new information every six months,**
- ii) **Agrees that this should be consulted on with licenced drivers, operators and all interested parties to determine how this is best achieved, and**
- iii) **Agrees that final recommendations to introduce the six monthly DBS checks are brought to the next Licensing Panel on 13 February 2024 for final implementation.**

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

Options

Table 1: Options arising from this report

Option 1	Comments
<p>The RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions be amended to require that all RBWM licenced hackney carriage and private hire drivers enable the Licensing team to check their DBS for new information every six months, by either;</p> <ul style="list-style-type: none"> i) producing a new DBS certificate every six months, or ii) signing up to a DBS update system which allows access by RBWM Licensing officers <p>This is the recommended option</p>	<p>This would ensure compliance with a statutory standard which RBWM has an obligation to comply with.</p>
<p>Do Nothing</p>	<p>There is a risk that if six monthly DBS checks are not carried out;</p> <ul style="list-style-type: none"> i) a RBWM licenced driver could commit or be convicted of a serious offence which may not be made known to RBWM Licensing for a longer period of time which could result in the driver continuing as a licenced driver, leading to reputational damage and possible legal action, as well as reducing levels of public safety, and ii) RBWM would not be complying with the requirements of a government standard, which could result in reputational damage

- 2.1 In 2018 a report on hackney carriage (taxi) and private hire vehicle (PHV) licensing, commissioned by the Department of Transport, was published. It was called “Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system”.
- 2.2 One of the recommendations in this report was that the government should legislate for national minimum standards for taxi and PHV driver and operator licensing. The aim was to ensure that no licensing authority could be considered as easier than any other to obtain a taxi or PHV drivers’ or operators’ licence, and so ensure higher standards of public safety.
- 2.3 The Policing and Crime Act 2017 enables the issuing of statutory guidance to protect children and vulnerable adults, and by extension all passengers, when using taxi and PHV services. Under this legislation, the Department of Transport issued the Statutory Taxi & Private Hire Vehicle Standards in July 2020.

- 2.4 The Standard states (at paragraph 1.3);
“There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to**” (*DoT report emphasis*).
- 2.5 The Licensing Panel of 13 October 2020 agreed to adopt the majority of the Standard’s provisions and the relevant RBWM policies were amended accordingly.
- 2.6 The Standard stated that officers should review existing licences to ensure that drivers met the requirements of the new Standard, saying (paragraph 3,14);
“If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence”.
- 2.7 That review has now been completed. It now remains for RBWM to adopt the requirement set out in paragraph 6.2 of the Standard;
“All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.”
- 2.8 This puts the onus on the drivers to enable the licensing authority to check DBSs for new information every six months, and the onus on the licensing authority to carry out those checks.
- 2.9 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 2.10 A six monthly DBS check on licenced drivers is a more stringent level of scrutiny than has existed up to now. However this is in line with the Standard’s overall objective of raising standards of public safety by ensuring that any changes in a DBS will come to the attention of licensing authorities more quickly than is the case at present.
- 2.11 As has been stated, the Standard puts the onus on the drivers to allow access to a new DBS every six months. If this was done using the current process the drivers would have to apply for a paper DBS certificate every six months, costing £44 each time, or £88 per year.
- 2.12 However, RBWM is currently moving away from a paper based DBS application process to an on-line process. RBWM Licensing propose using a

third party company to do this. This would mean the driver dealing directly with that third party company to obtain their DBS, the cost of which would be a one off payment of £59.

- 2.13 If drivers then subscribe to the DBS's Update Service, costing £13 per year, this would both allow them to keep their DBS certificates up to date and allow RBWM Licensing to check a DBS certificate at any time.
- 2.14 This will mean that in the first year drivers would pay more than at present (£72 as against £44 currently), but in subsequent years would only have to pay £13 per year, so this is a real saving for the drivers over time.
- 2.15 The process by which RBWM Licensing then conducts the six monthly check on each driver's DBS will then need to be established. There are various ways of doing this as set out Table 2.

Table 2 – Options for Six Monthly DBS Checks

Action	Person Required to Complete the Action	Cost/Other Implications
1. RBWM Licensing uses the DBS's Multiple Status Check Facility to conduct six monthly checks	RBWM Licensing	<p>This assumes that all drivers have subscribed to the DBS Update Service, that being the case there is no action required of the drivers</p> <p>This will be a significant administrative burden for RBWM Licensing, particularly at the start, as there are approximately 1000 licenced drivers whose details would need to be inputted</p> <p>Further research can be conducted to establish exactly what this would entail and the burden imposed</p>
<p>2. Use is made of the "DBS Update Service Status Checks" facility provided by the third party company referred to in paragraph 2.12</p> <p>The cost of this is £6 + VAT per driver, per year, which would have</p>	Individual drivers OR RBWM Licencing	This would provide checks on every RBWM drivers' DBS as frequently as every two weeks. It would be the most effective and efficient way of complying with the Standard

<p>to be paid by either the individual drivers or by RBWM Licensing</p>		<p>If this were to be paid by the drivers, £6 + VAT per year, is not a large sum and would be more than offset by the reduced DBS costs set out in paragraph 2.13.</p> <p>If this were to be paid by RBWM Licensing it would be up to £6000 per year, which would be outside current budget provision</p>
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- 2.16 These options can be researched further and consulted on before a final decision is made.
- 2.17 Members are now asked to agree in principle that the current RBWM Hackney Carriage Driver and Vehicle Policy & Conditions and the RBWM Private Hire Driver and Vehicle Policy & Conditions be amended, as recommended in Table 1, with the additional wording set out in Appendix B.
- 2.18 Members are further asked to agree that these proposed changes are consulted on with licenced drivers, operators and all interested parties before the exact process is decided and can be formally adopted.
- 2.19 Final recommendations to introduce the six monthly DBS checks will be brought to the next Licensing Panel on 13 February 2024 for decision and implementation.

3. KEY IMPLICATIONS

- 3.1 In agreeing in principle to six monthly checks of RBWM licenced drivers, the Licensing Panel will ensure that RBWM is complying with the requirements of a statutory government standard aimed at providing consistency across the country in the approach taken to licensing hackney carriage and private hire drivers.
- 3.2 This in turn will help to provide higher standards of public safety by ensuring that criminal activity committed by licenced drivers is spotted as soon as possible. This will mean that appropriate action can be taken against such drivers, and the reputation of the vast majority of law abiding licence holders is protected.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 None at this time

5. LEGAL IMPLICATIONS

- 5.1 Licensing authorities must ensure that all licenced drivers are “fit and proper” to hold either a private hire driver licence or a hackney carriage driver licence, by virtue of sections 51 and 59 respectively of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 The six monthly DBS checks proposed in this Report are an element of the fit and proper test and were set out in a government standard issued under the Policing and Crime Act 2017.
- 5.3 A licensing authority may attach to the grant of a driver’s licence such conditions as they may consider reasonably necessary. This would include a requirement to enable the Licensing team to check a driver’s DBS for new information every six months (by virtue of sections 51 and 52 of the Local Government (Miscellaneous Provisions) Act 1976).

6. RISK MANAGEMENT

- 6.1 The risks identified are set out in Table 3

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that if six monthly DBS checks are not carried out; i) a RBWM licenced driver could commit or be convicted of a serious offence which may not be made known to RBWM Licensing for a longer period of time, resulting in the driver continuing as a licenced driver, reputational damage, possible legal action and a reduction in levels of public safety, and and	i) Extreme	i) Low	i) DBS checks are carried out every three years More frequent checks are carried out when alleged offences are reported by the police, or when felt necessary by officers	i) More frequent DBS checks could be made but they would be random, burdensome, and would defeat the object of the proposals in this Report	i) Major	i) Medium

ii) RBWM would not be complying with the requirements of a government standard	ii) Moderate	ii) Low	ii) There would be no mitigation in place	ii) None	ii) Low	ii) Low
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 Climate change/sustainability. This report has no climate change / sustainability implications.
- 7.3 Data Protection/GDPR. This report has no data protection / GDPR implications as there will be no changes to existing procedures in this respect.

8. CONSULTATION

- 8.1 Recommendation (ii) of this report is that the proposals herein are consulted on before they are formally adopted.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 The full implementation stages are set out in table 4

Table 4: Implementation timetable

Date	Details
13/02/2024	This is the date of the next Licensing Panel at which the results of the consultation can be presented and a final decision made on the Recommendation (i) of this Report.

10. APPENDICES

- 10.1 This report is supported by 2 appendices:
- Appendix A – Equality Impact Assessment
 - Appendix B – Proposed Changes to RBWM Policies

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by 3 background documents:

- Statutory Taxi & Private Hire Vehicle Standards can be found at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- Current RBWM hackney carriage driver and vehicle policy can be found at https://www.rbwm.gov.uk/sites/default/files/2023-07/licensing_hackney_driver_vehicle_policy_conditions.pdf
- Current RBWM private hire driver and vehicle policy can be found at https://www.rbwm.gov.uk/sites/default/files/2023-07/licensing_private_hire_driver_vehicle_conditions.pdf

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	21/09/23	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	21/09/23	22/09/23
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer		
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer		
<i>Mandatory:</i>		<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>	
Lyn Hitchinson	Procurement Manager	21/09/23	04/10/23
<i>Mandatory:</i>		<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>	
Samantha Wootton	Data Protection Officer	21/09/23	
<i>Mandatory:</i>		<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>	
Ellen McManus-Fry	Equalities & Engagement Officer	21/09/23	21/09/23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place	21/09/23	
<i>Assistant Directors (where relevant)</i>			
Amanda Gregory	Assistant Director of Housing, EH and TS (<i>not in post at time of writing</i>)		

<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cllr Werner, Cabinet Member for Public Protection	Yes 21/09/23
	Cllr Brar, Chair of the Licensing Panel	Yes 21/09/23

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Licensing Panel decision	No	No

Report Author: Greg Nelson, Trading Standards & Licensing Manager, 07970 446 526

Appendix A

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

www.rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	DBS Checks on RBWM Licenced Drivers
Service area:	Housing, Environmental Health & Trading Standards
Directorate:	Place

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

The proposal is to introduce six monthly DBS checks for all RBWM licenced hackney carriage and private hire, drivers. This will be a more stringent than the current three yearly checks

It will be delivered by RBWM Licensing

This is a new proposal

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you have considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

The proposal will have a direct effect on RBWM licenced hackney carriage and private hire drivers

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal? For example, users of a particular service, residents of a geographical area, staff
The proposal will have a direct effect on RBWM licenced hackney carriage and private hire drivers as they will need to change the means whereby they provide DBS information to RBWM More widely, all users of RBWM licenced hackney carriages and private hire vehicles will benefit from more stringent DBS checks on drivers, which should provide higher levels of public safety
Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?
The protected characteristic race will be disproportionately represented by this proposal as a very high percentage of RBWM licenced hackney carriage and private hire drivers are from ethnic minorities
What engagement/consultation has been undertaken or planned? <ul style="list-style-type: none">• How has/will equality considerations be taken into account?• Where known, what were the outcomes of this engagement?
One of the recommendations of this proposal is a consultation with all affected parties, specifically including RBWM licenced hackney carriage and private hire drivers
What sources of data and evidence have been used in this assessment? Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.
The main source of information is the records held by RBWM Licensing which shows the high number of drivers affected being from ethnic minorities

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age		<p>All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks</p> <p>This will be particularly beneficial for more vulnerable individuals such as people with disabilities / lone female passengers / younger or more elderly passengers</p>	Not Applicable
Disability		<p>All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks</p> <p>This will be particularly beneficial for more vulnerable individuals such as people with disabilities / lone female passengers / younger or more elderly passengers</p>	Not Applicable

Sex		<p>All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks</p> <p>This will be particularly beneficial for more vulnerable individuals such as people with disabilities / lone female passengers / younger or more elderly passengers</p>	Not Applicable
Race, ethnicity and religion	An increase in the frequency of DBS checks on RBWM licenced drivers is likely to have a disproportionate impact on drivers who are from ethnic minorities, and from a particular religion, because a high proportion of licenced drivers are from ethnic minorities and particular religions.	All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks	<p>There may be a perception that this group is being targeted because of their race or religion</p> <p>This should be addressed in the consultation and engagement process</p>
Sexual orientation and gender reassignment		All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks	Not Applicable
Pregnancy and maternity		All users of RBWM Hackney Carriages will benefit from increased safety and	Not Applicable

		security that will come from the more rigorous system of DBS checks	
Marriage and civil partnership		All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks	Not Applicable
Armed forces community		All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks	Not Applicable
Socio-economic considerations e.g. low income, poverty		All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks	Not Applicable
Children in care/Care leavers		All users of RBWM Hackney Carriages will benefit from increased safety and security that will come from the more rigorous system of DBS checks	Not Applicable

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group
There will be a consultation and engagement process before the proposals are implemented. This will allow explanations to be given that this is a national initiative, not just one in RBWM, that is based in a statutory standard issued by the government, and reassurances can be given that the proposals will apply to persons of all ethnicities, races and religions
Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this? <ul style="list-style-type: none">For planned future actions, provide the name of the responsible individual and the target date for implementation.
This should not be the case
How will the equality impacts identified here be monitored and reviewed in the future? See guidance document for examples of appropriate stages to review an EQIA.
This results of the engagement and consultation will be incorporated into the final proposals which will come before the Licensing Panel in February 2024.

6. Sign Off

Completed by: Greg Nelson	Date: 18/08/2023
Approved by: Ellen McManus-Fry	Date: 21/09/2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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Appendix B – Proposed Changes to RBWM Policies

1) In the RBWM Hackney Carriage Driver & Vehicle Policy and Conditions

3. FIT AND PROPER

Insert new paragraph 3.15;

From 13 February 2024, all existing licenced drivers must enable the Licensing team to check their DBS for new information every six months, by either;

- i) producing a new DBS certificate every six months, or
- ii) signing up to a DBS update system which allows access by RBWM Licensing officers

2) In the RBWM Private Hire Driver & Vehicle Policy & Conditions

Insert new paragraph 0;

From 13 February 2024, all existing licenced drivers must enable the Licensing team to check their DBS for new information every six months, by either;

- i) producing a new DBS certificate every six months, or
- ii) signing up to a DBS update system which allows access by RBWM Licensing officers

Report Title:	Hackney Carriage Livery – Options for Change for Electric and Hybrid Vehicles
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Werner, Cabinet Member for Public Protection
Meeting and Date:	Licensing Panel 16 October 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place Services & Amanda Gregory, Assistant Director of Housing, Environmental Health & Trading Standards
Wards affected:	All

REPORT SUMMARY

All new RBWM licenced hackney carriages (taxis) are required to be white with purple colouring and a large RBWM coat of arms, known together as the livery. They are also required to be wheelchair accessible.

This report considers whether the livery requirement should be amended or removed for electric and hybrid hackney carriages as an encouragement to move away from fossil fuelled vehicles, whilst maintaining public confidence and the requirements of wheelchair accessibility.

DETAILS OF RECOMMENDATION(S)

RECOMMENDATIONS: That the Licensing Panel notes the report and:

- i) **Agrees that research should be conducted into the availability and cost of electric and hybrid hackney carriages, and whether the models available comply with requirements for wheelchair accessibility**
- ii) **Agrees that consultation should be conducted with hackney carriage drivers and all other interested parties as to possible changes to the livery on electric and hybrid vehicles, and**
- iii) **Agrees that the results of the research, the consultation and options for changes to the livery on electric and hybrid hackney carriages, be brought to the next Licensing Panel meeting on 13 February 2024**

1. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option 1	Comments
i) Research be conducted into the availability and cost of electric and hybrid hackney carriages, whether the models available comply with requirements for wheelchair accessibility, and the availability of charging points for electric vehicles	The research and consultation will provide evidence on which the Licensing Panel will be able to make informed decisions about any potential changes to the livery on RBWM licenced

Option 1	Comments
ii) Consultation be conducted with hackney carriage drivers and all other interested parties as to possible changes to the livery on electric and hybrid vehicles iii) The results of the research, the consultation and options for changes to the livery on electric and hybrid hackney carriages, be brought to the next Licensing Panel meeting on 13 February 2024 This is the recommended option	hackney carriages if drivers move to electric or hybrid vehicles. This will also provide evidence to support decision making in respect of longer term moves away from fossil fuelled hackney carriages to electric or hybrid vehicles.
Do Nothing	The status quo will be maintained in respect of the livery on RBWM licenced hackney carriages and no information or data will be compiled in respect of the availability and cost of electric and hybrid hackney carriages

- 1.1 The requirement for RBWM licenced hackney carriages to be white and have a specified livery (ie a purple bonnet and boot and a large RBWM coat of arms) was introduced in 2012.
- 1.2 Failure to adhere to this requirement is a contravention of the Hackney Carriage Driver and Vehicle Policy & Conditions and so may result in enforcement action against the driver or owner of the vehicle.
- 1.3 The primary purpose of licensing hackney carriages (and private hire vehicles) is to ensure the safety of passengers and other road users. The livery was introduced for hackney carriages to play a part in this by providing an extra level of security for passengers who would be more comfortable using a liveried vehicle, clearly identifiable as licenced by the Royal Borough, as against an unmarked hackney or private hire vehicle.
- 1.4 The livery also gives RBWM licenced hackney carriages a unique appearance in comparison with traditional black taxis, makes them readily identifiable to residents and visitors to RBWM who may not be familiar with the differences between hackney carriages and private hire vehicles, and provides a smart and uniform appearance.
- 1.5 The livery has always been unpopular with drivers mainly because of the costs of having it applied and because, the drivers say, the livery reduces the amount of private work that they can get because potential clients might be put off by the livery.
- 1.6 On a number of occasions the drivers have requested that the requirement for the livery be removed or relaxed. This has been rejected by successive Licensing Panels.

- 1.7 There will be a need to move RBWM licenced hackney carriages (and private hire vehicles) away from fossil fuelled vehicles to electric vehicles or hybrids for environmental and reputational purposes, as well as to tie in with updated government targets of banning the sale of new petrol and diesel cars in the UK from 2035.
- 1.8 That can be considered in detail at a later date but a step in that direction may be an opportunity allow some changes or relaxation of the current livery requirements for drivers who move now from using a fossil fuelled vehicle to an electric or hybrid vehicle.
- 1.9 For example, the RBWM Hackney Carriage Driver and Vehicle Policy & Conditions could be amended such that the livery requirement is changed, reduced or removed entirely for electric or hybrid vehicles.
- 1.10 If this were adopted, perhaps other markings on the vehicle to indicate that it is an electric or hybrid vehicle could be considered as a visual demonstration that RBWM is moving away from fossil fuelled vehicles.
- 1.11 This would remove all of the objections that the drivers have to the livery and encourage them to move to an electric or hybrid vehicle.
- 1.12 This would, however, depend upon the availability and cost of electric and hybrid hackney carriages. The cost is likely to be substantial and so amendments to the livery may not be a sufficient incentive for drivers to move to an electric or hybrid vehicle.
- 1.13 The availability of charging points for electric vehicles also needs to be taken into consideration as this will have a practical impact on whether drivers can move to using electric vehicles at this time.
- 1.14 It is also essential that the requirement for hackney carriages to be wheelchair accessible is maintained.
- 1.15 Research is needed to establish the availability and cost of electric and hybrid hackney carriage vehicles, whether the vehicles are wheelchair accessible and the current and projected availability of charging points.
- 1.16 Consultation with the drivers and all other stakeholders on these matters is required.
- 1.17 Options for changes to the livery requirement for electric and hybrid hackney carriage vehicles need to be considered and options provided to the Licensing Panel.
- 1.18 Members of the Licensing Panel are asked to agree the three Recommendations set out at the start of this report.

2. KEY IMPLICATIONS

- 2.1 The Recommendations in this report are a first step towards major changes to the type of vehicle that RBWM will consider for licensing as hackney carriages (and by implication, private hire vehicles) as we move away from fossil fuelled

vehicles to electric or hybrid vehicles. They will be considered in more detail in future reports.

3. FINANCIAL DETAILS / VALUE FOR MONEY

3.1 None for RBWM at this time.

4. LEGAL IMPLICATIONS

4.1 A licensing authority may attach to the grant of a hackney carriage vehicle licence such conditions as they may consider reasonably necessary, and this includes the requirement for vehicles to have a certain appearance or livery (by virtue of section 47 of the Local Government (Miscellaneous Provisions) Act 1976).

5. RISK MANAGEMENT

5.1 No risks have been identified at this time.

6. POTENTIAL IMPACTS

6.1 Equalities. An Equality Impact Assessment is available as Appendix A.

6.2 Climate change/sustainability. This report will have no immediate effect in respect of climate change and sustainability. However, it may lead to actions which have such an impact should the report recommendations lead to changes which encourage the replacement of fossil fuelled licenced hackney carriage with electric or hybrid vehicles. This will be set out in more detail in subsequent reports.

6.3 Data Protection/GDPR. This report has no data protection / GDPR implications as there will be no changes to existing procedures in this respect.

7. CONSULTATION

7.1 Recommendation (ii) of this report is that the proposals herein are consulted on to provide the next meeting of the Licensing Panel with evidence and data on which to base decisions about any potential changes to the livery on RBWM licenced hackney carriages if drivers move to electric or hybrid vehicles.

7.2 The new RBWM Engagement Framework will be used in the consultation process.

8. TIMETABLE FOR IMPLEMENTATION

8.1 The full implementation stages are set out in table 3

Table 3: Implementation timetable

Date	Details
13/02/2024	This is the date of the next Licensing Panel at which the results of the research and consultation in Recommendation (ii) and options for changes can be presented to Panel members

9. APPENDICES

- 9.1 This report is supported by 1 appendix:
- Appendix A – Equality Impact Assessment

10. BACKGROUND DOCUMENTS

- 10.1 This report is supported by 1 background document:
- Current RBWM hackney carriage driver and vehicle policy can be found at https://www.rbwm.gov.uk/sites/default/files/2023-07/licensing_hackney_driver_vehicle_policy_conditions.pdf

11. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	21/09/23	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	21/09/23	22/09/23
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer		
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer		
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	21/09/23	04/10/23
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	21/09/23	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	21/09/23	21/09/23
<i>Other consultees:</i>			

<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place	21/09/23	
<i>Assistant Directors (where relevant)</i>			
Amanda Gregory	Assistant Director of Housing, EH and TS (<i>not in post at time of writing</i>)		
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cllr Werner, Cabinet Member for Public Protection	Yes
	Cllr Brar, Chair of the Licensing Panel	Yes

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Licensing Panel decision	No	No

Report Author: Greg Nelson, Trading Standards & Licensing Manager, 07970 446 526
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Appendix A

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

www.rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	Hackney Carriage Livery – Options for Change for Electric and Hybrid Vehicles
Service area:	Housing, Environmental Health & Trading Standards
Directorate:	Place

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

The proposal is that research should be conducted into the availability and cost of electric and hybrid hackney carriages, and whether the models available comply with requirements for wheelchair accessibility

The intention is, that if such vehicles are available, changes be made to the current livery requirements on hackney carriages for those drivers who switch to an electric or hybrid vehicle

It is also proposed that consultation and engagement be conducted with hackney carriage drivers and all other interested parties to ascertain their views and get their sign up to the possible changes to the livery requirement

This will be delivered by RBWM Licensing

This is a new proposal

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you have considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

The proposal will have a direct effect on RBWM licenced hackney carriage drivers

The proposal must not affect the requirement that new hackney carriages are wheelchair accessible

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

<p>Who will be affected by this proposal? For example, users of a particular service, residents of a geographical area, staff</p>
<p>The proposal will have a direct effect on RBWM licenced hackney carriage drivers as they will have the opportunity to benefit from possible changes to the current livery requirements on hackney carriages, which the drivers have long campaigned against</p> <p>At present all new hackney carriages are required to be wheelchair accessible. The intention is that this requirement is not changed so there should be no effect on the accessibility of hackney carriages for wheelchair users</p>
<p>Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?</p>
<p>The protected characteristic race will be disproportionately represented by this proposal as a very high percentage of RBWM licenced hackney carriage drivers are from ethnic minorities</p>
<p>What engagement/consultation has been undertaken or planned?</p> <ul style="list-style-type: none">• How has/will equality considerations be taken into account?• Where known, what were the outcomes of this engagement?
<p>One of the recommendations of this proposal is a consultation with all affected parties, specifically including RBWM licenced hackney carriage drivers</p>
<p>What sources of data and evidence have been used in this assessment? Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.</p>
<p>The main source of information is the records held by RBWM Licensing which shows the high number of drivers affected being from ethnic minorities</p>

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age		Not Applicable	Not Applicable
Disability	At present all new hackney carriages are required to be wheelchair accessible. The intention is that this requirement is not changed so there should be no effect on the accessibility to hackney carriages for wheelchair users	Not Applicable	Not Applicable
Sex		Not Applicable	Not Applicable
Race, ethnicity and religion	Changes to the livery requirements is likely to have a disproportionate impact on drivers who are from ethnic minorities, and from a particular religion, because a high proportion of licenced drivers are from ethnic minorities and particular religions.	Changes to the livery requirements, in particular the reduction or removal of the requirement, will be welcomed by the drivers	
Sexual orientation and gender reassignment		Not Applicable	Not Applicable
Pregnancy and maternity		Not Applicable	Not Applicable
Marriage and civil partnership		Not Applicable	Not Applicable
Armed forces community		Not Applicable	Not Applicable
Socio-economic considerations e.g. low income, poverty		Not Applicable	Not Applicable
Children in care/Care leavers		Not Applicable	Not Applicable

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group
There will be a consultation and engagement process before the proposals are implemented. This will allow explanations to be given as to how the drivers affected will benefit from the proposed changes
Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this? <ul style="list-style-type: none">For planned future actions, provide the name of the responsible individual and the target date for implementation.
N/A
How will the equality impacts identified here be monitored and reviewed in the future? See guidance document for examples of appropriate stages to review an EQIA.
The uptake of electric and hybrid hackney carriages will be monitored annually

6. Sign Off

Completed by: Greg Nelson	Date: 18/09/2023
Approved by:	Date:

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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