

To: Councillor Edwards (Chair)  
Councillors Rynn, Woodward, Maskell,  
Page, Rowland, Skeats, Carnell, Barnett-  
Ward, Challenger, Ennis and McGonigle

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

## NOTICE OF MEETING - LICENSING APPLICATIONS COMMITTEE 22 JUNE 2021

A meeting of the Licensing Applications Committee will be held on Tuesday, 22 June 2021 at 6.30 pm in the Council Chamber, Civic Offices, Reading. The Agenda for the meeting is set out below.

<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>Page No</u>
1. <b>DECLARATIONS OF INTEREST</b>		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. <b>MINUTES</b>		3 - 8
To confirm the Minutes of the Licensing Applications Committee meetings held on 9 December 2020 and 26 May 2021.		
3. <b>PETITIONS</b>		
Petitions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers and Duties which have been received by the Assistant Director of Legal and Democratic Services no later than four clear working days before the meeting.		
4. <b>QUESTIONS</b>		
To receive any questions from Councillors and members of the public.		
5. <b>UNMET DEMAND SURVEY</b>		9 - 12

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

**Present:** Councillor Edwards (Chair), Barnett-Ward, Carnell, Maskell, Page, Rowland, Skeats and Woodward.

**Apologies:** Councillor D Singh.

### 1. MINUTES

The Minutes of the meeting held on 23 October 2019 were confirmed as a correct.

### 2. HACKNEY CARRIAGE VEHICLE EMISSIONS AND AGE POLICY REVIEW

The Director of Economic Growth and Neighbourhood Services submitted a report providing the Committee with an outline of the amendments and new initiatives to the Hackney Carriage Emission and Age Policy that had been adopted at the meeting on 23 October 2019. A table setting out the Emission Standard compared to the age of the vehicle was attached to the report at Appendix 1. The Council had consulted with the Reading Taxi Association (RTA) and the Reading Cab Drivers Association (RCDA). The Council received representations from the RTA, the details of which were set out in Appendix 2. Other local authorities had introduced similar policies to that proposed by the Council and a comparison of other local authority policies was detailed in Appendix 3.

The report explained that Reading Taxi Association (RTA) had requested a delay to the implementation of the Emissions and Age Policy due to the current challenging economic conditions as a result of the Covid-19 pandemic. RTA reported that they were currently running at a loss of 70 to 75% of their work during the day and up to 95% after 10.00 pm, with only 50% of the fleet working currently. They were seeking financial reprieve until the pandemic was under control and explained that they could not afford to upgrade their vehicles.

The report set out the staged approach which vehicle licence holders had to adhere to that had been agreed at the October 2019 meeting; if they didn't adhere to the staged approach they would not be issued with a licence. The Council had implemented incentives, which were set out in the report, to encourage the take up of Ultra Low Emission Vehicles (ULEV's) and electric vehicles but, to date there was only one ULEV vehicle on the fleet.

The Council's Environmental Protection and Nuisance Team, which dealt with air quality and emissions in the town, had commented on the Policy and reported air quality improvements since its introduction in October 2017. Officers in the team were not in favour of any reduction or delay in the Policy, as this would impact on air quality, health and be contrary to local and national policy. However, the economic impacts of the Covid-19 pandemic had also been recognised and therefore a relaxation of the Policy for a short period with the view to reviewing it again, as set out in the report, had been recommended. The taxi trade had also requested that all taxis up to and including EUTO 5a were given an extension of three years. They had also requested the removal of the minimum of ten years new to fleet requirement for a period of a year.

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The report explained that Environmental Protection and Nuisance officers had put alternative options together for consideration taking into account the RTA's request(s) whilst still having a realistic target to improve air quality and adhere to existing strategies. The options were as follows:

Option 1 - No change to the existing Hackney Carriage Vehicle Emissions and Age Policy as adopted in October 2019.

Option 2 - Pause the Emissions Policy until 1 October 2021 and the Policy will then continue unchanged. Between 1 October 2020 and 1 October 2021, fifteen vehicles were due to come off the fleet. This proposal would ensure that drivers were not put under any undue financial pressure in the current climate and would allow them time to recover, whilst not impacting the overall aim of the Policy.

Option 3 - Pause the emissions Policy until 1 October 2022 and then allow the Policy to continue unchanged. This would give 130 taxis up to an extra two years on the fleet. This option would be kept under review as officers looked to understand the lasting impacts of the pandemic. There would be no emission improvement from the fleet for this extended period of time, but after this point the older vehicles would be removed, so the overall aim of the Policy would remain intact. The proposal would not result in a change to the end date of the original Policy proposal.

Option 4 - The RTA had proposed that all vehicles up to and including EURO 5a were given an extra three years on the fleet and that the minimum age for new vehicles was raised to ten years for one year. This would mean that the oldest vehicle on the fleet would remain until 31 December 2023 and 197 vehicles would then be required to leave the fleet between this date and 1 October 2028.

The report stated that officers believed that delaying the removal of the oldest vehicles from the fleet by three years was too long and, although the impact of the pandemic was acknowledged, there was no evidence to suggest that it would continue for this length of time. The option was not considered proportionate as it did not take the benefits to air quality and the health of residents into consideration. Officers also did not agree with the proposal to allow vehicles up to ten years old onto the fleet for one year as it would have the effect of allowing a window for drivers to bring older vehicles onto the fleet.

Since the introduction of the Policy the fleet had made some improvements with 14 vehicles coming off the fleet due to their age and upgrading to Euro b standard. Vehicles were not being upgraded to the ULEV or electric vehicles with the cost involved being cited as the reason. The report included a table that detailed the effect of the proposed options on the existing Policy.

The report explained that the Council would still encourage Hackney Carriages to upgrade and were working on improving the officer and incentives that were in place to support this. Funding had been secure in the Council's Capital budget to install Rapid (50kW) EV charge points across the Borough. These charge points would offer a 20 to 30 minute charge time per vehicle. The report therefore sought approval for the use of some of this funding to install dedicated EV charge points for taxi fleet

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use only on Gun Street, Bridge Street and the Cattle Market Car Park. Approval of the traffic orders for these proposals would be considered at the meeting of Traffic Management Sub-Committee on 14 January 2021.

It had been recommended that the Council opt for the co-investment model, with the supplier, Joju, and the Council both contributing 50% to the capital and installation costs with a 50:50 profit share. This option would offer maintenance and management support. Once approval to proceed had been obtained each location would require a site survey to finalise designs and installation costs and the rapid charge points would then be delivered within six months.

The report explained that the Council had investigated the feasibility of the purchase of several electric taxis to rent out to drivers on short term leases to enable them to experience the benefits of driving electric. The Council was also exploring with the London Electric Vehicle Company whether or not it would be viable to provide a number of ULEVs for short term rent so that drivers could become familiar with the ULEV before purchase. However, the proposal was cost prohibitive as in order to break even after five years the Council would need to lease the taxis to drivers for £1,103.17 to £1,203.25 per month. This option was more expensive than the driver leasing the vehicle directly unless the Council were prepared to lease the vehicles for less and therefore make a loss. The report therefore proposed that the project should not be pursued further but that the option should be left open to review in case any external funding streams became available to make the option financially viable.

The report stated that due to the proposed pause in the Policy and to try and encourage the uptake of ULEV or electric vehicles it had been suggested that the existing fee discounts were amended to open up the free licence for the first year on the fleet to start immediately. Subsequent years would then revert to licence fee reduction as per the original Policy agreement.

Finally, the report stated that once the obstacle to the initial cost of purchasing an electric vehicle had been cleared there were clear benefits to drivers of electric taxis. Electric vehicles would offer significant fuel savings to drivers, for example, weekly fuel savings of £110, based on 120 miles per day five days a week, giving a five year saving of £27,389. In addition, service and maintenance costs which were cheaper as was vehicle tax and an indication from businesses that they wanted to use clear green taxis. In order to promote this message officers would carry out further engagement with drivers to try to understand more about what they needed to be in place in order to commit to the switch to an EV earlier than the last possible moment specified in the Policy. Officers would provide drivers with information on financing options and, where possible, would introduce drivers to advocates of EV taxis. Officers were also in discussions with the Energy Saving Trust with regard to what other driver engagement projects could help to accelerate EV uptake.

Councillor Page addressed the Committee and stated that the Council was fully cognisant and sympathetic of the impact the pandemic had had on the taxi trade. However, the Council had no formal resources to support the trade and there had been nothing from Government in the form of grants to assist drivers in the purchase

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of ULEVs; officers were looking for any opportunity to support the trade in the purchasing of these vehicles. The speed of recovery from the pandemic was unknown, although Reading had been very resilient in the past. With regard to the purchase of electric vehicles although the figures did not show any benefits currently this would be kept under review but, it had to be recognised that impact on air quality from the brakes and tyres of such vehicles, and the production of the vehicles themselves, caused as much pollution as ordinary vehicles. Councillor Page therefore proposed that an additional recommendation be added that a review of the Policy and other issues impacting on the taxi trade and economy of the town should be carried out and a report submitted to the Committee within 12 months, the proposal was agreed by the Committee.

Asif Rashid, Chairman of Reading Taxi Association, was present at the meeting and addressed the Committee.

### Resolved -

- (1) That the proposed amendments to the Hackney Carriage Vehicle Emissions and Age Policy 2019 to pause the Policy for two years and then allow the Policy to continue unchanged as set out as Option 3 in the report, with the end date of the original Policy remaining the same and to accept further officer recommendations and to keep the revisions made under review as a result of the pandemic be agreed;
- (2) That the installation of Rapid Charge Points at the locations proposed in paragraphs 5.1.2, 5.1.3 and 5.1.4 of the report, to support the implementation of the policy, be approved;
- (3) That the Rapid Charge Points installation proposal and implementation of relevant Traffic Orders would be considered at Traffic Management Sub-Committee on 14 January 2021 be agreed;
- (4) That the proposal not to pursue the Electric Taxi Lease Scheme but, that this measure be kept under review as officers continued to research funding streams be noted;
- (5) That a review of the Policy and other issues impacting on the taxi trade and economy of the town be carried out and a report submitted to the Committee within 12 months.

(The meeting started at 6.30pm and closed at 7.22pm)

**Present:** Councillor Edwards (Chair);  
Councillors Barnett-Ward, Challenger, Ennis, Maskell,  
McGonigle, Page, Rowland, Rynn, Skeats and Woodward.

**1. ESTABLISHMENT, MEMBERSHIP AND TERMS OF REFERENCE OF SUB-COMMITTEES**

**Resolved -**

- (1) That, under the provisions of Section 9 of the Licensing Act 2003, two Licensing Applications Sub-Committees (Sub-Committees 1 and 2), each consisting of three members, be established for the Municipal Year 2021/22 to deal with applications for licences under Section 7 of the Act;
- (2) That the members of Sub-Committees 1 and 2 be drawn from the membership of the Licensing Applications Committee;
- (3) That, under the provisions of Sections 101 and 102 of the Local Government Act 1972, an additional Licensing Applications Sub-Committee be established for the Municipal Year 2021/22, to deal with other licensing matters, as follows:

Licensing Applications Sub-Committee 3 (4:2)

Edwards	Rynn
Ennis	Skeats
Rowland	
Woodward	

Substitutes (2:1)

<u>Labour</u>	<u>Conservative Councillors</u>
<u>Councillors</u>	
Maskell	Carnell
Page	

- (4) That the following Councillors be appointed as Chair/Vice-Chair of Licensing Applications Sub-Committee 3 for the Municipal Year 2021/22:

<u>Chair</u>	<u>Vice-Chair</u>
Councillor Edwards	Councillor Woodward

- (5) That the Terms of Reference of the Sub-Committees be as set out in Appendix B to the Monitoring Officer's report to Council of 26 May 2021.

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## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	<b>LICENSING APPLICATIONS COMMITTEE</b>		
<b>DATE:</b>	<b>22 JUNE 2021</b>	<b>AGENDA ITEM:</b>	
<b>TITLE:</b>	<b>POSTPONING THE 2021 HACKNEY CARRIAGE UNMET DEMAND SURVEY</b>		
<b>LEAD COUNCILLOR:</b>	<b>CLLR PAGE</b>	<b>PORTFOLIO</b>	<b>STRATEGIC ENVIRONMENT PLANNING &amp; TRANSPORT</b>
<b>SERVICE:</b>	<b>PLANNING, TRANSPORT &amp; REGULATORY SERVICES</b>	<b>WARDS:</b>	<b>BOROUGHWIDE</b>
<b>LEAD OFFICER:</b>	<b>M A GROVES</b>	<b>TEL:</b>	<b>72239 or 01189372239</b>
<b>JOB TITLE:</b>	<b>SENIOR LICENSING &amp; ENFORCEMENT OFFICER</b>	<b>E-MAIL:</b>	<b>mark.groves@reading.gov.uk</b>

#### 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 7<sup>th</sup> 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

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**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