

To: Councillor Edwards (Chair)
Councillors Woodward, Rowland, Skeats,
Rynn and Ennis

Direct: ☎ 0118 937 2368
e-mail:
julie.quarmby@reading.gov.uk

1 June 2021

Your contact is: **Julie Quarmby - Committee Services**

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 9 JUNE 2021

A meeting of the Licensing Applications Sub-Committee 3 will be held on Wednesday, 9 June 2021 at 6.30 pm in the Council Chamber, Civic Offices, Bridge Street, Reading, RG1 2LU. Please note that, because of Covid-19, there will be a very limited number of socially distanced seats available for the public in the Council Chamber. The Agenda for the meeting is set out below.

	<u>WARDS</u>	<u>Page No</u>
	<u>AFFECTED</u>	
1. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		3 - 4
To confirm the Minutes of the Licensing Applications Sub-Committee 3 meeting held on 12 January 2021.		
3. QUESTIONS		
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		
4. POSTPONING THE 2021 HACKNEY CARRIAGE UNMET DEMAND SURVEY		5 - 8

A report asking Members to consider whether the Unmet Demand Survey should be carried out during the current Covid-19 Pandemic and the current limiting policy approach to Hackney Carriage licences should be amended.

5. EXCLUSION OF PRESS AND PUBLIC

At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following items on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of that Act”

6. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST THE ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

9 - 132

Present: Councillors Edwards (Chair), Rynn, Skeats R Williams (substitute for Councillor Rowland) and Woodward.

Apologies: Councillors Jones and Rowland.

8. MINUTES

The Minutes of the meeting held on 9 December 2020 were confirmed as a correct record.

9. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following item of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2, 3 and 5 specified in Part 1 of Schedule 12A (as amended) to that Act.

10. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider an application for the grant of a three-year School Transport Vehicle Driver's Licence and an appeal against the allocation of penalty points to a Private Hire Vehicle Driver's Licence.

A summary of the circumstances of the cases was appended to the report.

MG was present at the meeting and addressed the Sub-Committee and responded to questions. AM was also present at the meeting and addressed the Sub-Committee and responded to questions.

Resolved -

- (1) That the application by MG for the grant of a three-year School Transport Vehicle Driver's Licence be granted;
- (2) That the appeal by AM against the allocation of twelve penalty points on his private hire vehicle driver's licence be refused.

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting started at 6.30pm and closed at 8.54pm)

This page is intentionally left blank

READING BOROUGH COUNCIL

REPORT BY DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS COMMITTEE		
DATE:	8th April 2021	AGENDA ITEM:	
TITLE:	POSTPONING THE 2021 HACKNEY CARRIAGE UNMET DEMAND SURVEY		
LEAD COUNCILLOR:	CLLR PAGE	PORTFOLIO	STRATEGIC ENVIRONMENT PLANNING & TRANSPORT
SERVICE:	PLANNING, TRANSPORT & REGULATORY SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	M A GROVES	TEL:	72239 or 01189372239
JOB TITLE:	SENIOR LICENSING & ENFORCEMENT OFFICER	E-MAIL:	mark.groves@reading.gov.uk

1. Purpose of Report and Executive Summary

- 1.1 To allow members to consider if an Unmet Demand Survey should be carried out during the current Covid 19 pandemic.
- 1.2 To allow members to consider whether it is appropriate to amend the current limiting policy approach to hackney carriage numbers.

2. Recommended Action

- 2.1 Members note that due to the current financial hardship that is affecting the Reading Borough Council Hackney Carriage trade that the decision is made not to implement the survey in 2021 but to wait until 2022 when it is hoped that the current financial difficulties due to the Covid 19 pandemic have eased following the return of business to the trade.
- 2.2 Members consider retaining the current policy of not issuing any further hackney carriage licences, pending a review in late 2022.

3. Policy Context

- 3.1 The Town Police Clauses Act 1847, as amended by the Transport Act 1985, enables Councils to restrict the number of hackney carriage licences issued in their area, but only if they are satisfied that there is no significant unmet demand for hackney carriage services. In order to be satisfied that there is no significant unmet demand a survey must be carried out, at least every three years.

4. Background

4.1 A moratorium on the issue of new hackney carriage vehicle licences was implemented in March 2009 and has been maintained ever since, following analysis of unmet demand surveys completed in 2012, 2015 and 2018, each of which confirmed there was no significant underlying unmet demand for hackney carriages in Reading.

4.2 Officers were in the process of arranging a new survey in accordance with the Taxi requirements of Section 16 of the Transport Act 1985 and the Department for Transport and Private Hire Vehicle Licensing: Best Practice Guidance 2010 (Sections 45 to 51) when the Covid19 pandemic caused the country to go into 3 national lockdowns. Subsequently it has been impossible to continue with those arrangements and implementation of a survey.

5. Postponing the Unmet Demand Survey

5.1 The following guidance has been produced by the Department for Transport which says:

“Section 16 of the Transport Act 1985 does not specify the frequency of the unmet demand assessment, but the Department’s Best Practice Guidance issued in 2010 suggested this is conducted every three years. Though the decision as to when an unmet demand survey is conducted remains that for a licensing authority, we are aware that we are in a very unusual situation at present; while this continues it would seem highly unlikely that there would be significant unmet demand for taxis. We would expect unmet demand surveys to be conducted once travel levels return to more normal levels or if concerns are raised by the trade or public.”

5.2 In light of the advice above and taking account the current circumstances where many people are working from home, shielding or simply changing their travel habits to assist with social distancing, it is likely any survey completed in the short to medium term would be of dubious value; with results skewed to show far lower demand than might reasonably be expected. Accordingly, the survey will of necessity be delayed, until such time as a more normal level of usage is apparent.

6. Consultation

6.1 No public consultation has taken place, however comments were requested from both the Reading Taxi Association and the Reading Cab Drivers Association. There was no response received from the Reading Cab Drivers Association and a response was received from the Reading Taxi Association wholeheartedly agreeing to delay the Unmet Demand Survey by 12 months and that at the moment out of the 216 licensed HCV’s there are only an estimated 93 HCV’s working the ranks in Reading, and that carrying out a survey now would be unfair on rental drivers. Emails to and from the trade are attached as an appendix to this report.

7. Summary

7.1 Reading Borough Council currently operates a moratorium on the issue of new hackney carriage vehicle licences. Decisions about the continuation or abandonment of the moratorium are strongly influenced by regular demand surveys

7.2 The most recent unmet demand survey was conducted in 2018 and a new survey would normally be required during 2021.

- 7.3 If a survey was to be conducted in the current circumstances, it is highly unlikely the results would be a true reflection of the trade in Reading or of levels of demand for hackney carriage vehicles.

8. Recommendation

Members agree:

- 8.1 That the unmet demand survey is postponed until such a time as traffic levels return to normal levels.
- 8.2 That the moratorium on new hackney carriage vehicle licences continues until a review can be conducted that includes data from the unmet demand survey.

9. Legal Implications

- 9.1 Section 37 of the Town Police Clauses Act 1847, as amended by section 16 of the Transport Act 1985, enables Councils to licence taxis and to restrict the number of taxi licences issued only if they are satisfied that there is no significant unmet demand for taxi services in their area.
- 9.2 Any person aggrieved by the Council's refusal to grant a hackney carriage licence may appeal to the Crown Court.

10. Financial Implications

- 10.1 In the event of an appeal, the Council will have to bear the costs of defending their decision.
- 10.2 If, as is proposed, a limiting approach to the issue of hackney carriage licences were maintained a survey costing in the region of £15,745 would have to be undertaken this year. If the decision was to postpone the survey, then another survey would need to be undertaken during 2022.

11. Background Papers

Appendix I - Email sent to both Reading taxi trades and response.

I.

From: Groves, Mark
Sent: 30 March 2021 11:43
To: RTA ; 'RCDA'

Subject: Unmet Demand Survey

Good morning Gentlemen,

It is that time again when the option is to carry out another survey. I am asking as to your thoughts about carrying out the survey this year as I fully appreciated the financial constraints that your members are under and that there is not a lot of work available at this time and also that some of your members have had to take up other forms of employment to make a living.

We feel that the best option would be to delay the survey for 12 months to give time for the economy to start on it's long road to recovery and for some form of normal to return and for your members to be able to get back to serving the residents and visitors to Reading.

Could you please let me know your thoughts and also could you please let me know roughly how many members are still operating, how many have stopped working all together (for the pandemic) and how many have taken up other forms of employment. If you could let me have this information by Thursday 7th April it would be appreciated and then I can report back to the licensing committee.

Regards

Mark Groves
Senior Licensing & Enforcement Officer
Licensing | Directorate for Economic Growth and Neighbourhood Services

From: RTA
Sent: 07 April 2021 17:15
To: Groves, Mark
Subject: Re: Unmet Demand Survey

Good Afternoon

Thank you for your email.

The RTA agrees wholeheartedly to delay the Unmet Demand Survey by 12 months.

We believe that in the current situation this would be the preferred option of both owners and rental drivers.

There are also many unknowns due to Covid-19 and the current lockdown and therefore it would be pointless to have a survey in the Autumn.

Prior to Covid-19, there were 216 HCV's working (consisting of approximately 290 owners and drivers). However at the moment it is estimated that there are currently 93 HCV's working on the ranks (66 owners and 27 drivers).

In light of this, undertaking a survey now would be unfair on rental drivers.

If you require any further information, please do not hesitate to contact me.

Kind regards

Asif

Agenda Item 6

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank