

LICENSING APPLICATIONS COMMITTEE MEETING MINUTES - 7 NOVEMBER 2023

Present: Councillor Woodward (Chair); Edwards (Vice-Chair), Asare, Davies, Dennis, Keane, Kitchingham, Page, Robinson, Rowland and Tarar

Apologies: Councillor Mitchell

9. MINUTES

The Minutes of the Licensing Applications Committee meetings held on 28 September 2023 were confirmed as a correct record and signed by the Chair.

10. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE STRATEGY 2023-2028

The Committee considered a report that recommended the adoption of the Hackney Carriage and Private Hire and Private Hire Vehicle Strategy following the completion of a public consultation. The following documents were appended to the report:

- Appendix 1 - Draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028
- Appendix 2 - Consultation Responses
- Appendix 3 - Proposed changes following the consultation
- Appendix 4 - Climate Impact Assessment

The report explained that the Council was committed to ensuring that the hackney carriage and private hire sector remained integrated within the town's sustainable transport network so that it could continue to move passengers to destinations safely, whilst contributing to the town's economy with minimal environmental impact.

The draft Strategy took account of the draft Local Transport Plan 2040, the draft Electric Vehicle Strategy and environmental factors resulting from the declaration of a Climate Emergency. The draft Strategy also detailed the Council's commitment to ensure full compliance with statutory guidance issued by the Department for Transport (DfT) on Statutory Taxi and Private Hire Vehicle Standards and set out the Council's position in relation to taxi ranks, wheelchair accessible vehicles, app-based taxi operations and highways use benefits (the use of bus lanes by Hackney Carriages and Private Hire Vehicles). The draft Strategy included an Action Plan that set out how and when the key objectives would be achieved.

The draft Strategy set out the Council's overarching vision and objectives for the Hackney Carriage and Private Hire sector in Reading over the next five years and would be used to steer policy development over that period. It was intended that policies relating to the Hackney Carriage and Private Hire sector would be reviewed against the Strategy going forward. Each measure set out within the Strategy would be subject to a full consultation process and be discussed as part of the ongoing meetings held with the Hackney Carriage and Private Hire trade representatives.

The report explained that, at the meeting held on 13 July 2023, the Licensing Applications Committee had given its approval for a public consultation to be conducted on the content of the draft Strategy. The consultation had been carried out between 14 August 2023 and

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18 September 2023. The consultation had been promoted on the Council's website and had been sent to individual taxi drivers and operators. A total of 22 responses had been received. Copies of the responses were attached to the report at Appendix 2. An analysis of the consultation responses had revealed that, whilst there was support for the Strategy, a number of concerns had also been raised. The respondents' comments and concerns, along with officers' replies to those comments, were set out in the report under the following headings:

- Private Hire Vehicles from out of area working in Reading;
- Use of bus lanes by Hackney Carriages and Private Hire Vehicles;
- Limited EV Charging Infrastructure;
- Disabled access to services;
- Extending the Hackney Carriage Vehicles Emissions Policy;
- Number of Hackney Carriage Licenses/Types of vehicles in the fleet; and
- Use of Taxi Ranks.

As a result of the consultation a number of changes had been made to the draft Strategy and Action Plan, the changes were summarised in the report under each of the above headings and were also listed in Appendix 3 of the report.

Asif Rashid, Chairman of Reading Taxi Association, and Imran Ali, a local hackney carriage driver, were present at the meeting and addressed the Committee on the item.

Resolved:

- (1) That the comments received during the public consultation process be noted;**
- (2) That the changes made to the Strategy proposed following the consultation be approved;**
- (3) That the Hackney Carriage and Private Hire Vehicle Strategy 2023-2028, as attached to the report at Appendix 1, be adopted.**

11. HACKNEY CARRIAGE AND PRIVATE HIRE CONVICTIONS POLICY

The Committee considered a report that recommended the adoption of the Hackney Carriage and Private Hire Convictions Policy following the completion of a consultation with members of the hackney carriage and private hire trade. The following documents were appended to the report:

- Appendix 1 - Draft Hackney Carriage & Private Hire Convictions Policy
- Appendix 2 - Objection from the from the RTA
- Appendix 3 - Objection by Mr Anjum
- Appendix 4 - Objection by Mr Ditta
- Appendix 5 - Objection by Mr Rafiq
- Appendix 6 - Objection by Mr Sajid
- Appendix 7 - Objection by Mr Shahzad

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- Appendix 8 - South Oxfordshire District Council Conviction Policy (points 4.19, 4.42 & 4.43)

The report explained that in July 2020 the Secretary of State for Transport had issued statutory guidance (Statutory Taxi and Private Hire Vehicle Standards) to all licensing authorities. The Standards were aimed at safeguarding children and vulnerable adults and set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly the most vulnerable. In May 2022 the Department for Transport (DfT) had also issued statutory guidance to licensing authorities to help them to comply with their new duties under the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act (TPHVA) 2022. A fundamental part of the TPHVA now required licensing authorities to share safeguarding and road safety concerns about taxi and private hire vehicle drivers with each other. The report explained that Council's Hackney Carriage and Private Hire Convictions Policy had been updated to ensure that it met with the requirements and standards set out in the legislation and associated statutory guidance.

The purpose of the Policy was to provide guidance on how the Council would now determine the suitability of new applicants and existing licence holders to hold a Hackney Carriage or Private Hire licence where the applicant or licence holder had been convicted of a criminal or driving offence.

At its meeting on 13 July 2023 the Licensing Applications Committee had approved the publication of the updated draft Hackney Carriage and Private Hire Convictions Policy for consultation with members of the hackney carriage and private hire vehicle trade (Minute 4 refers). The consultation had been conducted between 2 August 2023 and 3 September 2023. The consultation was sent out to 1,351 drivers and 37 Private Hire and School Transport Operators who were asked to ensure their drivers read the report and updated policy. The consultation was also sent to the Chief Constable of Thames Valley Police. During the 28-day consultation period 6 objections had been received. Copies of the 6 objections were attached to the report at Appendices 2 to 7.

The report summarised each of the objections that had been received and provided the Licensing Team's perspective in response to each concern. A key concern expressed by drivers related to the changes made to the draft Policy regarding the consideration of driving offences and in particular the implications for the accumulation of DVLA penalty points for licenced drivers. As a result of the objections that had been received the Licensing Team had contacted other licensing authorities to compare the content relating to driving offences in Reading's draft Policy with that in the policies used by other licensing authorities. The findings of the comparison were summarised in the report with a copy of the response that had been provided by South Oxfordshire District Council attached at Appendix 8.

The Committee discussed the concerns that had been raised by drivers. At the meeting it was noted that that the new Policy proposed that where licence holders had **more than 6** valid penalty points for driving offences (in other words, 7 or more valid DVLA penalty points) their licence would be revoked. The Committee considered that this was an appropriate and reasonable standard to expect professional drivers to adhere to.

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The Committee also asked that some aspects of the draft Policy be made clearer and instructed that paragraphs 52 and 53 of the draft Policy be combined so that they would be read as one single paragraph.

Asif Rashid, Chairman of Reading Taxi Association, and Imran Ali, a local hackney carriage driver, were both present at the meeting and both addressed the Committee on the item.

Resolved:

- (1) That officers be authorised to make minor changes to the Hackney Carriage and Private Hire Convictions Policy in order to improve clarity, including that paragraphs 52 and 53 be combined into one single paragraph.**
- (2) That, having given due consideration to the consultation objections received, the updated Hackney Carriage and Private Hire Convictions Policy, as attached to the report at Appendix 1, be adopted, subject to (1) above.**

12. STREET TRADING POLICY

The Committee considered a report that recommended the adoption of a Street Trading Policy for Reading for 2023-2028. A copy of the proposed Street Trading Policy was attached to the report at Appendix 1.

The Street Trading Policy had been developed to improve the quality of the town centre experience and would allow the Council to regulate unwanted street trading activities more effectively. The Policy looked to enhance visitors' experience of the town and improve how it functioned as a commercial centre. The Policy would ensure that residents, visitors and businesses would have greater certainty about how the Council viewed, monitored and managed street trading activity and would provide confidence that street trading had been properly considered, debated and a clear policy position had been formed. The Street Trading Policy aimed to:

- ensure fair trading between mobile premises in the Borough;
- protect the amenity of residents by ensuring that licenced traders did not cause nuisance, damage, disturbance or annoyance;
- ensure the safety of the people using street traders;
- promote diversity and consumer choice; and
- provide applicants with advice and guidance on the Council's approach to the administration of applications for street trading consents and licences.

The Street Trading Policy contained general guidance and advice to applicants, information on how to apply for Street Trading Consent, information on how the Council would determine applications, information on renewals, refusals and appeals, information relating to transfers and variations, information on the Council's enforcement activities and its complaints investigation process, information relating to waste management, information concerning pitch sharing and detail regarding relevant fees and payments.

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The report also explained that a voluntary consultation on the new Street Trading Policy would be undertaken for a period of one month. It was noted that there was no legal requirement for the Council to conduct a consultation but that doing so would provide the opportunity to obtain valuable community input on the newly adopted Street Trading Policy.

Resolved:

- (1) That the Street Trading Policy, as attached to the report at Appendix 1, be adopted;**
- (2) That the intention to carry out a voluntary consultation on the Street Trading Policy to seek the views of the local community be noted.**

(The meeting started at 6.30 pm and closed at 7.46 pm)