

To: Councillor Woodward (Chair)
Councillors Edwards, Asare, Davies,
G Dennis, Keane, Kitchingham, Mitchell,
Page, Robinson, Rowland and Tarar

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NOTICE OF MEETING - LICENSING APPLICATIONS COMMITTEE 7 NOVEMBER 2023

A meeting of the Licensing Applications Committee will be held on Tuesday, 7 November 2023 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. DECLARATIONS OF INTEREST		
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES		3 - 6
To confirm the Minutes of the Licensing Applications Committee meeting held on 28 September 2023.		
3. PETITIONS		
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 days before the meeting.		
4. QUESTIONS		
To receive any question from Councillors and members of the public.		
5. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE STRATEGY 2023-2028	BOROUGH WIDE	7 - 62

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

A report seeking approval from the Committee to adopt the Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 following the completion of a public consultation.

**6. HACKNEY CARRIAGE AND PRIVATE HIRE BOROUGH 63 - 90
CONVICTIONS POLICY WIDE**

A report seeking approval from the Committee to adopt an updated Hackney Carriage and Private Hire Convictions Policy following the completion of a consultation.

**7. STREET TRADING POLICY BOROUGH 91 - 118
WIDE**

A report seeking approval from the Committee to adopt a new Street Trading Policy.

- Present:** Councillors Edwards (Vice-Chair in the Chair), Asare, Davies, G Dennis, Keane, Kitchingham, Mitchell, Page, Rowland, Tarar and Woodward (present for item 8 only)
- Apologies:** Councillors Robinson

6. MINUTES

The Minutes of the Licensing Applications Committee meetings held on 13 July 2023 were confirmed as a correct record and signed by the Chair.

7. HACKNEY CARRIAGE FARE INCREASE

Further to Minute 3 of the meeting held on 13 July 2023, the Committee considered a report on the proposed increase in hackney carriage fares after an objection had been received during the statutory consultation period. The following documents were appended to the report:

- Appendix I - RTA Option 1 Fare Increase October 2023
- Appendix II - Email from objector
- Appendix III - Email to objector
- Appendix IV - Second email to objector

At the meeting held on 13 July 2023, the Committee had considered four different options for increasing Hackney Carriage fares in Reading. Two options had been put forward by the Reading Taxi Association (RTA) and another two options had been put forward by a separate group of Hackney Carriage drivers. Having considered all four of the options put forward by the trade, the Committee had made a recommendation to proceed with Option 1, which had been put forward by the RTA. This option decreased the yardage across all tariffs and included an increase in the Additional Passengers surcharge from 20p to 40p per each additional person up to a maximum of £2. A copy of this option was attached to the report at Appendix I.

The report explained that an objection had been received to the statutory consultation on the proposed fare increase. The Licensing Team had invited the objector to present their objection to the Licensing Applications Committee but no response had been received to the correspondence. Copies of the Licensing Team's emails to the objector were attached to the report at Appendix III and Appendix IV. As no other objections had been received the Committee was asked to consider the objection, as set out in Appendix II, and to make a decision on whether to proceed with or to modify the recommendation made by the Committee on 13 July 2023.

Mr Asif Rashid, Chairman of the RTA, and Mr Imran Ali, a local hackney carriage driver, were present at the meeting and spoke against the objection and in favour of the proposed hackney carriage fare increase.

Resolved:

- (1) That, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, and having considered the single objection received during the statutory consultation period, along with the representations made by members the hackney carriage trade who addressed the Committee, the Assistant Director of Transport, Planning and Public Protection, be recommended to approve and implement the hackney carriage fare rise, as set out in the table of fares attached at Appendix I, as recommended by the Committee on 13 July 2023 (Minute 3 refers).**
- (2) That the revised table of fares, as attached at Appendix I, be implemented by 3 October 2023, in accordance with Section 65 (4) of the Local Government (Miscellaneous Provisions) Act 1976.**

8. RENEWAL OF STATEMENT OF LICENSING POLICY

The Committee considered a report on the renewal of the Council's Statement of Licensing Policy. The following documents were appended to the report:

- Appendix RS-1 - Draft Licensing Policy 2023-2028
- Appendix RS-2 - Summary of Changes to Existing Policy
- Appendix RS-3 - Climate Impact Assessment
- Appendix RS-4 - Responses to Consultation

The report explained that, under the provisions of the Licensing Act 2003, the Council, as the named Licensing Authority for Reading, was required to review its Licensing Policy every five years. The current policy was due to expire in October 2023 and so was due for renewal. The report explained that, subject to approval by Council on 17 October 2023, the new Statement of Licensing Policy would come into effect on 22 October 2023. A copy of the draft Statement of Licensing Policy was attached to the report at Appendix RS-1.

The Licensing Policy was a key document concerning the regulation of licenced premises (pub and clubs), late night refreshment, and regulated entertainment venues within Reading. The Licencing Policy set out the Council's aims, objectives and policies for applicants and licence holders and clearly outlined what the Council expected of them. The key aim of the Licensing Policy was to ensure that the four licensing objectives, as prescribed in the Licensing Act 2003, were actively promoted at all times. The four licensing objectives were of equal importance and the Council, along with other named Responsible Authorities, stakeholders, residents and licence holders, would work together in order to promote them. The four licensing objectives were:

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

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The report explained that it had also been intended to agree a Cumulative Impact Policy (CIP) alongside the Statement of Licensing Policy. However, this proposal would not now be pursued at this point as more time was needed to collate pertinent evidence and statistics in relation to the need for such a policy.

The updated Licensing Policy remained largely unchanged from the previous version, but the opportunity had been taken to update the Policy and add in some additional information where legislation and guidelines had changed. A summary of the changes made to the existing Policy was attached to the report at Appendix RS-2. The changes included updates being made to the following sections:

- Vulnerability & Violence Against Women and Girls;
- Protect Duty/Martyn's Law;
- Coronavirus Legislation;
- Large indoor and outdoor events & Safety Advisory Groups;
- Online Ordering and Delivery Services;
- Certification of films by the Licensing Authority;
- Early Morning Restriction Orders;
- Late Night Levy.

The report explained that a 6-week consultation process had been undertaken between 1 August 2023 and 12 September 2023. In addition to consulting on the Statement of Licensing Policy, the Council had also initially sought views relating to the Cumulative Impact Policy. Consultations letters had been sent to all licence holders as well as to bodies that represent licence holders. Letters were also sent to organisations that had a statutory role within the Licensing Act such as the police and fire service, known as Responsible Bodies, as well as any other bodies or persons that were likely to have an interest in the Policy. The consultation had also been available to view on the Council's website and contact details had been provided to allow any person to submit their comments.

Two responses had been received during the consultation period. Copies of the responses, along with the officer replies, were attached to the report at Appendix RS-4. Both of the consultation responses had included comments that related specifically to the Cumulative Impact Policy and would be dealt with at a later stage, if and when the Council proposed implementing a Cumulative Impact Policy.

One of the consultation responses had called for the section under the 'Reducing the Strength Initiative' heading, relating to the prohibition of the sale of single cans of high percentage alcohol drinks, to be removed from the final version of the Statement of Licensing Policy. However, after considering the representation, the Committee decided that that the section of the Policy should be retained.

During discussions it was suggested section 2.24 of the Licensing Policy should be adjusted to make it clearer that the issue of drink spiking was part of the wider national picture and not unique to Reading.

Resolved –

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- (1) That the second paragraph of section 2.24 of the Statement of Licensing Policy be amended by deleting the first three words of the paragraph (“The increase in”) and replacing them with: “The national focus on”;**
- (2) That the section concerning the sale of high percentage alcohol drinks and single cans be retained within the Statement of Licensing Policy;**
- (3) That the consultation responses received in relation to the Cumulative Impact Policy be considered at a later point, if and when the Council proposed implementing a Cumulative Impact Policy;**
- (4) That, subject to the above, the Statement of Licensing Policy, as amended, be recommended to Council for adoption.**

(The meeting started at 6.30 pm and closed at 7.10 pm)

Licensing Applications Committee

07 November 2023



Reading
Borough Council
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Title	Hackney Carriage and Private Hire Vehicle Strategy 2023-2028
Purpose of the report	To make a decision
Report status	Public report
Report author	Matthew Golledge, Public Protection Manager
Lead councillor	Councillor Ennis, Lead Councillor for Climate Strategy and Transport
Corporate priority	Healthy Environment
Recommendations	<p>The Committee is asked:</p> <ol style="list-style-type: none"> 1. That the comments received during the public consultation process be considered. 2. That the changes to the Strategy proposed following the consultation be approved. 3. That the draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028, as appended to the report, be adopted.

1. Executive summary

- 1.1. The Council is committed to ensuring the Hackney Carriage and Private Hire Sector remains integrated into our sustainable transport network to continue to move passengers to destinations safely, whilst contributing to the economy with minimal environmental impact.
- 1.2. A draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 was approved for consultation by the Licensing Applications Committee on 13 July 2023, setting out the council's overall vision for the Hackney Carriage and Private Hire trade in the borough. The Strategy aims to set out how we can achieve meeting this vision and make improvements to the system over the next 5 years.
- 1.3. The consultation exercise took place between 14 August 2023 and 18 September 2023 and 22 responses were received.

2. Policy Context

- 2.1. The draft Hackney Carriage and Private Hire Vehicle Strategy takes account of several key policy areas including the Local Transport Plan 2040, the Electric Vehicle Strategy 2040 and environmental factors resulting from the declaration of a Climate Emergency. The Strategy details the Council's commitment to ensuring full compliance with statutory guidance issued by the Department for Transport on Statutory Taxi and Private Hire Vehicle Standards and sets out the Council's position in relation to taxi ranks, wheelchair accessible vehicles and highways use benefits. The Strategy includes an Action Plan that details how and when the key objectives will be achieved.

3. The proposal

3.1. Current Position

3.1.1. Licensing Application Committee on the 13 July 2023 resolved:

(1) That the draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 be approved for public consultation.

(2) That a further report be submitted to a future meeting to adopt the final Strategy, having taken the results of the public consultation into account.

3.1.2. A consultation exercise on the Strategy was conducted between 14 August 2023 and 18 September 2023. The consultation was promoted on the Council's website and sent to individual drivers and operators.

3.1.3. A total of 22 responses were received a full breakdown of which is provided at **Appendix 2**. There was support for the Strategy but also a number of concerns. The responses can be broken down into the following key areas together with the Council's reply:

3.2. Private Hire Vehicles from out of area working in Reading

3.2.1. It is recognised taxis and private hire vehicles are working out of area and across licensing authority borders and this undermines the councils' ability to safeguard the local community because enforcement action could not be taken against taxi drivers licensed by other authorities, even if they are operating in their areas. The Taxi and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022 aims to tackle issues associated with out-of-area drivers by making it mandatory for licensing authorities to report concerns about out-of-area drivers to the council which issued their licence. The requirements of the Act are being implemented in Reading and in addition the Strategy includes the action to explore implementing joint authorisations with other local authorities to aid enforcement of out-of-town vehicles.

3.3. Use of bus lanes by Hackney Carriages and Private Hire Vehicles

3.3.1. This issue has been raised by the private hire trade and the Strategy includes an action to review the use of bus lanes for Hackney Carriage and Private Hire Vehicles by April 2025.

The Traffic Management Sub-Committee received a report at the meeting of the 13 September 2023 following a request from the Private Hire Trade to enable Council licenced private hire vehicles to use the Kings Road, outbound, bus lane. The committee resolved:

- That an informal consultation be carried out on the requested change to enable Reading Borough Council licenced private hire vehicles to use the Kings Road (outbound) bus lane;
- That a number of stakeholders be included in the informal consultation, such as, bus companies, taxi associations, cycle groups, disability access groups and the general public;
- That a report setting out the results of the informal consultation be submitted to the meeting in January 2024.

It is intended the results of the consultation will help form policy on future bus lane use.

Some further concerns were raised about the potential to prioritise newer less polluting vehicles in bus lanes and whether this would be discriminatory. The council would conduct a full consultation exercise with regard any proposal and this would take into account the review of the Kings Road bus lane consultation and the Emissions and Age Policies.

3.4. Limited EV Charging Infrastructure

3.4.1. The Council recognise that one of the significant barriers to adopting electric vehicles (EVs) is the ability to charge vehicles. A new draft Electric Vehicle Charging Infrastructure (EVCI) Strategy has been developed as a sub-strategy to the Reading Transport Strategy 2040. EV charging is a rapidly changing area, therefore the strategy will be regularly reviewed as technology advances and new national policies and funding streams are brought forward. A consultation on the strategy was held during August and September 2023. The comments received will help form the final plan which aims to be adopted in March 2024. It is intended the EV Strategy will provide confidence to the trade that the infrastructure will improve to meet their needs.

3.5. Disabled access to services

3.5.1. The Hackney carriage fleet in Reading are all wheelchair accessible but the council recognises that certain users still have difficulty using Hackney Carriages with their type of wheelchair. The Strategy includes an action to review the type of Hackney Carriage vehicles allowed on the fleet to increase accessibility levels, however responses to the consultation have also highlighted other areas where disabled people could be disadvantaged including; the visually impaired using card payments, being charged more with a wheelchair and being refused to be taken with a wheelchair. It is proposed that the action plan is widened to include a review of other accessibility issues. In addition, wheelchair accessibility should be considered when considering any review of the Emissions and Age policies.

3.6. Extending the Hackney Carriage Vehicles Emissions Policy

3.6.1. The Council's Hackney Carriage Vehicle Emissions and Age Policy 2019 intends to improve the Hackney Carriage vehicle fleet by removing older vehicles, creating a safer more reliable fleet and removing more polluting vehicles which will improve local air quality within Reading. The policy aims to encourage the move to cleaner vehicles and highlight the benefits to the trade as residents and businesses demand a greener alternative transport offer.

3.6.2 The policy uses a staged approach to remove the older and more polluting vehicles whose exhaust fumes are harmful to health and detrimental to the environment. The policy was formulated in consultation with the Taxi trade following the declaration of the Climate Change Emergency. The policy has set a target that all vehicles will be minimum ULEV by 1 October 2028.

3.6.3. An extension to the policy was approved by Licensing Committee on the 1 February 2022. It was resolved that a hybrid approach be applied to extend the pause in policy for a further year until 23 October 2023 with the following changes:

- the six TXII vehicles registered in 2008 be removed from the fleet by 23 October 2022, with the remaining 10 vehicles being allowed to remain on fleet until 23 October 2023;
- the 15 class Euro 5a vehicles that were due to be removed from the fleet by 23 October 2023 be allowed to remain on fleet until 23 October 2024;
- That the incentive of a free first-year's licence for Ultra-Low Emissions Vehicles or 100% electric vehicles be extended until 1 October 2023;

3.6.4 It is recognised there can be significant cost in transferring to ULEV and the council will continue to look at innovative ways of supporting the trade. However, there is a strong indication that there is a desire to move to cleaner vehicles, of the 225 Hackney Carriage vehicles licensed in Reading, 34 are now ULEV. It is intended that further reports are taken to Licensing Committee to review the policy and the action plan has been amended to reflect this.

3.6.5 In addition, concerns were raised regarding the Emissions and Age Policy only applying to Hackney Carriages. The aim is to ensure all vehicles operating in the sector are

ULEV. There is an action in the strategy to review and reduce the age limit policy for private hire vehicles and it proposed this is amended to include reference to aligning with the Emissions and Age Policy.

3.7. Number of Hackney Carriage Licenses/Type of vehicle on fleet

- 3.7.1. Responses were received which either indicated there were too many Hackney Carriage licenses issued or not enough and this discriminated against sections of the community. The Council has adopted the policy to not issue any additional hackney carriage vehicle licenses unless there is evidence of significant unmet demand for hackney carriage services. This is reviewed at least every three years by way of an independent unmet demand survey being conducted and is carried out with full consultation of the trade.
- 3.7.2. Responses were received which proposed extending the type of vehicle allowed as Private Hire and Executive vehicles to reflect the current vehicle options available in the market. The Strategy highlights that existing policies will be reviewed against the Strategy, and this will include private hire conditions and vehicle specifications. A further action has been added to the plan to reference this.

3.8. Taxi Ranks

- 3.8.1. There was support for a review of the existing taxi rank provision but some concern that prioritising low emission vehicles would penalise other drivers. The review of the ranks would include consideration of the Emissions and Age Policy and the Electric Vehicle Charging Infrastructure Strategy as a key aspect is to encourage the transition to ULEV and have the necessary infrastructure in place to support this. Concerns are also noted regarding bus stops which become part time ranks which are blocked by buses and this will form part of the wider review of taxi rank provision.

3.9. Other Points

- 3.9.1. Several other points were made regarding actions in the plan for example, facilitating customer choice and the costs of introducing CCTV. The Strategy is an overarching document and further details will be provided on these particular aspects as they are developed.
- 3.9.2. A number of responders offered to work with the council on exploring options which were detailed in the strategy, which was very much welcomed.

4. Option Proposed

- 4.1. The proposal is to adopt the updated overarching strategy (**Appendix 1**) which sets out the vision and objectives for the Hackney Carriage and Private Hire sector in Reading over the next five years and will steer policy development over that period. It is intended all policies will be reviewed against the strategic plan going forward. The measures which have been set out will all be subject to full consultation processes and discussed as part of the ongoing meetings held with the Hackney Carriage and Private Hire trade representatives.
- 4.2. There are no changes proposed to the 4 key objectives which underpin the basis of the strategy or how they will be achieved:
 - **Customer focused:** high levels of customer service, accountable operators and drivers and a service which provides value for money.
 - **Safe:** the sector is trusted; passengers are confident in using the services and vehicles are modern and accessible for all.
 - **Clean:** the fleet is greener and cleaner helping to deliver services with a low environmental impact.
 - **Well regulated:** the Council has an effective regulatory framework to administer and enforce statutory and local requirements, to benefit both the trade and customers.

The objectives will be achieved by:

- Regulating and developing a modern fleet of hackney carriages and private hire vehicles utilising the latest technology that is easy to book, with contactless payment and accessible for all.
- To consult and support the trade so drivers and operators can operate on a viable commercial basis and have confidence to invest in their service.
- Incentivise the uptake of Ultra Low Emission Vehicles (ULEV) and invest in charging infrastructure across the Town.
- Ensure that the Council's engagement with the taxi and PHV sector enjoys a high degree of public confidence and that regulatory interventions are targeted, proportionate and consistent.
- Being transparent and accountable with up-to date policies and procedures which ensure compliance with statutory standards.
- Enhancing the online processing of licensing applications and communications with customers.

4.3. The changes made to the draft Strategy resulting from the consultation are shown in **Appendix 3**.

4.4. The action plan has been updated to consider changes to target dates. Some actions in the plan have already been taken forward including: assessing against the criteria of the Department for Transport (DfT) Statutory Taxi and Vehicle Standards and to align policies to those standards and updating the Hackney Carriage and Private Hire Convictions Policy.

5. Contribution to strategic aims

5.1. The Hackney Carriage and Private Hire Vehicle Strategy will, through setting out the council's vision and objectives for the sector, contribute to the following priorities in the Corporate Plan:

- **Healthy Environment - Developing Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley** – reducing the emissions from the Taxi and PHV fleets will contribute to a lower carbon footprint and reduce the NOx (Nitrogen Oxides) and particulate matter in the air which is associated with poor health outcomes.
- **Thriving Communities** – by ensuring the Taxi and PHV sector remains integrated into our sustainable transport network to continue to move passengers to destinations safely, contributing to the economy with low impact on the environment through cleaner vehicles.
- **Inclusive Economy - Taxis and PHVs are one of the most flexible elements of the transport system operating 24/7 on a commercial basis.** They are integral to supporting local businesses to thrive by transporting residents and visitors around the Borough. The services are a primary mode of passenger transport for many people for whom mainstream public transport is not an option or suitable. Taxis and PHVs help support many disabled and vulnerable people to live more independent lives. They also play an important part in supporting the night-time economy, providing a safe and secure mode of transport for many people home.

6. Environmental and climate implications

6.1. Transport is the biggest greenhouse gas emitting sector in the UK accounting for around 27% of total carbon emissions. As set out in the Reading Climate Emergency Strategy 2020-25, this figure is lower in Reading with transport accounting for around 20% of carbon emissions. However, significant investment in sustainable transport

solutions is vital in order to respond to the Climate Emergency declared by the Council in February 2019 and to help achieve our target of a carbon neutral Reading by 2030.

- 6.2. The Climate Impact Assessment tool (**Appendix 4**) has been used to assess the proposal as set out within this report, resulting in an overall Net Medium Positive impact. This is due to the Strategy being focused on encouraging the introduction of less polluting vehicles and improving the electric vehicle charging infrastructure. The Council's Hackney Carriage Vehicle Emissions and Age Policy 2019 intends to improve the hackney carriage vehicle fleet by removing older more polluting vehicles, creating a safer more reliable fleet which will improve local air quality within Reading.

7. Community engagement

- 7.1. The Strategy has been drafted in consultation with the Lead Councillor for Climate Strategy and Transport.
- 7.2. A public consultation exercise on the draft Strategy was conducted between 14 August 2023 and 18 September 2023.
- 7.3. The consultation was available to view on the council's website and all licensed drivers and operators were notified.

8. Equality impact assessment

- 8.1. Under the Equality Act 2010, Section 149 of the Equality Act 2010, a public authority must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act,
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2. The Council will undertake an equality impact assessment scoping exercise on the projects included within the strategy at the appropriate stage of development.

9. Other relevant considerations

- 9.1. There are no other relevant considerations.

10. Legal implications

- 10.1. The Taxi Strategy is an overarching document setting out the role of the Licensing Authority and how the council will apply its policies. Legal implications for each of those policies will be considered as they are reviewed.

11. Financial implications

- 11.1. There are no direct financial implications of the strategy for the Council. Where detailed aspects of the strategy, as they are introduced, result in additional costs as part of the licensing process, this will be reflected in the fees charged. Higher fares could result where operators and drivers costs increase. Any changes to the fees or fares are required to be approved through the committee process.

12. Timetable for implementation

- 12.1. The draft Strategy is for a five-year period, 2023-2028. The Strategy sets out the key actions and timescales in an action plan.

13. Background papers

- 13.1. There are none.

Appendices

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

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Appendix 1 Draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028

Reading Borough Council

Draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028

1.0 Introduction

Hackney Carriages (taxis) and Private Hire Vehicles (PHVs) are an important part of Reading's integrated transport system. They are a useful, often vital component to completing journeys and may form part of a more sustainable longer distance multi modal trip or be used where no convenient alternative is available.

Taxis and PHVs are one of the most flexible elements of the transport system operating 24/7 on a commercial basis. In Reading, taxis and PHVs are integral to supporting local businesses to thrive by transporting residents and visitors around the Borough. The services are a primary mode of passenger transport for many people for whom mainstream public transport is not an option or suitable. Taxis and PHVs help support many disabled and vulnerable people to live more independent lives. They also play an important part in supporting the night-time economy, providing a safe and secure mode of transport for many people home.

The distinction between taxis and PHVs is that taxis are more accessible, can ply for work from a rank, can be hailed in the street and undertake prebooked work. PHVs can only be prebooked.

A safe, modern, clean, and affordable taxi and PHV service contributes to the local economy and benefits both local residents and visitors to Reading.

2.0 Strategic Aims

2.1 Statement

The Council is committed to ensuring the Hackney Carriage and Private Hire Sector remains integrated into our sustainable transport network to continue to move passengers to destinations safely, whilst contributing to the economy with minimal environmental impact. The Strategy aims to set out how we can achieve this and make improvements to the system over the next 5 years.

2.2 Strategic Objectives

The Council has set out 4 key objectives which underpin the basis of the strategy:

- **Customer focused:** high levels of customer service, accountable operators and drivers and a service which provides value for money.
- **Safe:** the sector is trusted; passengers are confident in using the services and vehicles are modern and accessible for all.
- **Clean:** the fleet is greener and cleaner helping to deliver services with a low environmental impact.
- **Well regulated:** the Council has an effective regulatory framework to administer and enforce statutory and local requirements, to benefit both the trade and customers.

We will achieve these objectives by:

- Regulating and developing a modern fleet of hackney carriages and private hire vehicles utilising the latest technology that is easy to book, with contactless payment and accessible for all.
- To consult and support the trade so drivers and operators can operate on a viable commercial basis and have confidence to invest in their service.
- Incentivise the uptake of Ultra Low Emission Vehicles (ULEV) and invest in charging infrastructure across the Town.
- Ensure that the Council's engagement with the taxi and PHV sector enjoys a high degree of public confidence and that regulatory interventions are targeted, proportionate and consistent.
- Being transparent and accountable with up-to date policies and procedures which ensure compliance with statutory standards.
- Enhancing the online processing of licensing applications and communications with customers.

3.0 Policy Context

3.1 Reading Vision 2050

Reading 2050 Vision is an ambitious description of what Reading can be: a green tech city, a city of culture and diversity, and a city of rivers and parks. The vision identifies key elements for its delivery, including a number in which transport plays a major part. Transport will be critical to enhancing the connectivity needed to facilitate economic growth and enable everyone to enjoy the multitude of assets the town has to offer. The way in which we deliver this will be key to low carbon living and creating the green and healthy spaces to allow our communities to thrive. Technology will support our transport network, facilitating smart and efficient solutions, and maximising the impact that transport can make.

3.2 Climate Emergency

The Council has a long track record of acting on climate change both to reduce Reading's emissions of the greenhouse gases which are causing climate change, and to prepare for the impacts. As our understanding of the potential impacts has improved, the urgency of the need to act has become apparent, this has resulted in the Council declaring a Climate Emergency in 2019.

Following the declaration of a Climate Emergency, the Climate Change Partnership developed "The Reading Climate Emergency Strategy 2020-25". This set out priorities on the pathway to net zero for transport.

The main aims are for a low carbon future for transport in which emissions are cut by reducing the need to travel by more polluting modes of transport, shifting more journeys to sustainable modes of transport and supporting the transition from petrol/diesel to electric vehicles. In the process, this will improve health and wellbeing, while making transport infrastructure more resilient to climate impacts.

Key actions for the council in respect of the taxi and PHV trade include:

- Increase public electric vehicle charging points in council car parks, leisure centres, lamp columns, business premises and taxi ranks.
- Reduce emissions from the fleet by requiring all taxis and PHVs to be electric or hybrid by 2028 to improve air quality and reduce carbon emissions.

3.3 Reading Transport Strategy 2040

The Reading Transport Strategy 2040 is a statutory document (known as a Local Transport Plan) that outlines the high-level policy and strategy for transport to meet existing and future transport demand in the town to 2040.

The plan sets out key commitments with regards the taxi and PHV trade:

- The Council seeks to ensure that providers of taxi and private hire services adhere to the quality obligations set out in the relevant licences and are compliant with all relevant guidance on the conditions that arise from the application of the appropriate sections of legislation.
- The Council can revoke taxi and private hire licences if the licence holder does not meet their obligations. A penalty points system is in place for breaches of regulations, as set out in the licence holder handbook. Through these mechanisms, we will continue to work with taxi and private hire providers to deliver high-quality and reliable services in Reading.
- Technology can play a huge part in making taxis and PHVs more accessible to people with the introduction of apps, cashless pay systems and enabling ride sharing.
- The Council are also responsible for providing and maintaining suitable taxi ranks and pick-up points and will continue to liaise with operators to ensure adequate and appropriately located facilities across Reading. The Council will continue to support a shift towards electric taxis and will work with taxi and private hire service operators to identify ways in which we can support fleet changes.

3 key objectives are set out under the strategy - Policy RTS10:

- We will work with operators to deliver smart, accessible and efficient taxi services across the Borough.
- We will work with taxi and private hire services, offering support and incentives to encourage a shift towards the use of cleaner vehicles.
- We will require all taxis operating in Reading to be electric or hybrid vehicles by 2028.

In addition, a number of transport schemes and initiatives have been identified to help address challenges. These include establishing a sustainable Mobility as a Service Scheme (MaaS) allowing residents, commuters and visitors to simply plan, pay for and undertake multi-modal journeys through an easy-to-use app linked to a single payment platform. This would link various modes and operators such as bus services, rail services, cycle hire, e-scooters (if/when legalised), taxis, car share and car hire.

3.4 Reading Electric Vehicle Strategy 2040

The Reading Electric Vehicle (EV) Strategy forms part of the wider Sustainable Transport, Climate Emergency Strategy and Air Quality Action Plan (AQAP) policy areas that aim to address congestion, environment and air quality issues associated with our transport choices

A key driver to the successful adoption of electric vehicles is the ability to adequately charge vehicles. Having comprehensive, accessible, equitable and efficient charging infrastructure is essential in enabling the rapid adoption of electric vehicles.

The scope of the strategy includes consideration of specific transport sectors including Taxis and PHVs.

2021 Energy Saving Trust (EST) research¹ showed that 95% of Taxi drivers would switch to EV with two in five planning to switch within the next 5 years, however many consider cost of electric vehicles as a major barrier to purchase or lease.

¹ Energy Savings Trust (2021) Reading Taxi research

The EST research also identified that average taxi mileages reported were low: 81% stated their typical daily mileage was 100 miles or less. Usage patterns of both forms of taxi mean that access to Rapid and Ultra-Rapid charging would be important in the transition to EV Taxis. This will be important in allowing drivers to maximise their productive work time, and that charging infrastructure at company premises, and close to popular routes or ranks are beneficial to supporting the EV taxi business case. The Council will continue to look at innovative ways of supporting the trade to move to low emission and electric vehicles.

3.5 Role of the local authority in regulating the taxi system

As a Unitary Authority the Council is the Taxi Licensing Authority, within its boundary. It is the duty of the Council to regulate the quality of service and safety standards of both taxis and PHVs. Drivers of both must be licensed.

The Council seeks to promote and maintain an adequate supply and coverage of operators and vehicles across the Borough. It is also the Council's responsibility to implement taxi ranks on the public highway, reasonably close to where people want to travel from, including key interchange points with bus and rail networks. The number of hackney vehicle licences is limited by the Council where applicants for a licence are required to undertake a knowledge test and a driving assessment.

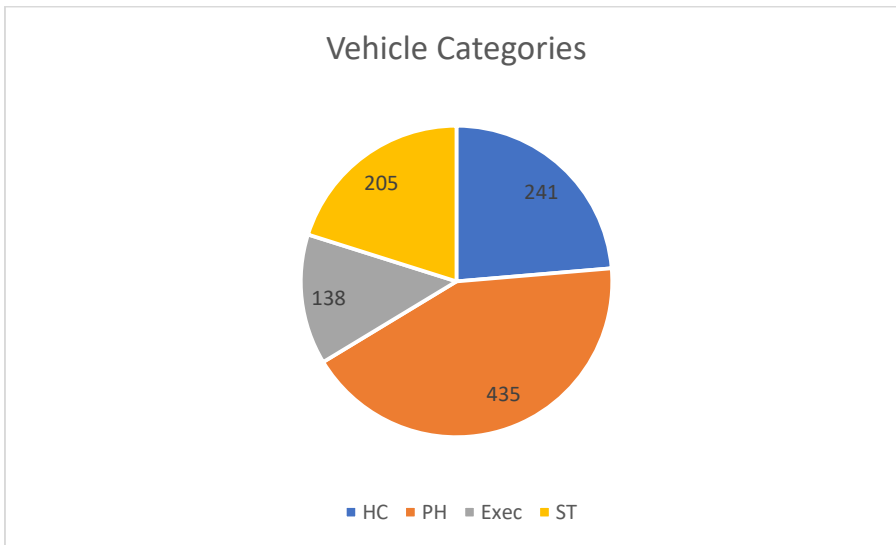
The Licensing Team carry out annual inspections of operators at their respective bases. Enforcement officers conduct regular checks within the town in respect of driver's licences, vehicle licences and conditions of vehicle. Multi-agency checks are carried out for example to check for unlicensed drivers or plying for hire. The Council resources officers to work on a shift system to conduct night-time/early hour checks. Enforcement costs are recovered through the fees structure.

The service also administers the Licensing process for school transport. These licences are issued by the Council to persons who wish to undertake limited forms of hire and reward work involving the transporting of children in accordance with contracts in place with the local authority.

3.6 Table 1: Breakdown of drivers and vehicle numbers by category

Category	Number
Hackney Carriage Drivers	377
Hackney Carriage Vehicles	241
Private Hire Drivers	573
Private Hire Vehicles	435
Executive Private Hire Vehicles	138
Private Hire Operators	28
School Transport Drivers	279
School Transport Vehicles	205
School Transport Operators	10

Figure 1: Number of vehicles by type



4.0 Vehicle Age and Emissions

The Council’s Hackney Carriage Vehicle Emissions and Age Policy 2019 intends to improve the hackney carriage vehicle fleet by removing older vehicles, creating a safer more reliable fleet and removing more polluting vehicles which will improve local air quality within Reading. The policy aims to encourage the move to cleaner vehicles and highlight the benefits to the trade as residents and businesses demand a greener alternative transport offer.

The policy uses a staged approach to remove the older and more polluting vehicles whose exhaust fumes are harmful to health and detrimental to the environment. The policy was formulated in consultation with the Taxi trade following the declaration of the Climate Change Emergency. The policy has set a target that all vehicles will be minimum ULEV by 1 October 2028.

The policy currently applies to Hackney Carriage vehicles only and whilst there are age criteria for Private Hire Vehicles it is proposed to align Private Hire Vehicles with the policy.

Figure 2: Number and age of vehicles by type

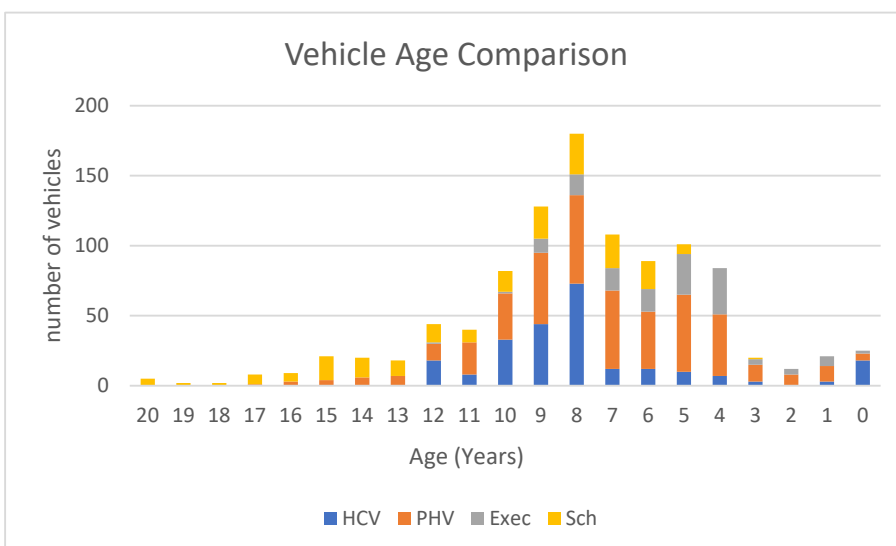


Figure 3: The Euro Emission Profile of the Hackney Carriage and Private Hire Fleet

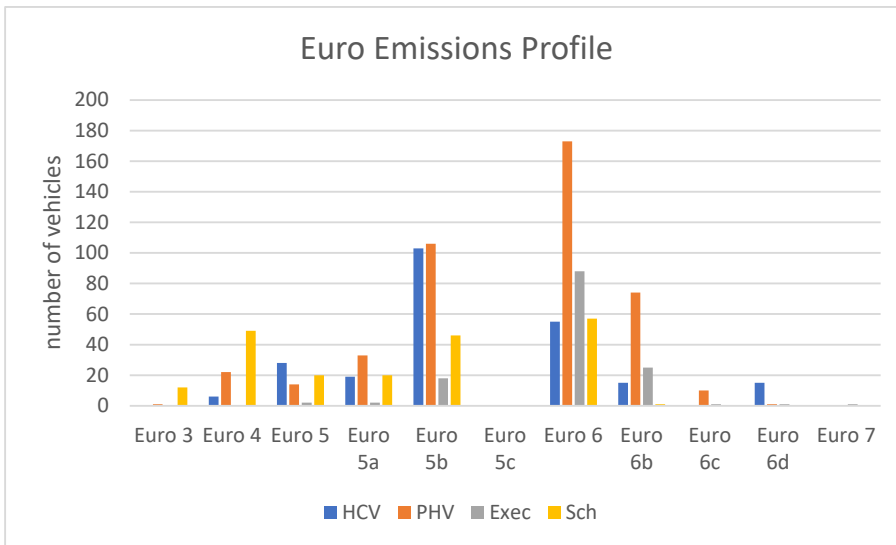
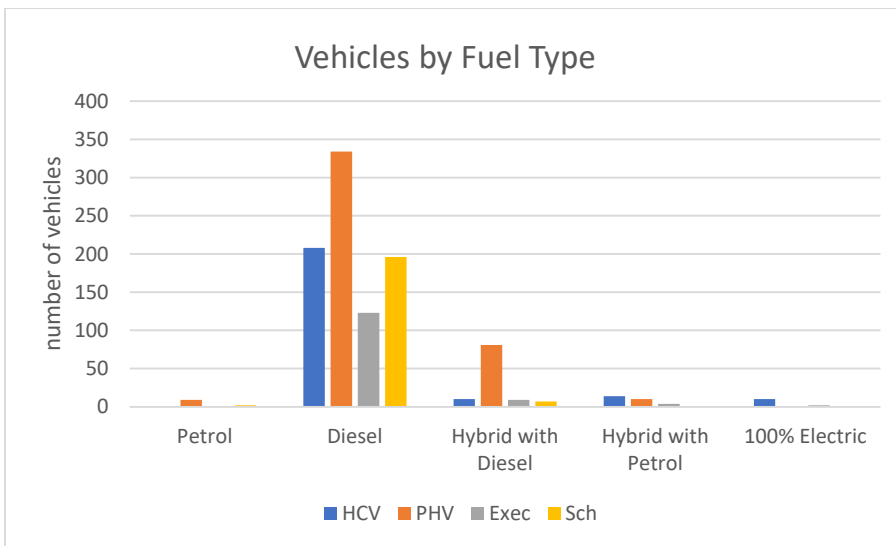


Figure 4: Vehicles by Fuel Type



4.1 Unmet Demand Survey

The Council has adopted a policy to not issue any additional hackney carriage vehicle licenses unless there is evidence of significant unmet demand for hackney carriage services. This is reviewed at least every three years by way of an independent unmet demand survey being conducted. The last survey was conducted in 2018/19. Due to the impact of the Covid pandemic the Council will conduct the next survey in 2023.

4.2 Taxi Ranks

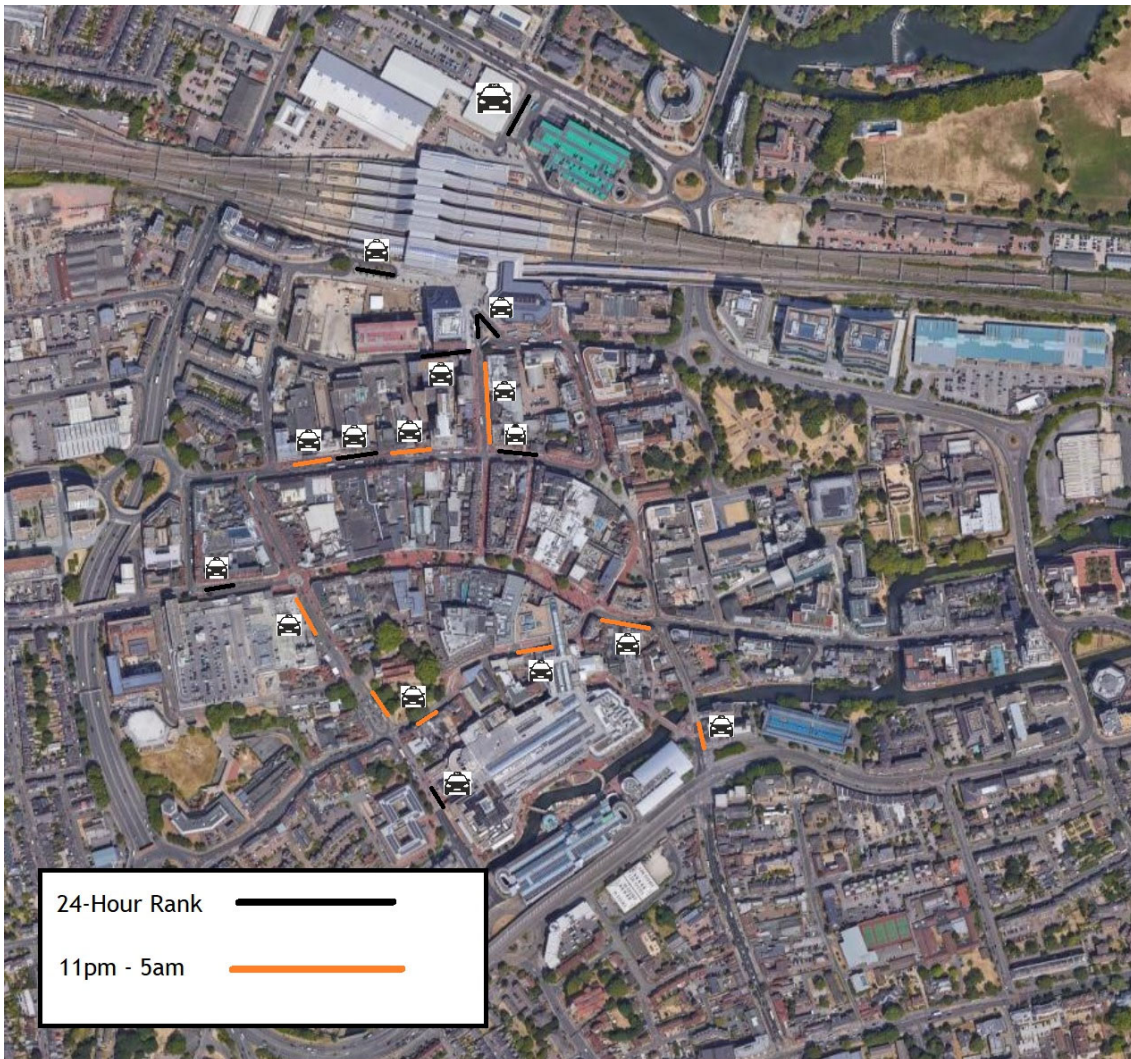
Taxi ranks are an important element in helping to manage the supply of taxis at busy locations. They help to reduce congestion and vehicle emissions by limiting the time drivers spend on the road while waiting to be hired. Ranks are important especially for disabled passengers as they

allow enough time and space for wheelchairs to be loaded safely. 24-hour taxi ranks are provided at key transport interchanges to support the night-time economy.

The key issue the Council faces with ranks is competition for kerb side space from: bus stops, loading and general parking and the management of ranks with incidents of over ranking or idling vehicles. In addition, the town centre continues to undergo significant development which provides challenges both in the short term with accessibility and longer term in planning for positioning of ranks. Reading Station is a major transport hub in the Southeast and this has been enhanced with the opening of the Elizabeth Line.

Although there is no statutory duty to provide taxi rank spaces, the Council chooses to implement taxi ranks on the public highway close to where people want to travel from, including key interchange points with bus and rail networks. The Council will continue to consider making phased changes to the existing ranks in consultation with the trade and to prioritise Ultra Low Emission Vehicles ranks.

Figure 4: Plan of town centre showing taxi rank positions



4.3 Wheelchair accessible vehicles

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, which came into force on 28 June, is the most significant change to taxi accessibility legislation since the Equality Act was

introduced 12 years ago. The 2022 Act amends the Equality Act 2010 to place duties on Hackney Carriage and Private Hire drivers and operators, so any disabled person has specific rights and protections to be transported and receive assistance when using a taxi or PHV without being charged extra.

The Act places a duty on local authorities to keep a publicly accessible register of licensed wheelchair-accessible taxis and PHVs which must be updated at least every 3 months or when details on the list require changing. The Council are committed to reviewing the type of hackney carriage vehicles licensed to ensure they are fully wheelchair accessible and to consider if the types of vehicles permissible on the fleet should be extended to meet these requirements. In addition, the council will review wider issues which impact on certain sections of the community to have access to these services.

4.4 App based taxi operations

The adoption of new technology by the sector and most significantly by the public, has resulted in a much-changed sector. The biggest change is the ease with which passengers can engage services using an app on a mobile phone. The Council are supportive of technological developments which both improve the customer experience and ensure safety measures are adhered to. App based companies are licensed in the Borough and are subject to the same conditions and requirements as other operators. The Council will consider new applications which are in line with this strategy and comply with legal requirements.

4.5 National Highways and Transport (NHT) Public Satisfaction Survey Results

The council participates in the NHT Public Satisfaction Survey. This collects public perspectives and satisfaction with a range of Highway and Transport Services in the Local Authority area. The overall satisfaction rate for Taxi/mini cab services in 2022 was 66%. This was down 2% on the previous year but still above the national average of 61%.

4.6 Highways Use Benefits

The Council permits the use of bus lanes by licensed hackney carriage vehicles in Reading and hackney carriage vehicles licensed elsewhere that are wheelchair accessible. Private hire vehicles licensed in Reading or elsewhere are not authorised to use bus lanes.

The Council introduced one experimental traffic order in July 2019 which allows “authorised vehicles” to use the bus lane alongside buses, bicycles and motorcycles. In this context, “authorised vehicles” include licensed Hackney Carriages and Private Hire Vehicles licensed in Reading only.

The Council will continue to monitor the use of bus lanes and consider if any further traffic orders could be trialed or introduced. The Council considers that any changes to access must not undermine bus services and reliability and, if made, should primarily support Reading licensed vehicles. Any changes would have to consider that appropriate enforcement measures and necessary time restrictions are in place to ensure both bus and taxi journey times benefit and the service to the public improves. The council may also consider restricting access to newer, less polluting vehicles only.

5.0 Statutory Taxi and Private Hire Standards

Under the terms of the Policing and Crime Act 2017 the Department for Transport (DfT) has introduced minimum licensing standards for hackney carriages (taxis) and private hire vehicles. The standards were published in July 2020. The Council has a legal duty to have regard to the minimum standards when undertaking its taxi and private hire vehicle licensing function.

The Statutory Standards set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable. Government advice is that Licensing Authorities must work to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. DfT recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing.

The Council are committed to ensuring full compliance with these standards by assessing against the criteria, amending current polices and implementing an improvement action plan.

As part of the ongoing commitment to safety the council will consider introducing:

- A requirement for CCTV in Hackney Carriages and Private Hire Vehicles to protect both customers and drivers. The Council will examine how this could be achieved in consultation with the trade.
- Joint authorisations with other local authorities to aid enforcement of out-of-town vehicles. This would permit officers to enforce the conditions of the other authority against vehicles operating in their authority, or whilst officers are working in the other authority's area.
- Data sharing protocol with respective agencies to improve the information received regarding offences, to make informed decisions as to whether to revoke licenses.
- English tests for drivers on initial application. The statutory standards highlight a lack of language proficiency could impact on a driver's ability to understand written documents, policies and guidance, relating to the protection of children and vulnerable adults. A local area "knowledge" based test is currently required together with a verbal assessment to ascertain proficiency in English. It is recommended this be formalised through a recognised comprehension test.

6.0 Policies

The regulatory framework operated by the Council is underpinned through a number of policies and procedures which are subject to regular review. The Council makes changes to conditions to improve the service for example through agreeing taxi fare rates and introducing a mandatory requirement to accept contactless/card payments with no fee or minimum charge. Fees are calculated to ensure that the reasonable costs associated with providing the taxi licensing service can be recovered. The framework ensures that any surplus or deficit is considered when setting fees for subsequent years. A review of the fees structure is ongoing and will be completed in April 2024.

It is intended the polices will be reviewed against the strategic plan going forward.

Current policies include:

- Fees Policy
- Convictions Policy
- Penalty Points System
- Hackney Carriage and Private Hire Conditions
- Hackney Carriage Vehicle Emissions and Age Policy
- Taxi Fares
- School Transport Policy

7.0 To deliver this strategy the Council will work with partners including: Councillors, trade representatives, user groups, public transport operators, business representatives, Business Improvement District BID and Reading's Economy & Destination Agency REDA.

8.0 Action Plan

	Strategic Objective	Action	Target date
1	Customer Focussed, Well Regulated	Review how consultation with the trade is conducted to maintain and enhance coverage and transparency.	June 2023
2	Safe	Conduct a full assessment of policies against the Statutory Taxi & Private Hire Vehicle Standards and publish a policy document.	April 2024
3	Safe	Review and implement a new Conviction Policy in line with the Statutory Standards.	January 2024
4	Well Regulated, Customer Focussed, Safe	Review the School Transport Policy in line with the Statutory Taxi & Private Hire Vehicle Standards.	April 2024
5	Well Regulated, Customer Focussed	Conduct the unmet demand survey.	September 2023
6	Well Regulated, Safe	Explore Joint authorisations with other local authorities to aid enforcement of out-of-town vehicles.	February 2024
7	Well Regulated, Safe	Implement mandatory English tests for drivers on application.	December 2023
8	Well Regulated, Safe	Introduce Data sharing protocol with other agencies.	December 2023
9	Clean	Review of the HC Vehicle Emissions and Age Policy and creation of further measures to facilitate the uptake of low emission vehicles including reviewing eligible vehicle criteria and finance options.	March 2024
10	Safe	Review accessibility issues including the type of Hackney Carriage vehicle permitted on the	April 2024

		fleet to increase wheelchair accessibility.	
11	Clean	Reduce the age limit policy for Private Hire Vehicles and align with the HC Vehicle Emissions and Age Policy	April 2024
12	Customer Focussed, Clean	Facilitate customer choice to book an ultra-low emission/ electric vehicle	May 2024
13	Customer Focussed, Safe	Facilitate customer choice to book a wheelchair accessible hackney carriage and private hire vehicle.	May 2024
14	Well regulated	Review and implement a new fees structure.	April 2024
15	Well regulated, Customer focussed	Review PH conditions including vehicle specifications allowable on the fleet.	May 2024
16	Customer Focussed	Enhance the online application, renewal, booking payment and customer communication processes.	July 2024
17	Well Regulated, Safe	Conduct feasibility study to introduce CCTV in Hackney Carriages and PHVs in compliance with data protection legislation.	July 2024
18	Clean	Review taxi rank positions and capacity and consider ULEV only ranks.	September 2024
19	Customer Focussed, Well Regulated	Review the use of bus lanes permissible for Hackney Carriages and PHVs.	April 2025

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	Name	Response
1	Tony Ashley	<p>1. Reading licensed PH cars should be allowed bus lane useage. A conversation I have had many times Customer "So why aren't you using the bus lane? You're a taxi. Driver "No I'm a Reading PH. The council won't let me" C. "But that cars using it and that's not a black cab" D. "That's a out of town hackney plated UBER they're allowed" C. Ok next time I need a car I know who to call</p> <p>2. PH access to hotels, restaurants, bars in the town centre. Ridiculous that if pick up or drop someone and they have to walk 200m with their luggage because I'm not allowed to drive into the town centre. Have you tried finding a legal parking space to go and help them? Complaint after complaint from customers about this</p> <p>3. Clampdown on out of town cars New Forest Fareham London PCO all working Reading with impunity.</p> <p>4. A review of the executive car list. A new E class Mercedes is nearly £25000 more than it was pre covid. 3 year old ex London PCO ones are selling at auction for nearly £5000 more than my 2018 car was new.</p> <p>5. Going Green ensuring there are enough accessible charging points. Maybe dedicated to HC and PH vehicles Pointless putting them in the town centre and car parks</p> <p>6. Proper PH drop off pick up points at the railway stations and hospitals. Not to ply for hire but many people use PH because they cannot get in or out of a black cab. And they can order a PH when they need one.</p>
2	Name withheld	<p>The Reading Brough Council released too many vehicle license in order to punish the Pakistani community because they make up the majority.</p> <p>As a result the massive hit on their income has caused extreme hardship on their families.</p>

		<p>The Reading Council showed their hate towards Pakistani community when they hid away the taxi ranks so they would not be seen from the station entrance.</p> <p>There is no source of income with flag downs in Reading unlike London. This is Reading not London (a tourist city).</p> <p>The Reading Council licensing staff and a certain councillor hates the Pakistani community so much, they do not allow bus lane on A33 to be used by hackney Carriage vehicles , so even the Passengers suffer the morning traffic which they do not need to.</p> <p>The hate demonstrated towards Pakistani community means that the Reading council has had a negative effect on the following:</p> <ul style="list-style-type: none"> • Customer focused: high levels of customer service, accountable operators and drivers and a service which provides value for money. • Safe: the sector is trusted; passengers are confident in using the services and vehicles are modern and accessible for all. • Clean: the fleet is greener and cleaner helping to deliver services with a low environmental impact. • Well regulated: the Council has an effective regulatory framework to administer and enforce statutory and local requirements, to benefit both the trade and customers. <p>I have presented a thought-out logical argument and I bet you cannot challenge it logically and win the argument.</p>
3	Alice Carter	<p>I am responding to the consultation as the parent of a disabled teenager who struggles with taxi provision because she needs to travel in her wheelchair.</p> <p>For reasons best known to the NHS, my daughter's NHS powered wheelchair is large and heavy and only just within the national framework standards for a chair that fits on public transport. We therefore struggle to get into a normal black cab.</p> <p>The school transport taxi that takes her to school is a diesel WAV van and I am sure you are aware that the number of WAVs available that are hybrid is very small and there is only one fully electric WAV available to purchase based on the Mercedes EV van and it costs nearly £100k. The technology is not yet present to make greener WAVs possible yet and while I completely support the need to make transport greener, it is not fair on disabled people to reduce their options because of the lack of appropriate vehicles.</p>

		I urge you strongly to ensure that there are appropriate vehicles available on the market before imposing restrictions on taxi and school transport providers.
4	Elise Feider Bolt Public Policy Manager	<p>I see that the consultation on the draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 has now been published. Will there be any public or trade meetings to discuss its content in the coming weeks? If so, we would be keen to get involved.</p> <p>Are you also able to share whether following this consultation there will be a review of the existing Private Hire Operator Conditions?</p>
5	Mohammed Afsar	<p>Thank you for the report that has been published to the trade in respect of the hackney carriage and private hire vehicles strategy policy.</p> <p>Having read the policy there are few important factors that need to be looked into,</p> <ol style="list-style-type: none"> 1. I find that this report is targeting hackney carriage vehicles more than the private hire trade, there is no mention on when the private hire vehicles fleet will need to change to electric fleet. 2. It says in the report that you would like electric vehicles for the hackney carriage trade, in 2019 when the emissions policy was introduced, there has been a significant number of electric cabs bought into the fleet, rbc has not provided any charging points for these vehicles. 3. There is no transparency between rbc and the hackney trade, we are not being given enough information, no one is listening to our issues, the rta don't discuss important issues with its members. 4. In 2019 the emissions policy was drawn up as a climate emergency, rbc has allowed older polluting vehicles to be carried on being used on the fleet, euro 5a and 5b and euro 6 vehicles should have been given more time until at least 2030 as we now have more cleaner and better vehicles and having gone through covid. 5. Bus lanes, hackney carriage taxis should be allowed to use all bus lanes in around Reading and the A33 bus lane as a way to get our passengers quicker to their destination like the buses, green park station and madjeski stadium are two key areas that we need this excess to. 6. Taxi ranks, hackney carriage trade have not been given extra ranks spaces to work from, nor have they had any extra spaces added to the existing ranks. 7. CCTV, is reading borough council going to fund this. If not then this should be the drivers choice.

		I hope the information and points raised are considered and hopefully we can work together to achieve what is best for the trade.
6	Imran Ali	<p>Reading Borough Council Civic Offices Bridge Street Reading RG1 2LU 18/09/2023</p> <p>Consultation – Reading Borough Council Hackney Carriage and Private Hire Vehicle Strategy 2023-2028</p> <p>Dear Licencing,</p> <p>Please see my comments below in relation to Reading Borough Council’s Hackney Carriage and Private Hire Vehicle Strategy 2023-2028</p> <p>I understand that the Council’s Hackney Carriage Vehicle Emissions and Age Policy 2019 (HCVEA Policy 2019) intends to improve the hackney carriage vehicle fleet by removing older vehicles to improve local air quality within Reading. Personally, as someone who suffers from asthma, I must say that I welcome initiatives that improve air quality.</p> <p>However, as the Council is aware that most hackney vehicle owners have already since the introduction of the HCVEA Policy 2019; invested in Euro 5b and Euro 6 diesel vehicles; and more recently EV based vehicles in order to meet the target that all hackney vehicles will be minimum ULEV by 1 October 2028 in accordance with Reading Borough Council’s HCVEA Policy 2019.</p> <p>Although, 1 October 2028 deadline gives hackney vehicle owners ample time to upgrade to ULEVs, the question is whether this is financially viable under the current economic climate, not to mention the aftermath of the COVID-19 pandemic. Therefore, financial viability is something that Reading Borough Council must review and take into consideration under the circumstances.</p> <p>The cost of these electric vehicles is also currently a major barrier to acquisition by owners, not to mention the fact that the only current EV Hackney vehicle permitted in the Borough of Reading is the Levc EV which has an approximate range of 50-60 miles from a full charge (depending on usage) and therefore may not be as practical under the circumstances.</p> <p>Furthermore, there are limited number of public charging points and the downtime in charging Levc EV taxis is an issue. The consequences are that most current owners of Levc EVs switch to petrol use, which therefore demonstrates and highlights that this technology is still in its infancy, especially in relation to Levc EVs.</p> <p>Further added problems for those hackney drivers and owners who are unfortunate enough not to have a driveway, is the running of a cable from their home across the pavement to charge their electric vehicle, which is currently prohibited, even if they are covered with cable protectors. This is because it presents a real danger to users of the footpath, as this can cause inconvenience or real harm, it is also an offence to do so without express permission. 2</p>

	<p>In addition to the above issues, the Council’s current Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 (HCPHV Strategy 2023-2028) on the face of it suggests that it is applicable to both hackney vehicles and private hire. Yet under paragraph 4.0 (Vehicle Age and Emissions) there is no express mention that the same or similar vehicle age and emissions policy will be applied to private hire vehicles. Furthermore, at paragraph 4.0 the Vehicle Emissions and Age Policy expressly states that it only intends to improve the hackney carriage vehicle fleet by removing older vehicles, with no express mention of private hire vehicles at all being part of this strategy. In fact, the only reference to private hire vehicles at all, is that mentioned at Figure 3 in relation to The Euro Emission Profile of the Hackney Carriage and Private Hire Fleet. Creating a safer, more reliable fleet of vehicles and removing more polluting vehicles, which will improve local air quality within Reading should apply to all public transport vehicles including private hire, buses and other public transport and not limited to just hackney vehicles as suggested by the HCPHV Strategy 2023-2028.</p> <p>I also have some further concerns with regards to the information published by Reading Borough Council in the HCPHV Strategy 2023-2028.</p> <p>I take issue with the following:</p> <p>4.2 Taxi Ranks <i>“The Council will continue to consider making phased changes to the existing ranks in consultation with the trade and to prioritise Ultra Low Emission Vehicles ranks.”</i></p> <p>4.6 Highways Use Benefits <i>“The council may also consider restricting access to newer, less polluting vehicles only. “</i></p> <p>5.0 Statutory Taxi and Private Hire Standards <i>“As part of the ongoing commitment to safety, the council will consider introducing:</i></p> <ul style="list-style-type: none"> • <i>A requirement for CCTV in Hackney Carriages and Private Hire Vehicles to protect both customers and drivers. The Council will examine how this could be achieved in consultation with the trade.”</i> <p>Dealing with each issue in turn below:</p> <p>4.2 Taxi Ranks <i>“The Council will continue to consider making phased changes to the existing ranks in consultation with the trade and to prioritise Ultra Low Emission Vehicles ranks.”</i></p> <p>This statement is vague in its entirety as it fails to state when this applies, and to which hackney vehicles? i.e., will it apply to Euro 5b and Euro 6 diesel vehicles, this issue needs to be clarified. 3</p> <p>This would be discriminating unless prioritising ultra-low emission vehicle ranks under paragraph 4.2 applies to all vehicles after the 1 October 2028 deadline in accordance with Reading Borough Council’s HCVEA Policy 2019 when all hackney vehicles must be ULEV.</p>
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7	Chris Avery	<p>The emissions policy approved by the licencing committee members in October 2019 is fundamentally flawed in many ways the head of licencing is aware of this and has been since early November 2019 when he was told by the chairman of the</p>

		<p>rcda in a monthly meeting it was pointed out that tx4 taxis cannot achieve euro 5b so the minimum standard that can be achieved is euro 6 even though this was pointed and agreed with by the head of licencing his department went ahead a few weeks later and licenced a euro 5 cab in the next monthly meeting he was unaware this had happened and said he would delicence the vehicle this never happened.i then understand that a plate owner initially then had trouble licencing a euro5 cab to reading and a meeting took place between the reading taxi association.and licencing this vehicle was then licenced and so were many more after.</p> <p>In Feb-March 2023 the reading cab drivers association emailed licencing asking for the sources of information on which the policy was created an email was received back saying that they were going to contact mercedes and lti and no further information was received back .then of course we had the pandemic .if you ask not testers they know nothing about euro 5a or euro5b .tx4 taxis are either euro 4 euro 5 euro 6 and that goes for the mercedes vito taxi aswel there are owners with mercedes Vito running cleaner than my tx4 euro 5 being told that they have to come off the road when they are 14 years old when my vehicle can go on til its 15years old .this is very unfair .and the licencing department are aware of this and have blamed the health department saying they wrote the policy .this is not true this policy was written by a person called lisa Richard's who left a few months after it was passed approximately 4months after it was passed .my concern about all this is how can we trust the licencing department to ever get it right again .this situation really needs to be looked into .</p> <p>I stand by this and if the licencing committee wants to call me to give evidence in front of everybody I am very willing to .</p> <p>Many thanks chris avery Licenced taxi driver in reading</p>
8	Johar Ali	<p>I believe the strategy is coming to early for the Hackney drivers as drivers have just committed to finance agreements and loans to buy their euro5 vehicles.</p> <p>With the ulev txe price starting at £65k before the interest rate of the finance. It will make many drivers think twice about driving in Reading.</p> <p>I know of at least of 1 driver that has recently bought at a txe who is paying £1900 per month. I don't know how he is managing to keep up. It looks as he is working just to make enough money to pay to work.</p> <p>I think incentives such as funding for charging ports at home fall way to short of what is needed. If the council is serious about giving incentives, then they should think about helping with funding for the £65k mortgage that drivers will have to take. Interest rates have gone up so has the rates of finance for the vehicles.</p> <p>I think this policy needs to be pushed to 2030 as this is not viable this soon. For example, there are electric bus technology available now yet Reading buses don't adopt it, why?</p>

		<p>The reason is because it's not financially viable for the bus companies as they have to run a business. They have only just upgraded to euro6.</p> <p>So, I believe each taxi should be given its 15 years or they come off in 2030. Whichever comes first. Also the ulev vehicle entry age of 8 years should be scrapped and the vehicle life in Reading should be 20 years.</p> <p>Moving to ulev ranks or ulev taxi lane is discrimination at the highest level. just because a driver isn't able to afford a ulev vehicle they shouldn't be discriminated against. Just imagine the ulev taxi lane being shared with a diesel bus? We should have ranks that are inclusive of diesel and ulev vehicles. This would only create division.</p> <p>Kind regards</p> <p>Johar ali</p>
9	Salik Ghick	<p>I read through all. We standing behind RTA.what is best for trade and driver also owner.but I have some questions for license team and committee.</p> <p>1:why council what chane strategy when council not support for drivers who is renting for long time.</p> <p>2:we already following the plan which council agree.so ours family life running according the plan.(I am renting the cab 13 year so I am expecting one day I have my own one)</p> <p>3: when council make a any changes it's not just drivers affected it's whole family.</p> <p>4:did council check everything including travel history and holidays.wrok time been on renk.because when you work for long time period it's possible as humans.we made mistake.</p> <p>5:is council going to help with electric cab to buy.</p> <p>6: we already have a hard time with prices rise and living standards.we request to council support us as much as possible.i am looking forward to hearing from you soon.</p> <p>Many thanks Regards Salik Ghick Badge 8016</p>
10	Glen Reynolds	<p>I writing this email to express my feelings and frustrations around the driving situations in and Reading.</p> <p>As a private hire driver through Reading borough council it is becoming more and more difficult to do this role over the past few years not just for myself but also my clients also.</p>

		<p>As a driver in Reading it is becoming more and more difficult every day to get around Reading and the surrounding parts due to the amount of restrictions that prevent us from doing mine and so many like me role.</p> <p>Every year we grow in numbers using the roads and finding the daily commutes are becoming longer and longer with a lot more stress and accidents involved.</p> <p>I have been thinking about this for a long time now of ways to improve this matter and one of the ideas I have come up with is opening up all bus lanes in Reading to all licensed taxi drivers from Reading borough council black cabs, Hackney carriage and private hire/ executive drivers only no other council licensed drivers.</p> <p>This will remove high volume of drivers of the main road lanes and push them into the bus lanes where appropriate to aid in the continuing flow of traffic this will also improve customer satisfaction and confusion as to why some taxi drivers can use certain lanes and others can not. It will improve there commuting time which will the improve air pollution as well because less taxi vehicles are sat idling in stationary traffic.</p> <p>Now I know they are bus lanes and some are bus and taxi lanes but if we open them up we will make it mandatory which also follows the Highway Code the buses will still get priority in those lanes above taxi drivers.</p> <p>I hope you think about this idea of mine and hope to hear your thoughts on this idea as I have many other ideas and suggestions to help improve the Reading roads for all who use them.</p>
11	Helen Bryant Access Officer	<p>Here are my thoughts about the Strategy which is out for consultation</p> <ol style="list-style-type: none"> 1. I like the MaaS Scheme idea. 2. It's well-known that there aren't enough wheelchair accessible cabs at the moment. However, not all disabled people prefer to use Hackney Carriages, partly because of the lack of headroom. There will always be a need for saloon cars. Maybe these could be allowed to use bus lanes too. 3. Cashless payment is becoming the norm everywhere, and is fine for most people, but those who are blind or visually impaired can find such systems difficult or impossible to use – how do you know if the right sum of money is on the display, for example? Some older people may not be familiar with such technology. 4. School transport using taxis often means that wheelchair accessible taxis are not available for wheelchair users during the school run times, which restricts people. 5. People might welcome more information about taxi apps and the companies which use them.

		<p>6. People should be encouraged to compliment drivers, as well as complain.</p> <p>7. People still report that they are charged more for using a cab as wheelchair users, despite the new Act. How could this be tackled?</p> <p>This may not fit into the strategy, but as I've said to officers before, I have often been refused service in the past, because many drivers consider my powerchair to be "too big" or "too heavy". However, this doesn't happen in London, with, I'm sure, the same Hackney Carriages available. There needs to be more education. I would be happy to assist, although maybe not directly, as I've had some issues in the past with some drivers. I know I should report it, but sometimes I just want to forget the whole thing. I CAN get home from the centre of town in my powerchair, but I don't always want to, if it's cold or wet, for example. I couldn't do that in the snow.</p>
12	Asif Rashid Reading Taxi Association	<p>We have the following points to make in respect of the consultation on behalf of the Hackney Carriage (HC) trade:</p> <ol style="list-style-type: none"> 1. One of the biggest barriers to owners switching to ULEV/electric taxis is the costs involved. Currently the ULEV taxi costs £74,000.00 and a Government grant of £7,500.00 is available, taking the cost down to £66,500.00. However, this Government grant is due to end on 1st April 2024. We have been requesting grants/interest free loans (being offered in Scotland by the EST) from RBC for a few years now but nothing has been forthcoming. We believe that if these incentives were to be provided then the changeover to ULEV taxis would happen much more quickly. At the present time there are no fully electric taxis. 2. There are no charging points for ULEV/electric taxis for the HC trade. We had previously been informed that contracts had been agreed for charging points on Gun Street and the Cattle Market specifically for the HC trade. We have not seen anything materialise. The number of ULEV's are increasing on a weekly basis (currently 40 plus - 20% of the fleet). This matter needs to be resolved as a matter of urgency. 3. As well as HC and PH vehicles, buses and school transport vehicles should also be required to be ULEV/fully electric by 1st October 2028. 4. RBC is proposing App based booking systems. Who will run these Apps? How will jobs be allocated to drivers? When and how will drivers be paid? What charges will be deducted? 5. In order for this policy to be effective, more enforcement against illegal activities by RBC licensed private hire drivers as well as out of borough taxis/private hire needs to be taken. Currently there is enforcement but not enough. Enforcement needs to be done on a weekly basis throughout the year.

	<p>6. HC trade provides a vital public hire service to the residents and visitors of Reading. In order for us to be able to do this effectively we need access to all of RBC's bus lanes. We can use bus lanes, however we are also excluded from others. This particularly applies to the bus lanes on the A33, to which we need full access at the earliest opportunity. We do not see any legitimate reasons as to why private hire vehicles should be allowed to use bus lanes following consultation with our members. Our members believe that allowing private hire vehicles into bus lanes would have a negative impact.</p> <p>7. Review of taxi ranks in the town centre should be completed in consultation with the trade within the next six months.</p> <p>8. A number of bus stops around the town centre become part time taxi ranks between 23.00-05.00 hours. On a daily basis we are facing problems with bus drivers parking on these taxi ranks as well as abusing our drivers. We have been complaining about this issue to Licensing and Transport for more than a year now and no action has been taken. This needs to stop and bus drivers need to follow TRO's just like we do.</p> <p>ACTION PLAN: 8.0</p> <p>7.0 "Implement mandatory English tests for drivers on application" - Will this be for new drivers only or will this also be for renewal applications? Will the tests be online or at the Civic Offices? Cost of test? Tests oral or written or both?</p> <p>10. "Review the type of HC vehicle permitted on the fleet to increase wheelchair accessibility" - The HC fleet is 100% wheelchair accessible and all types of wheelchairs can be safely transported.</p> <p>11. "Reduce the age limit policy for PH vehicles" - PH vehicles should have the same emissions/age policy as the HC vehicles. School transport vehicles as well as buses should also be included in this.</p> <p>12. "Facilitate customer choice to book an ultra low emission/electric vehicle" - how will this be done? Through an App based system?</p> <p>13. "Facilitate customer choice to book a wheelchair accessible HC and PH vehicle" - how will this be done? Through an App based system?</p> <p>15. "Conduct feasibility study to introduce CCTV in HC and PHV's in compliance with data protection legislation" - will RBC pay for this? HC drivers are already struggling particularly with having to change our vehicles. We can do without having another additional cost(s) being imposed on us.</p>
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		<p>16. "Review taxi rank positions and capacity and consider ULEV only ranks" - We are totally against this proposal. This will create division and resentment amongst the trade. Not everyone's financial situation is the same. Rather than encouraging owners to purchase ULEV's by having ULEV only ranks you will be punishing them. How can this be right?</p> <p>We look forward to discussing the above in more detail in the coming months and ensuring that any policy not only benefits the public and RBC but also HC owners/drivers.</p> <p>Regards</p> <p>Asif Rashid</p>
13	Farhan Afzal	<p>Subject: Thank You for Seeking Input on the 2023-2028 Strategy</p> <p>I hope this message finds you well. I would like to express my appreciation to the Council for actively seeking the views of stakeholders regarding the upcoming Hackney Carriage and Private Hire Vehicle Strategy for 2023-2028.</p> <p>It is encouraging to see the Council's commitment to inclusivity and collaboration in shaping the future of our industry. The proposed strategy holds significant importance for all involved, from drivers and operators to passengers and the community at large.</p> <p>However, considering the comprehensive nature of this strategy and its potential impact over the next five years, I kindly request the Council to consider extending the deadline for input submission. The current timeline appears rather short, and many drivers may require additional time to provide thoughtful feedback and insights. Extending the deadline would ensure a more inclusive and comprehensive representation of views from the industry.</p> <p>Furthermore, I would like to request the opportunity to present specific data, facts, and figures related to our local market. I believe that sharing this information with the Council will greatly assist in the development of a well-informed and effective strategy. I am confident that by working collaboratively and leveraging valuable data, we can contribute to the creation of a strategy that not only addresses current challenges but also anticipates future developments in our industry.</p> <p>I am looking forward to the possibility of meeting to discuss this matter in more detail.</p> <p>Once again, thank you for involving stakeholders in this process, and I am eager to contribute to the development of a strategy that benefits our community and aligns with the Council's vision for a sustainable and thriving transport sector.</p>

		<p>Warm regards, F.B.M Afzal</p>
14	ABC Travel	<p>Please see below our views:</p> <p>We believe the Council need to update their policies and action what they say.</p> <p>Hybrid and electric cars are operating all over UK. However in Reading , not so prominent.</p> <p>The size and criteria is a barrier to entry.</p> <p>We will appeal to Reading Council to review their dates policies and let common sense apply.</p> <p>In operating School Transport. We can go to a Wokingham and get a Mercedes Citan or VW Touran 7 seater licensed for 6 passengers. However Reading contrary to its manufacturer's spec will only license for 4.</p> <p>Many cars have grown in size since launch and are actually more spacious than perhaps the Peugeot 305 that would have been licensed years ago. However when you ask Licensing, they will say Nicop rating!! This is not a fair and just way. Why in other Borough, Bracknell, Wokingham and West Berks policies differ?</p> <p>The. You have the actual Hackney Carriage mafia , who are actually selling plates for £100k! Due to Reading licensing giving them a monopoly! This again needs to be updated and plates should he open to all.</p> <p>Governments shouldn't create black markets.</p> <p>School plate should have more flexibility on vehicles and smaller vehicles, due to the nature of the business. You may just transport two children. So why use a large car, more emissions and carbon footprint. I see up both they have Nissan Leafs electric cars. We would consider if they could be licensed.</p> <p>Reading Council are creating barriers for operators to go greener as they restrict cars that can be licensed.</p> <p>ABC Travel will request this barrier be lifted in favour of greener cars.</p>

Appendix 2 Consultation Responses

15	Shahbaz Quadri	<p>With reference to the current consultation regarding Hackney Carriage vehicles in Reading. I believe that the transition period to introduce electric vehicles should be increased to October 2032 instead of 2028. This is to allow other manufacturers to enter the market and develop future electric vehicles. The present LEVC electric taxi is unreliable expensive and unfit for purpose. I hope my comment will be considered in deciding Reading Borough Council's strategy for the implementation of electric vehicles in Reading.</p> <p>Yours Faithfully SHAHBAZ QUADRI</p>
16	Muhammad Chisti	<p>I am writing to propose a change that could have a significant positive impact on our environment and our community. It's clear that environmental concerns are becoming increasingly urgent, and I believe we have an opportunity to address these concerns by making a change to our current policy.</p> <p>Currently, Reading Borough Council allows only vehicles that are less than five years old to be registered for the first time. While this policy has its merits, I strongly recommend reevaluating it in light of the environmental challenges we face and the importance of promoting a pollution-free environment.</p> <p>With the introduction of Ultra Low Emission Zone (ULEZ) regulations, we are feeling the effects in our area. I suggest that Reading Borough Council takes inspiration from the policies that were in place in London until December 2022 (which allowed thousand of hybrid vehicles registered and running in London) and extends the authorization for hybrid/petrol/electric vehicles to be registered for a period of 8 to 10 years. This adjustment has the potential to address environmental challenges, create a safer and cleaner environment, and set a pioneering example for other councils to follow.</p> <p>As a concerned citizen and PHD who has personally experienced the challenges involved, I can empathise with the need for this change within our Reading Borough Council (RBC). While I understand the current five-year limit for first-time vehicle registration in RBC, I strongly believe that RBC should contemplate extending this limit exclusively for hybrid/petrol/electric vehicles with an age range of 8 to 10 years for initial registration. These vehicles are more budget-friendly in comparison to those within the five-year range, making them accessible to a wider spectrum of drivers. Implementing this change would not only have a positive impact on the environment but also invigorate our local economy and promote the adoption of eco-friendly driving practices.</p>

		<p>Furthermore, this policy adjustment would lead to a reduction in the number of environmentally harmful vehicles on our roads, encouraging more environmentally conscious driving habits. Ultimately, it would contribute to a cleaner and more sustainable Reading, enhancing the well-being of our community.</p> <p>I would like to highlight the success of several councils (there may be more across the UK, but I'll provide examples of two) that have implemented similar changes and offered financial incentives for transitioning to hybrid/petrol/electric vehicles:</p> <p>Leeds City Council permits vehicles up to 7 years old for first-time registration and provides reimbursement/support funds for individuals.</p> <p>City of Bradford Metropolitan District Council allows vehicles up to 10 years old for first-time registration and offers reimbursement/support funds.</p> <p>In conclusion, I urge you to consider my proposal during your environmental discussions. Extending the policy for registering hybrid/petrol/electric vehicles to a period of 8 to 10 years for first-time registration would be a positive step and align with your 4 key objectives for the environment, our local economy, and the promotion of eco-friendly driving practices.</p> <p>I appreciate your time in reviewing this proposal and look forward to a favorable response.</p> <p>Kind regards,</p> <p>Muhammad Chishti</p>
17	Nayyar Mohammad	<p>In regards to the below consultation, I still stand with my view that Rear council should release 12 Hackney carriage licence plates in a year for drivers that do not have one.</p> <p>https://consult.reading.gov.uk/dens/consultation-reading-borough-council-hackney-carri/</p> <p>Kind regards,</p>

Appendix 2 Consultation Responses

		Nayyar Mohammad
18	Mahomed Ahamed	<p>Many thanks for your email and the consultations doing about the Hackney carriage and Private hire drivers. I completely agree with Customer focused Safe Clean Well regulated But in this all where are the drivers and where is the safety of drivers when we have problems with the customers kicking the cabs refusing to pay at front and when they get sick in the cab and not paying the driver and the driver can't do anything with them. Can't hold them Can't stop them Police also say that it's a civil matter Instead we have to run away from them because we lost the fare money and we lost the sick payment and we lost the night or day work even not just that for the next week you can't handle the smell.</p> <p>There is no planing for festival time or any other event or to in courage drivers or to promote the taxi trade with the hotels hospitals or with the buses also. Buses and taxi are always in front of each other. There no equality between this two trades.</p> <p>Festival time the work was there but the traffic couldn't let us work. There was many many issues with not getting arranged things properly.</p> <p>With all this good planning we should work together and helping each other and get Reading ahead.</p> <p>Many thanks M Ahamed</p>
19	Mayuri Pandya	<p>I attach Bolt's response to your recent consultation on your Hackney Carriage and Private Hire Vehicle Strategy for 2023 - 2028.</p> <p>We are very much aligned with the principles raised in the consultation paper and would welcome a discussion to understand any proposed next steps.</p>

		<p>Copying Mark and Clyde who I believe have spoken to Bolt colleagues in the past.</p> <p>Let me know if helpful to have a discussion and we can set something up.</p> <p>Have a good weekend,</p> <p>May</p> <p>--</p> <p>Mayuri Pandya Public Policy Manager UK</p>
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Licensing Section
 Reading Borough Council
 Civic Offices
 Bridge St
 Reading
 RG1 2LU

15 September 2023

BY EMAIL: matthew.golledge@reading.gov.uk

Dear Matthew,

RE: Hackney Carriage and Private Hire Vehicle Strategy Consultation

We recognise the priorities raised in this Strategy including the role of effective transportation in mobilising communities and boosting Reading's local economy. Bolt is aligned with themes in the Strategy and our focus is to provide efficient, convenient and sustainable solutions for the cities we operate in. One of our main operating principles is to put our customers first and we were pleased to see customer focus as an objective in this Strategy.

Sustainability is a priority for Bolt and we are taking the transition to Electric Vehicles seriously. For example, Bolt has recently added a black cab category to its app in London, which has increased the number of fully Electric Vehicles on the Bolt platform. Additionally, we are actively exploring incentives to support driver transition to Electric Vehicles and have successfully tested this initiative in a number of cities. We are keen to explore other incentives in collaboration with Reading Borough Council.

Safety is also of the utmost importance to Bolt. Our platform ensures that we have stringent safety measures to protect our drivers and passengers, including a 24/7 emergency safety service and complete GPS data on our drivers. We are also exploring the use of CCTV and audio recording and would welcome your thoughts on rolling safety initiatives out.

We would be pleased to have a follow up discussion on the themes raised and the potential next steps in implementing the Strategy.

Best regards,

Mayuri Pandya
 Public Policy Manager
 Bolt Services UK Limited

		<p>Licensing Section Reading Borough Council Civic Offices Bridge St Reading RG1 2LU</p> <p>15 September 2023</p> <p>BY EMAIL: matthew.golledge@reading.gov.uk</p> <p>Dear Matthew,</p> <p>RE: Hackney Carriage and Private Hire Vehicle Strategy Consultation</p> <p>We recognise the priorities raised in this Strategy including the role of effective transportation in mobilising communities and boosting Reading's local economy. Bolt is aligned with themes in the Strategy and our focus is to provide efficient, convenient and sustainable solutions for the cities we operate in. One of our main operating principles is to put our customers first and we were pleased to see customer focus as an objective in this Strategy.</p> <p>Sustainability is a priority for Bolt and we are taking the transition to Electric Vehicles seriously. For example, Bolt has recently added a black cab category to its app in London, which has increased the number of fully Electric Vehicles on the Bolt platform. Additionally, we are actively exploring incentives to support driver transition to Electric Vehicles and have successfully tested this initiative in a number of cities. We are keen to explore other incentives in collaboration with Reading Borough Council.</p> <p>Safety is also of the utmost importance to Bolt. Our platform ensures that we have stringent safety measures to protect our drivers and passengers, including a 24/7 emergency safety service and complete GPS data on our drivers. We are also exploring the use of CCTV and audio recording and would welcome your thoughts on rolling safety initiatives out.</p> <p>We would be pleased to have a follow up discussion on the themes raised and the potential next steps in implementing the Strategy.</p> <p>Best regards,</p> <p>Mayuri Pandya Public Policy Manager Bolt Services UK Limited</p>
20	Graham Bates	<p>I have just read in Reading Today about a consultation over electric taxis that ended yesterday. Is it still possible to comment from a resident's standpoint? I hope so.</p> <p>Thanks in anticipation.</p> <p>Sincerely,</p>

		Graham Bates
21	Farhan Afzal	<ul style="list-style-type: none"> • Reading Borough Council Hackney Carriage and Private Hire Vehicle Strategy 2023-2028 • Overview • In the context of trade, the acquisition of customer data is based on both practical trade experience and individual customer engagements, aiming to formulate strategic frameworks for realizing the envisioned goals over the forthcoming five years. This will aid in guiding the development of policies during this timeframe, with all policies undergoing scrutiny against the strategic plan. • Four key objectives • Customer Focused. • Safe. • Clean. • Well Regulated • (We will also skim through other objectives related to the subject). • Customer focused • The adage 'The customer is always right' is a familiar saying. While it acknowledges the customer's perspective and rights. As traders, we also encounter instances where customers may enter our service with a preconceived negative view, perceiving the service provider Consequently, their reactions and behaviour are often negative towards the service, impacting the service provider, particularly drivers, who bear the brunt of this impact within the trade, after operators. • In Trade prospective System is placed to accountable operators and driver. It would be greatly valued to have a system in place where customers who engage in illegal activities, harm drivers, or evade fare payment are also held accountable, ensuring fair compensation for both the driver and operator. • Safe • As a customer, again system is placed. the only risk is risk of accident and I believe other Legal Authorities are working hard to bring it to minimal but there's always risk of accident. • In Trade Prospective, we are equally or more on risk then customer. As we have limited information of customers which does not help the trade to evaluate their risk.

		<ul style="list-style-type: none"> • Clean • As a customer, customer deserve clean hygienic service and it is also responsibility of customer to leave the car clean for others. In regards to go green, customers will get more effected more if We keep building more homes (must be discussed in depth). • In trade prospective, Its vice versa keep the vehicle clean all the time, even though it adds up as expenditure and lost in revenue. In regards to go green, trade gets more effected because of Traffic, building new houses etc. (must be discussed in depth). • Well regulated • As an customer point of view system is placed to raise an enquiry. There is a communication gap between customers and regulated authorities after Covid. • In trade prospective, Ways of communication needed to be considered as so the council frame work is more clear towards traders. (should be discussed in detail) • Other objectives – brief introduction • Technology Integration – In coming few years we can not ignore technology where world is heading towards, Block chain, Meta, Web 3. (research needed). • Geographically – We need to consider geographically such as traffic flow, public flow etc. • Fair Pricing – According to CPI reports there is massive jump on living cost but we are still not compensated. • Driver Welfare - Implement measures to protect the rights and well being of taxi drivers, including fair compensation, reasonable working hours and access to healthcare and support services.. • Support Local Economy: Encourage the use of locally owned and operated taxi services to support the local economy and maintain a strong connection between the trade and the community it serves. • Innovation and modernization : Encourage innovation within the taxi trade. <ul style="list-style-type: none"> • The end • Many thanks for your time. Looking forward for the feedback and available for any further support. • Prepared By : Farhan Afzal
22	Glen Reynolds	In this document are my ideas/ suggestions of ways to improve the congestion in and around the Reading area for all that use them.

- Sidmouth Street (cycle lane)
- Allcroft Road (parking bays)
- Wokingham Road (bus stops)
- Oxford Road (bus stops)
- All Bus lanes
- Gun Street (time restriction)

The bullet points above are in my opinion are some of the worst areas/ causes of traffic issues in Reading. This is not just for taxi drivers and private hire drivers but everyone that uses them. As a private hire driver in Reading I drive around this town every day and face the same issues and as I'm sat there in traffic I try and think of ways to improve the situation for everyone involved.

Sidmouth Street Southbound Lane (cycle lane)



	<p>The first matter I would like to address is the southbound lane of Sidmouth Street. In the summer of 2020 the decision was made to close the southbound lane of Sidmouth Street and turn it into a permeant cycle lane. Ever since this decision was made it has caused more traffic to use the Queens Road that is adjacent with Sidmouth Street and forcing the vehicles to be pushed onto London Street and up Silver Street which is already very busy as it is a main bus route for many different buses leaving the town centre. In the three years since this road layout was changes I have seen very little usage of this cycle lane being used that could justify it being closed permanently to motor vehicles. Now I understand that as town we need to encourage people to cycle more however closing this lane permanently is affecting more people then it is benefitting and I'm sure re-opening this lane would reduce traffic build up in this part of town by at least 70% if not more.</p> <p><u>Allcroft Road (Parking bays)</u> https://maps.app.goo.gl/e9FMpv1ssWm5q6VVA</p> <p>Allcroft Road is the main link road between Redlands Road and Kendrick Road, it is a road that many people use especially during the rush hour period however it is also a road that suffers with delays due the volume of traffic it receives for the size of the road that it is. This matter has not been made easier since parking bays were placed on the main road for residents to use. I understand that as a town the average household owns more than one car which means residents are finding it more difficult to park their vehicles on their own drive ways which results in them using "on street" parking methods. This is the case with many roads/ Streets in Reading not just Allcroft Road and in many of these cases there is an alternative solution. Looking at the image I have provided through the hyperlink above you will see a vehicle parked in one of these bays on Allcroft Road. Now my suggestion is that instead of having these parking bays actually on the road why don't we remove the grass area parallel to the parking bays and replace it with tarmac and mark out the bay area as before on the new parking area on the now new tarmac on the path with drop down curbs allowing easy access on and off without damage to any vehicles. This new method will allow the residents to keep the same amount of parking bays and allow the road not to be obstructed allowing a continues flow of moving traffic. If this method is carried out on both sides of this road and also other similar roads in and around Reading I believe this will improve traffic build up in many areas around different parts of Reading for all Road users.</p>
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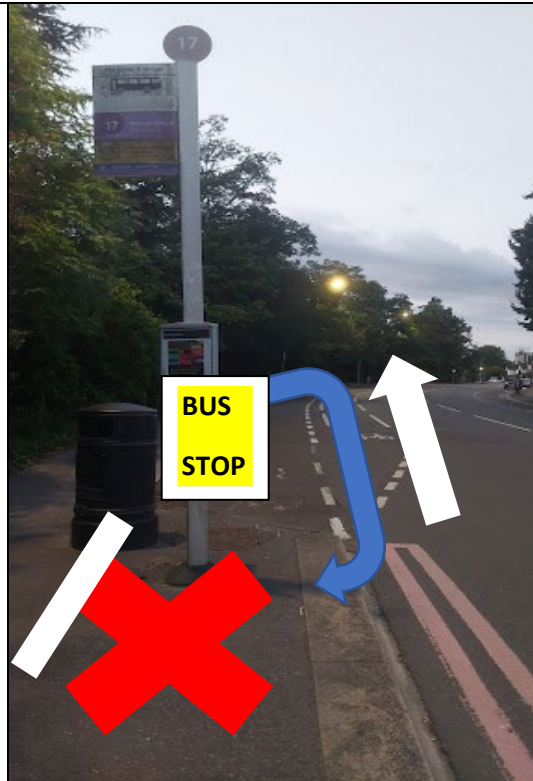
Wokingham Road (bus stops)



As one of the busiest roads in Reading the Wokingham Road serves a major role in linking the East side of Reading to the West side of Reading with a great reliable bus services that operates 24hrs a day seven days a week. It is a great way for people to travel from one side of Reading to the other in very little time for a reasonable price. However with any forms of public transport there is always way we can try and improve the service not just for themselves but for other road users on the same route. I have been thinking of ways to improve the traffic situation around the East side of the number 17 bus route especially from the Grange Road area till the end of the route termination point at the top of the Wokingham Road “The Three Tuns” intersection by the fire station. I believe I have come up with a solution that could help improve the traffic flow in this area that doesn’t prevent the bus company delivering their services and allowing traffic to pass while they are stationary pick up or setting down passengers.



The first bus stop lay out I would change is the one parallel to the car wash on the Wokingham Road. If you were to move the bus stop sign further up the hill to where the “Red arrow” suggests and where the “Yellow Rectangle box” is marked out if a small percentage of the path was removed in a way that would allow the bus to pull in and leave safely and also allowing it to set down and pick up passengers and still allowing the other general public to still use the path this would allow other road users to get by without being held up by the bus stopping.



Further along the route there are two bus stops on either side of the road adjacent with Melrose Avenue. Now both of these bus stops have the same layout where the bus stop protrudes the paths edge in-between a row of “on road” parking for residents and pay and display drivers. Due to this “road layout”/”pick up method” it means while the bus is stationary pick up or setting down passengers other road user find it very difficult and sometimes impossible to pass which results in traffic building up behind them. I believe I have come up with a solution to resolve this issue which enable the bus company to continue providing their service and all other road users are able to safely pass without causing build-up of traffic and causing delays and frustration to other road users. If we remove the section of path that protrudes out from the main path marked with the Red “X” and have it set back in line with the rest of the path marked by the White Rectangles and instead have it as a bus stop as highlighted with the “marked bus stop” box and blue arrow section for the bus to pull into off the

main road the same as the parking bays either side of it. Then this will allow the bus company to continue providing their services and allow all other road users to pass by on the main road without being held up behind a stationary bus.



The final bus stop lay out I would like to change is the first bus stop where the number seventeen begins its route from the East side of Reading outside the fire station on the Wokingham Road. The same idea applies here as with the other bus stops I have mentioned earlier. If we remove a section of the path marked by the yellow box to allow the bus to access and leave safely while picking up and setting down passengers off the main road. This will move the bus marked by the Red arrow over off the main road allow the bus marked with the white arrow to pass by without being restricted as well as all other road users preventing traffic building up in this very busy area.

Oxford Road (bus stops)







The Oxford Road in Reading in my opinion is joint top with the Kings Road as the worse roads for traffic and congestion in the whole of Reading by far. As both these roads share the same problems high demand from all motor vehicle users and also acts a major route for many bus routes entering and leaving the town centre. Due to this high volume of use no matter the time or day it suffers from heavy traffic, delays and frustrated users. There are many factors that contribute to this problem from many different businesses operating on this stretch of road which brings a lot of traffic foot and vehicle combined. It also has many bus routes using it with many bus stops along the whole stretch of the road. I believe that although the bus company provided a reliable and much needed service to the community the “position/ lay out” of the bus stop are a main factor into the build-up of traffic in both directions on the whole stretch of this road. I believe I have come up with an “idea/ suggestion” that with a slight repositioning of the bus stops we could improve the traffic congestion

	<p>immensely. My suggestion is the same as I suggested for the East side of Reading if we remove a portion of the path to allow the bus to enter and leave safely and also allow the pickup and setting down of passengers off the main road, this will allow while the bus is stationary for all other road users to continue their journeys without being held up behind the buses which allows a continues flow in traffic with minimal delays.</p> <p><u>All Bus Lanes</u></p> <p>Throughout Reading there are many “bus” and “bus and taxi” lanes across the whole town. Yet for many taxi drivers and private hire drivers that are registered with Reading Taxi license authority we are un-able to use all of them, which is not only very frustrating for us as drivers but also our clients that book us transportation around Reading to find out during busy periods that we are not allowed to use certain “bus/ bus and taxi” lanes in Reading which results in us using main routes which is very busy resulting in the customer being very unhappy and late to their destination. As a private hire driver in Reading it is still very confusing even to me why as a private hire, hackney carriage or black cab driver if we are all registered with Reading Borough Council license authority and we all sit the same interviews, training and examinations why we all are not allowed to use these same lanes. As a result of this many taxi drivers are forced to use roads are already suffering from high volumes of use adding serval hundred more drivers onto these road which could have been avoided. Forcing many taxi drivers onto the already busy road not only effects the taxi driver and his passengers but also all other road users in Reading because now there is even more traffic being used on main routes that could have been avoided with use of the “bus and also bus and taxi” lanes. My suggestion is that you open up all bus lanes to all taxi drivers including black cabs, hackney carriage and private hire/ executive drivers who are registered with Reading Borough Council License Authority only no other Council License holders. This will dramatically improve the traffic and congestion issues across the whole of Reading because we are removing serval hundreds of taxi driver off major routes and allowing them to use these priority lanes which pleases the passenger satisfaction because they don’t get held up during rush hour traffic. Also other road users now that a huge number of taxi drivers are not being added to the number of users on other major roads.</p>
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Gun Street (Time restriction)



The Gun Street time restriction has always confused many drivers in Reading regarded its operational hours resulting in many people being fined for using it during the incorrect hours. The main reason for this is that it is completely different from all the other time restricted use roads in the town centre. My suggestion is that we change this to match all the other time restriction used roads in the town i.e Broad Street, Friar Street and Market Place. This would allow easier pickups and drop-offs of customers for taxi driver especially in the evening and earlier hours of the morning when many people use establishment on Gun Street.

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Appendix 3

Changes made to the Draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028

1. Updated with the latest figures at 3.6, Table 1, Page 4, Figure 1 and 2, Page 5 and Figure 3 Page 6.
2. Inserted Figure 4, Page 6, Vehicles by Fuel Type.
3. Inserted a new line at 4.0 to align PHV with the HC Emissions and Age Policy, Page 5.
4. Inserted a new line at 4.3 expanding on accessibility issues, Page 7.
5. Inserted a new line to reflect ongoing review of the fees structure, Page 9.
6. Updated the action plan to reflect changes in target dates. Pages 10-11.
7. Added in action 9 wording to include review of the Emissions Policy, Page 10.
8. Added in action 10 wording to include wider accessibility issues, Page 10.
9. Added in action 11 wording to include aligning Emissions and Age Policy with PHV.
10. Added in action 14 to include a review of the fees structure.
11. Added action 15 to include a review of the PH vehicle specifications.
12. Updated action plan target dates.

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Project / Proposal Name or Reference:		Date:	Your Name:	
Draft Hackney Carriage and Private Hire Vehicle Strategy 2023-2028		28-Jun-23	Matthew Gollidge	
1. IMPACT ON CARBON EMISSIONS				
HOW WILL THIS PROJECT/PROPOSAL AFFECT:	CONSIDERATIONS <i>See guidance below on determining whether negative or positive impacts are High, Medium or Low</i>	IMPACT? <i>Use drop down list</i>	GUIDANCE IF NEGATIVE/NIL RATING HAS BEEN AWARDED	SUMMARISE HOW YOU PLAN TO MANAGE AND REDUCE ANY NEGATIVE IMPACTS
1 ENERGY USE	<ul style="list-style-type: none"> * More energy will be consumed or emissions generated (by RBC or others) = Negative Impact * No extra energy use is involved or any additional energy use will be met from renewable sources = Nil Impact * Energy use will be reduced or renewable energy sources will replace existing fossil fuel energy = Positive Impact 	Medium Positive	Consider: <ul style="list-style-type: none"> - Energy efficiency measures - Renewable energy - Reducing demand for energy 	
2 WASTE GENERATION	<ul style="list-style-type: none"> * More waste will be generated (by RBC or others) = Negative Impact * No waste will be generated = Nil Impact * Less waste will be generated OR amount of waste that is reused/ recycled will be increased = Positive Impact 	Nil	Consider: <ul style="list-style-type: none"> - Re-usable/recycled goods - Recycling facilities - Reducing/reusing resources 	
3 USE OF TRANSPORT	<ul style="list-style-type: none"> * RBC or others will need to travel more OR transport goods/people more often/further = Negative Impact * No extra transport will be necessary = Nil Impact * The need to travel, the use of transport and/or of fossil fuel-based transport will be reduced = Positive Impact 	Medium Positive	Consider: <ul style="list-style-type: none"> - Use of public transport - Reducing need to travel or transport goods - Alternative fuels/electric vehicles/walking and cycling 	
2. IMPACT ON RESILIENCE TO THE EFFECTS OF CLIMATE CHANGE				
HOW WILL THIS PROJECT/PROPOSAL AFFECT THE ABILITY OF READING TO WITHSTAND:	CONSIDERATIONS <i>See guidance below on determining whether negative or positive impacts are High, Medium or Low</i>	IMPACT? <i>Use drop down list</i>	GUIDANCE IF NEGATIVE/NIL RATING HAS BEEN AWARDED	SUMMARISE HOW YOU PLAN TO MANAGE AND REDUCE ANY NEGATIVE IMPACTS
4 HEATWAVES	<ul style="list-style-type: none"> * Increased exposure of vulnerable people and/or infrastructure to heat stress = Negative Impact * No increase in exposure to heat stress = Nil Impact Reduced exposure of vulnerable people and/or infrastructure to heat stress = Positive Impact 	Nil	Greater need for cooling, ventilation, shading and hydration methods	
5 DROUGHT	<ul style="list-style-type: none"> * Water use will increase and/or no provision made for water management = Negative Impact * Levels of water use will not be changed = Nil Impact * Provision made for water management, water resources will be protected = Positive Impact 	Nil	Greater need for water management and perhaps reserve supplies	
6 FLOODING	<ul style="list-style-type: none"> * Levels of surface water run-off will increase, no management of flood risk = Negative Impact * Levels of surface water run-off & flood risk are not affected = Nil Impact * Sustainable drainage measures incorporated, positive steps to reduce & manage flood risk = Positive Impact 	Nil	Consider flood defence mechanisms or alternative arrangements (business continuity)	
7 HIGH WINDS / STORMS	<ul style="list-style-type: none"> * Exposure to higher wind speeds is increased or is not managed = Negative Impact * No change to existing level of exposure to higher wind speeds = Nil Impact * Exposure to higher wind speeds is being actively managed & reduced = Positive Impact 	Nil	Greater need for stabilisation measures, robust structures resilient to high winds	
8 DISRUPTION TO SUPPLY CHAINS	<ul style="list-style-type: none"> * Exposure to supply chain disruption for key goods and services is increased = Negative Impact * No change in exposure to supply chain disruption for key goods and services = Nil Impact * Exposure to supply chain disruption for key goods and services is reduced = Positive Impact 	Nil	Source key goods and services locally as it reduces exposure to supply chain disruption and boosts the local economy	
		Net Medium Positive		

Weighing up the negative and positive impacts of your project what is the overall rating you are assigning to your project?

Net Medium Positive

This overall rating is what you need to include in your report/ budget proposal, together with your explanation given below.

Guidance on Assessing the Degree of Negative and Positive Impacts:

Note: Not all of the considerations/ criteria listed below will necessarily be relevant to your project

Low Impact (L)	<ul style="list-style-type: none"> * No publicity * Relevant risks to the Council or community are Low or none * No impact on service or corporate performance * No impact on capital assets; or relates to minor capital assets (minor works)
Medium Impact (M)	<ul style="list-style-type: none"> * Local publicity (good or bad) * Relevant risks to the Council or community are Medium * Affects delivery of corporate commitments * Affects service performance (e.g.: energy use; waste generation, transport use) by more than c.10% * Relates to medium-sized capital assets (individual buildings or small projects)
High Impact (H)	<ul style="list-style-type: none"> * National publicity (good or bad) * Relevant risks to the Council or community are Significant or High * Affects delivery of regulatory commitments * Affects corporate performance (e.g.: energy; waste, transport use) by more than c.10% * Relates to major capital assets (larger buildings and infrastructure projects)

In the box below please summarise any relevant policy context, explain how the overall rating has been derived, highlight significant impacts (positive and negative) and explain actions being taken to mitigate negatives and increase positives. This text can be replicated in the 'Environment and Climate Impacts' section of your Committee Report, though please note you may need to supplement this climate impact assessment with commentary on other (non-climate) environmental impacts:

Transport is the biggest greenhouse gas emitting sector in the UK accounting for around 27% of total carbon emissions. As set out in our Climate Emergency Strategy this figure is lower in Reading with transport accounting for around 20% of carbon emissions, however significant investment in sustainable transport solutions is vital in order to respond to the Climate Emergency. In order to achieve our sustainable transport vision and meet our climate change goals, we will need to reduce car use both within and through the borough of Reading and we will need to do this by providing attractive and viable alternatives through prioritising and promoting public transport and active travel schemes. The Transport Strategy recognises the role taxis can play in the integrated transport network. Therefore, by encouraging the adoption of ULEV and electric vehicles for the trips that still need to be made they can be made to be more sustainable with a lower impact on the environment and climate change as well as reducing the impact of poor air quality in Reading.

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Licensing Applications Committee

07 November 2023



Reading
Borough Council
Working better with you

Title	Hackney Carriage & Private Hire Convictions Policy
Purpose of the report	To make a decision
Report status	Public report
Report author	Mark Groves, Senior Licensing & Enforcement Officer
Lead Councillor	Councillor John Ennis, Lead Councillor for Climate Strategy and Transport
Corporate priority	Not applicable, but still requires a decision
Recommendations	<ol style="list-style-type: none"> 1. That you consider the contents of this report. 2. That you consider the objections received. 3. That the updated Hackney Carriage and Private Hire Convictions Policy, as attached to the report at Appendix 1, be adopted.

1. Executive Summary

- 1.1. Under the terms of the Policing and Crime Act 2017 ('PCA') the Department for Transport (DfT) has introduced Statutory Taxi and Private Hire Vehicle Standards for hackney carriages (taxis) and private hire vehicles (PHVs). These standards were published in July 2020 and have been subsequently adopted by the Council.
- 1.2. As part of this review the Hackney Carriage and Private Hire Convictions Policy has been assessed and updated against the standards.
- 1.3. The Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 ('TPHVA') places a further duty on Licensing authorities to share, consider and act upon relevant information regarding safeguarding and road safety concerns about taxi and private hire drivers. Statutory guidance was issued under this Act on 27 April 2023.
- 1.4. This report sets out a proposal for the way in which these requirements are going to be implemented by the Council.
- 1.5. On 13 July 2023 at Licensing Applications Committee (LAC) it was resolved that the updated Hackney Carriage and Private Hire Convictions Policy, be published for consultation with the Hackney Carriage and Private Hire Vehicle trade, and that a further report be submitted to a future meeting of the LAC to adopt the final policy.
- 1.6. This is that further report.
- 1.7. The Hackney Carriage & Private Hire Convictions Policy is attached to the report at Appendix 1.
- 1.8. The Hackney Carriage & Private Hire Convictions Policy has been updated from the one that was presented to the Committee on 13 July 2023. The changes are small grammar alterations, and a link has also been added to better assist readers of the document. The changes are as follows:
 - Point 6 - "The bar has been raised" has been added – the adoption of the new Policy will result in the raising of the professional standards of our licensed drivers and operators.

- Point 12 - Removal of reference to Section 1 (1) of the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 as the policy relates to the whole of the document and not just section 1 (1).
- Point 16 - a link has been added to assist future readers with accessing the named Legislation with reference to section 1(1), 1(2) and 1(3).
- Points 27, 47 and 56 - have been changed with minor grammar and formatting alterations.

2. Policy Context

- 2.1 The Council is responsible for licensing hackney carriage (taxis) and private hire drivers (PHV), vehicles, and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, best practice documentation and its own policies and procedures.
- 2.2 In July 2020 the Secretary of State for Transport published new Statutory Taxi and Private Hire Vehicle Standards to all licensing authorities. statutory taxi and private hire vehicle standards The Standards are aimed at safeguarding children and vulnerable adults. The standards were developed to set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 2.3 The Standards are the result of extensive consultation with the police, the trade, the Institute of Licensing, and others and sets out the approach that Licensing Authorities should adopt when carrying out their functions. Under s.177(4) of the PCA the council must have regard to this statutory guidance when undertaking its taxi and private hire vehicle licensing functions, it shall be followed unless there is a compelling local reason not to do so.
- 2.4 In addition, the Department for Transport (DfT) has published new statutory guidance for licensing authorities in England which is intended to help licensing authorities comply with their new duties under the TPHVA which came into effect on 31 May 2022. Again, under s.7 of the TPHVA, the council must have regard to statutory guidance that was issued on 27 April 2023.
- 2.5 The Council is required to review its taxi licensing policies and standards to ensure they meet the standards outlined in the legislation and guidance. All these requirements are in response to longstanding national concerns about public safety in this sector.

3. The Proposal

- 3.1 A report asking the Licensing Applications Committee to adopt the Statutory Taxi and Private Hire Vehicle Standards and also to take into consideration the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 was presented on the 13th July 2023.
- 3.2 Following the Licensing Applications Committee meeting of the 13th July 2023 the committee resolved that a consultation should be carried out with all hackney carriage and private hire drivers along with all operators and the Chief Constable of Thames Valley Police.
- 3.3 The consultation commenced on the 2nd August 2023 and lasted for 28 days ending on the 3rd September 2023. There were 6 objections received by the licensing team to the new convictions policy during the consultation period.
- 3.4 The consultation was sent out to 1,351 drivers and 37 Private Hire and School Transport Operators who were also asked to ensure their drivers read the report. The 6 objections were from the hackney carriage trade, there were no responses received from either PH drivers or PH Operators or the Chief Constable of TVP. The percentage of the response was 0.44%.
- 3.5 The 6 objections are listed in the appendices as 2 to 7 respectively.

- 3.6. In view of these objections the licensing team have made contact with our neighbouring authorities being SODC, West Berkshire, Bracknell Forrest, and Wokingham with regards to this matter and what they have included in their convictions policy. The reply from SODC can be seen in **Appendix 8**, Wokingham are currently updating their policy and West Berkshire and Bracknell Forest did not reply.
- 3.7. Other Local Authorities outside of our neighbours have also been considered and the following has been added for information.
 - 3.7.1. Buckinghamshire Council – Have the same policy as SODC.
 - 3.7.2. Oxford City Council – Have the same policy as SODC.
 - 3.7.3. Gloucestershire County Council which comprises 6 local authorities being Gloucester City Council, Stroud District Council, Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council and Tewkesbury Borough Council along with South Gloucestershire Council all have the same policy as proposed by RBC.
- 3.8. Following the consultation period, the Licensing Applications Committee are asked to consider the objections received. The Committee is entitled to take them into due consideration and, following discussion, resolve to either adopt or amend the proposed Hackney Carriage and Private Hire Convictions Policy.

4. Council Comments on Objections

- 4.1. (ref. Appendix 2 - RTA objection) – This objection raises three points. The first of these is that an accusation is enough for someone to have their licence refused/revoked. This is not the intention of this policy. All accusations will be looked into and not taken on face value.

The second point is to say that 6 DVLA penalty points on a licence for motoring offences should not be taken into account. The Council consider this to be reasonable given that this is aimed at professional drivers who should be upholding the very best standards of care in their profession and adhering at all times to the highway code and rules of the road. If the DVLA award points on a driving licence for road traffic offences, then we consider this to be very relevant when considering the fit and proper test for the professional driver who should be upholding the very best standards whilst undertaking their activities. The policy gives some context around minor and major offences and is set to give some capacity for an accidental 3 point penalty to be accrued.

The third point is to say that as drivers use smartphone applications ‘apps’ and take payments on handheld devices they should not be subject to the element of the policy which has no tolerance for drivers using handheld devices whilst in operation of their vehicle. The Council position is that booking apps and payment devices whilst stationary or otherwise in accordance with road traffic laws are not at issue here. This policy is very clearly seeking to prevent drivers from using handheld devices while driving which is no more than the law requires currently.

- 4.2. (ref. Appendix 3 - Mr Anjum objection) – This objection is based on the premise that while a hackney carriage driver holds a driving licence (s)he should be able to carry on as a hackney carriage driver: “I find it unfair if a taxi badge revoked because of points awarded”. Our contention is that we hold hackney carriage drivers to a higher standard, and therefore have our agreed penalty points system in place for breaches of our conditions, as well as consider DVLA awarded penalty points for driving offences to ensure hackney carriage drivers maintain the very highest standards of conduct for the safety, security and trust of customers. The public expect us to regulate the behaviour and performance of drivers.
- 4.3. (ref. Appendix 4 - Mr Ditta Objection) – The salient points of this objection relate to not wanting the DVLA 6 penalty points to count, and suggesting drivers have video recording equipment. We consider the DVLA penalty points system for road traffic

offences to be a valid criteria for our consideration and a limit of 6 points allows for one transgression before it meets a level, we consider unacceptable for a professional, experienced driver entrusted in the care of passengers whose safety we give the highest regard to. The video recording equipment is something we are giving further consideration to, in regard to whether internal/external CCTV becomes mandatory. We are not placing that additional burden on vehicle owners/operators at this time but the point is noted.

- 4.4. (ref. Appendix 5 - Mr Rafiq objection) – The first aspect to this objection relates to the fact that the bar is now being raised. This is due to the changes in legislation and the adoption of the new statutory standards, and remains in our view a positive move for safeguarding and safety reasons.

The next element of this objection is again on the 6 DVLA penalty points already covered above.

The third point is that the penalty relating to hand-held devices is considered too harsh. On this we have no room for manoeuvre as the minimum expected must be the legal position not to use handheld devices whilst driving, and if we aspire for a better position than the legal bare minimum as we are licensing professional drivers then we can hardly be seen to condone the use of handheld devices at the wheel.

- 4.5. (ref. Appendix 6 - Mr Sajid objection) – This objection is mainly asking us not to make life difficult for drivers. There is a balance which needs to be struck between drivers being able to operate (fairly, legally and with the highest standards of professionalism) against our corporate responsibility towards protecting our residents and visitors using their services as we are the licensing authority. This point is noted however it must be understood that we are attempting to raise standards which will provide greater consumer confidence and enhance the trust and reputation of the trade licensed by us.
- 4.6 (ref. Appendix 7 - Mr Shahzad objection) – This objection is again in relation to the DVLA 6 penalty points issue as already discussed above.

5. Contribution to Strategic Aims

- 5.1. The legislation primarily aims to protect and enhance the safety of Hackney Carriage and PHV passengers, safeguarding children and those most vulnerable.
- 5.2. Through implementing these requirements, this will ensure the council has an effective regulatory framework, working collaboratively with other agencies and authorities to administer and enforce statutory and local requirements and ensuring the highest standards are met. This will benefit both the trade and customers and will contribute to the following priorities in the Corporate Plan:
- Thriving Communities – by ensuring the Hackney and PHV sector remains integrated into our sustainable transport network and the sector is safe and trusted; passengers are confident in using the services and vehicles are modern and accessible.
 - Inclusive Economy - Taxis and PHVs are one of the most flexible elements of the transport system operating 24/7 on a commercial basis. They are integral to supporting local businesses to thrive by transporting residents and visitors around the Borough. The services are a primary mode of passenger transport for many people for whom mainstream public transport is not an option or suitable. Hackney's and PHV's help support many disabled and vulnerable people to live more independent lives. They also play an important part in supporting the night-time economy, providing a safe and secure mode of transport for many people home.

6. Environmental and Climate Implications

- 6.1. There are no environmental or climate implications arising from the decisions in this report. The council has a duty to adopt the requirements of the legislation which are aimed to enhance safety in the Hackney Carriage and Private Hire Vehicle sector.

7. Community Engagement

- 7.1. A consultation exercise was conducted with both the HC and PH trades and the Chief Constable of Thames Valley Police on the proposed Hackney Carriage and Private Hire Convictions Policy.

8. Equality Implications

- 8.1. Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2. The Council will undertake an equality impact assessment scoping exercise on the projects included within the recommendations where applicable and at the appropriate stage of development. For example, with regard to the introduction of an English proficiency test.

9. Other Relevant Considerations

- 9.1. N/A

10. Legal Implications

- 10.1. Section 177(4) of the Policing and Crime Act 2017 enables the Secretary of State to issue guidance to Licensing Authorities as to how their taxi and private hire vehicle licensing functions shall be exercised so as to protect children and vulnerable adults and requires authorities exercising their licensing functions to have regard to it. Licensing Authorities have a legal duty to have regard to the minimum standards – this means that the Authority must take the standards into account and must give clear and compelling reasons for any departure from them.
- 10.2. The powers to grant or renew, hackney carriage and private hire vehicle driver and operator licenses are contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 10.3. In respect of the grant of a licence to drive hackney carriage and private hire vehicles, you may refuse on the grounds that the applicant is not a fit and proper person to hold such a licence or has not held a full driving licence for at least twelve months.
- 10.4. In respect of the grant of a private hire operator licence, you may refuse on the grounds that the applicant is not a fit and proper person to hold such a licence.
- 10.5. In respect of renewal, revocation or suspension of a licence to drive hackney carriage and private hire vehicles, you may refuse to renew or may revoke or suspend a licence on the grounds that since the grant of a licence: (a) the applicant has been convicted of an offence involving dishonesty, indecency or violence; (b) the applicant has been convicted of an offence or failed to comply with the legislation controlling the private hire vehicle trade; (c) any other reasonable cause.
- 10.6. In respect of the renewal, revocation or suspension of a private hire operator licence, you may refuse to renew or may revoke or suspend a licence on the grounds that since the grant of a licence: (a) any offence under, or non-compliance with, the provision of this Part of this Act. (b) any conduct on the part of the operator, which appears to the district council to render him unfit to hold an operator's licence. (c) any material change since the licence was granted in of the circumstances of the operator on the basis of which the licence was granted. (d) any other reasonable cause.

10.7. An applicant aggrieved by the refusal, refusal to renew suspension or revocation of a licence may appeal to the Magistrates' Court.

11. Financial Implications

11.1. There are no legal costs in respect of this report.

12. Timetable for Implementation

12.1. The new Hackney Carriage and Private Hire Convictions Policy will take immediate effect following the adoption by the Licensing Applications Committee.

13. Background Papers

13.1. There are none.

Appendices.

1. Hackney Carriage & Private Hire Convictions Policy
2. Objection from the RTA
3. Objection by Mr Anjum
4. Objection by Mr Ditta
5. Objection by Mr Rafiq
6. Objection by Mr Sajid
7. Objection by Mr Shahzad
8. SODC Conviction Policy points 4.19, 4.42 & 4.43 (As attached)

DRAFT

READING BOROUGH COUNCIL – HACKNEY CARRIAGE AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused, or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrates Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension/revocation issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. The bar has been raised. Existing licence holders that have been granted licences prior to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser, or those offences not included. It is not reasonable that those licences should be automatically revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.

8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction check on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

and the

Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
<https://www.legislation.gov.uk/ukpga/2022/14/enacted>

13. The Licensing Authority will consider each case on its own merits; applicants and licensees are entitled to a fair and impartial consideration of their application.
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour

Their overall conviction history

- Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant.

- Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process.
 - Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services.
 - Any other matters that are relevant.
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. (ref: Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 Sections 1(1), 1(2), 1(3) - <https://www.legislation.gov.uk/ukpga/2022/14/enacted#section-1-1>)
 17. A caution is regarded in the same way as a conviction.
 18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
 19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered.
 20. Where a period is given below, it should be taken to be a **minimum** in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
 21. It is important to recognise that matters which have not resulted in a criminal conviction whether that is the result of an acquittal, a conviction being quashed, where a decision not to prosecute has been made or an investigation which is continuing where the individual has been bailed can and will be considered by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
 22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
 23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
 24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
 25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles, and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked. There is a further ongoing duty to notify the licensing authority of arrest and/or prosecution within the timescales set out in the adopted statutory standards.
27. Any dishonesty by any applicant or other person on the applicants behalf which is discovered to have occurred in any part of any application process (e.g., failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked, and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.

This includes (this is not an exhaustive list)

- a. Slavery,
- b. Child sexual abuse,
- c. Exploitation,
- d. Grooming,
- e. Psychological,
- f. Emotional,
- g. Financial abuse,
- h. Domestic abuse,
- i. Harassment and stalking.

Offences involving violence against the person

32. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
33. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least **TEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent
- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

34. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

Sexual offences

35. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
36. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked.
37. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked.

38. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences
39. Any licence holder charged with, convicted, or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

40. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously.
41. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked.
42. Dishonesty offence includes (this is not an exhaustive list)
- a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

43. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not

be granted until at least **TEN YEARS** have elapsed since the completion of any sentence imposed.

44. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **FIVE YEARS** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

Discrimination

45. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked.

46. Examples of Discrimination offences include (this is not exhaustive list)

- a. Racially aggravated common assault
- b. Any racially aggravated offence against a person or property.
- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under The Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

47. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

48. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>

49. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

50. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.

51. Where an applicant has a major conviction, the application will be refused whilst the relevant points remain 'valid' on their driving licence.
52. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
53. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of **up to 6** points, a licence holder can agree to complete an extended driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee.
54. Where a licence holder has **more than 6** valid penalty points for driving offences, their licence will be revoked.

Drink driving/driving under the influence of drugs

55. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least **SEVEN YEARS** have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked.

Using a hand-held device whilst driving

56. Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least **FIVE YEARS** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
57. Where the offence is dealt with as a driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least **FOUR YEARS** have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a hand-held mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

58. Where an applicant has a licence for any offences under any relevant hackney carriage or private hire legislation will not be granted a licence until at least **SEVEN YEARS** have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked.

Groves, Mark

From: [REDACTED]
Sent: 03 September 2023 22:43
To: Taxi Enforcement
Subject: RBC Convictions Policy Consultation

Warning!
For the attention of
RBC, BfC Staff and Councillors

This mail is from an external sender - please do not click any links or open any attachments unless you trust this sender, and know the content is safe

Dear Mark,

Having gone through the proposed policy, we have a couple of concerns being:

1. It seems that under this policy a mere accusation is enough for someone to have their licence(s) refused/revoked. Surely this cannot be right. We understand that the threshold is lower when compared with criminal law however, whatever happened to "innocent until proven guilty"?

2. We are against the proposal for motoring offences, in particular that the license will be revoked if the license holder has more than six points on their DVLA driving licence.

As you are aware, many of our jobs are App based. We are also required to take card payments on hand held devices. As such, we are not in favour of this element of the policy.

Regards

Asif

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Groves, Mark

From: [REDACTED]
Sent: 03 September 2023 22:11
To: Taxi Enforcement
Subject: Conviction Policy Consultation

Warning!

For the attention of
RBC, BFC Staff and Councillors

This mail is from an external sender - please do not click any links or open any attachments unless you trust this sender, and know the content is safe

Dear sir/madam

I have been driving taxis in Reading borough for last 20 years I was issued taxi badge after i had my full driving licence so i should keep my taxi badge till i have my driving licence.

I find it unfair if a taxi badge revoked because of points awarded.

Many thanks

Nadim Anjum

HCD licence [REDACTED]

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Groves, Mark

From: [REDACTED]
Sent: 03 September 2023 18:20
To: Taxi Enforcement
Subject: Taxi rules

Warning!
For the attention of
RBC, BFC Staff and Councillors

This mail is from an external sender - please do not click any links or open any attachments unless you trust this sender, and know the content is safe

I would like to say about this new rules I'm not in a favour of these rules these are totally against the driver it's not going to help the community with these amendments especially getting 6 points and council will revoke the badge which is totally unfair and making driver sit at home being jobless with double punishment 1st police 6 points and fine and then council making drivers hard life this is really unfair and I'm not support of this especially with the driving rules

The rest rules like sexual abuse or something like that everyone should have dash cam to protect himself and community there is everything in the market you can protect driver community every one else with same rules and I think reading is doing great job at the moment

If you want to think about it make some rules for drivers driver get paid with fake notes and at least once a week run off thanks
Piran ditta

Sent from [Outlook for iOS](#)

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Groves, Mark

From: [REDACTED]
Sent: 03 September 2023 20:15
To: Taxi Enforcement
Subject: RBC Conviction Policy Consultation

Warning!
For the attention of
RBC, BfC Staff and Councillors

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Dear Reading Borough Council

Whilst reading this new proposed policy, there are certain policy/criteria that concern me, if I am understanding them correctly.

Putting a restriction on one Minor offence on new and renewal applicants seems a bit harsh, I feel drivers who hold a license should not be rejected a license, as they already hold a license, they have invested in a business cost such as premises/vehicle etc.

Having a license revoked for 6 DVLA points seems harsh, this should be accessed on how/what offence (how severe was the offense)

Drink driving, I agree they are putting lives at risk, their license should not be given at all

Hand held devise 5 years, seems too long of a punishment, for new applicants I may agree, but for existing license holders, they should not be punished for this policy now coming into practice.

A license holder who has had penalty points imposed on their DVLA license for using a hand held devise will have their license revoked. these criteria should be for new applicants not existing license holders, as again they already have invested into this business and this will effect their livelihood.

I understand all policy are being updated, to look after the welfare of our general public, My main concern is how this policy will effect existing license holders. We need to understand that if this policy is implemented, and resulting in existing license holder losing his or her license, how will that affect them.

We need to take all factors into account before implementing this policy. New applicants will have that option of looking else where, existing license holders will be loosing on their investments, plus looking for a new job. we don't want to affect existing license holder's livelihoods.

I hope my input helps you come to a fair renewed policy.

Kind regards

Shahid Rafiq
[REDACTED]

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Groves, Mark

From: [REDACTED]
Sent: 03 September 2023 18:33
To: Taxi Enforcement
Subject: Deiver rules

Warning!
For the attention of
RBC, BfC Staff and Councillors

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Good evening I would like to say about these new rules amendment which is not favour of drivers I am not in favour of these rules pleaas don't try to make the drivers life difficult being punished by police and then council will be punishable that means driver will get punished twice for foe o e crime which is not good please don't make life difficult which is already hard time going on at current circumstances thanks

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Groves, Mark

From: [REDACTED]
Sent: 03 September 2023 12:51
To: Taxi Enforcement
Subject: Taxi driver

Warning ! For the attention of RBC, BfFC Staff and Councillors

This mail is from an external sender - please do not click any links or open any attachments unless you trust this sender, and know the content is safe

Hey good afternoon I would like to say that I'm not favour of these kind of rules whose only punishing the drivers for example once you get punished from dvla a like speeding or using mobile 6 points £200 fine what's the point to council give another to make driver jobless in this circumstance where everyone is struggling and you want to make struggle to drivers families too that's all you guys thinking in the office how to put more and more restrictions

That's fine you can be more strict with abusive driver like you mentioned sexual abuse or dishonest drivers you can make strict rules as much as you want but make the rules which are reasonable the reading borough council already have the fair rules there's no space for more restrictions on drivers I went to Sonning common other day the lady and a guy they didn't pay they said they don't have come sometimes later like this happened almost every week where I should how complaints about these where are driver right's who is protecting us who's standing for us please let me know what decision you lot make thanks Sent from my iPhone

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SODC Convictions Policy

Points

Other motoring offences

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

The above just mentions new applicants in the text however the following point relates to all current licensed drivers.

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

So anyone reaching 7 DVLA points or convicted of a major traffic offence is highly likely to get revoked, unless there are exceptional circumstances to persuade SODC that we should depart from the policy.

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Licensing Applications Committee

07 November 2023



Reading
Borough Council
Working better with you

Title	Street Trading Policy
Purpose of the report	To make a decision
Report status	Public report
Report author	Rob Abell, Consumer Protection Group Manager
Lead Councillor	Councillor Karen Rowland, Lead Councillor for Environmental Services and Community Safety
Corporate priority	Inclusive Economy
Recommendations	<ol style="list-style-type: none"> 1. That the intention to carry out a voluntary consultation on the draft Street Trading Policy to seek views of the local community be noted. 2. That the Street Trading Policy, as appended to the report at Appendix 1, be adopted.

1. Executive Summary

- 1.1. The Street Trading Policy has been developed for the town to ensure it delivers on improving the quality of the town centre experience and allows us to regulate unwanted street trading activities more effectively.
- 1.2. The Policy aims to enhance visitors' experience of our vibrant town and improve how it functions as a commercial centre.
- 1.3. Residents, visitors and businesses will have greater certainty about how we view and manage street trading activity once the Policy has been adopted. It will also provide confidence that street trading has been properly considered, debated and a clear policy position has been formed.

2. Policy Context

- 2.1. This policy will align with the enforcement and prosecution policy (currently being refreshed by the legal team).
- 2.2. For certain types of street trading activity it will sit well alongside the Reading Borough Council Antisocial Behaviour Policy which has as a key aim "Ensure a partnership approach is taken to tackle Anti-Social Behaviour". This work is guided through Reading's Community Safety Partnership and its response to the annual strategic assessment.

3. The Proposal

- 3.1. The aim of the Street Trading Policy is to create a street trading environment which:
 - ensures fair trading between mobile premises in the Borough;
 - protects the amenity of the residents by ensuring that licenced traders do not cause nuisance, damage, disturbance or annoyance;
 - ensures the safety of the people using them;
 - promotes diversity and consumer choice;
 - provides applicants with advice and guidance on the Council's approach to the administration of applications for street trading consents and Licences.

3.2 The policy contains:

- Guidance to Applicants
- Information on how to apply
- Information on how we determine Applications
- Information on Renewals/Refusals/Appeals
- Information relating to transfers
- The Enforcement Procedure & Complaints investigation process
- Fees and Payments

4. Contribution to Strategic Aims

4.1. The Council Corporate Plan – 2022 to 2025 (as updated in March 2023) has three themes: Healthy Environment; Thriving Communities; and Inclusive Economy all of which are relevant in relation to a street trading policy. Specifically the areas of the plan this dovetails with are the desire to have a clean, safe, attractive town; making the town an exciting and diverse place; and ensure we support opportunities for growth and success in the town by supporting legitimate businesses through removing unfair unregulated competitors.

5. Environmental and Climate Implications

5.1. This policy gives an opportunity to take a position on older and more polluting ice cream vans and/or electricity generators which may be used by street traders.

6. Community Engagement

6.1. A voluntary consultation will be undertaken for a period of one month. It is not necessary, nor is there a legal requirement to do so, but it would be a great opportunity to invite some community input.

7. Equality Implications

7.1. It is not considered that an Equality Impact Assessment (EIA) is relevant to this decision to adopt a street trading policy. The decision will not have a differential impact on people with protected characteristics.

8. Other Relevant Considerations

8.1. There is some interaction with community safety, anti-social behaviour and town centre policing. This policy will sit alongside and be in harmony with BID/REDA run activities in the town centre.

9. Legal Implications

9.1. Legal services have already been consulted and will assist with a piece of work we need to do which is to remove a licensed (part of) a street which is Church Street, Caversham. This will leave us with just one Licensed (part of) a street in Rose Kiln Lane.

10. Financial Implications

10.1. There are no financial implications for consulting on and implementing this policy.

11. Timetable for Implementation

11.1. Not applicable.

12. Background Papers

12.1. There are none.

Appendices

1. Draft Street Trading Policy

DRAFT

READING BOROUGH COUNCIL
STREET TRADING POLICY

Draft Version 4

July 2023

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Applicable to Mobile Food Vendors e.g., Ice-cream vans

Annex 3 – Guidelines on the Suitability of Applicants

Street Trading Policy 2023-2028

1.0 INTRODUCTION

1.1 Introduction

Street Trading covers a wide range of outdoor retail and catering activities undertaken in public streets. It includes familiar sights such as flower sellers, ice-cream vendors, fancy goods, scarf & bag stalls, and a variety of hot and cold catering activities.

Reading Borough Council has adopted a scheme under the Local Government (Miscellaneous Provisions) Act 1982 to regulate most forms of street trading - that is, selling from a van, stall, barrow, suitcase etc, in a street.

The consent only applies to areas within the Borough boundary. Councils in other areas have adopted similar schemes for controlling street trading.

We also have use of the Reading Borough Council Act 2013 which extends the definition of 'street trading', specifies requirements regarding pedlars, and provides additional powers to dealing with ticket touts.

The legal team will need to do the designation of streets work for us, and remove one of the licensed streets that was included in the 1993 designation: (part of) Church Street, Caversham. This will leave us with just one Licensed (part of) a street in Rose Kiln Lane.

1.2 Purpose of the Policy

1.2.1 Reading Borough Council understands that street trading activities are an essential part of a vibrant and lively town and is important to both the local environment and local economy.

1.2.2 Street Trading can provide diversity, depth, and interest to the local environment for both residents and visitors to the town and an opportunity for small businesses to establish themselves and grow with a relatively modest outlay.

1.2.3 This Policy will support the inclusive economy theme of the Council Corporate Plan 2022 to 2025, and any replacement plans made thereafter.

1.2.4 This document will guide the Council when it considers applications for street trading consents and will inform applicants of the criteria against which applications will be considered.

1.2.5 It is the intention that this Policy will be reviewed every five years or more frequently should legislative changes deem it necessary.

1.3 The Objectives of the Policy

1.3.1 The objective of the Policy is to create a trading environment in which street trading compliments existing premises-based retailing activities, is sensitive to the needs of residents and provides diversity in terms of consumer choice.

1.3.2 This Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.

- 1.3.3 This Policy aims to balance the needs of the wider community, local community, and street traders against the needs of those who may be adversely affected by street trading activities.
- 1.3.4 This Policy aims to provide a consistent and transparent approach in the way in which the Council deals with street trading to ensure that it is appropriately and proportionately controlled in line with the Council's Corporate Enforcement Policy.
- 1.3.5 In developing this policy, considerations were given to the legal requirements of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) and our duties under:
- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder were considered.
- (b) The Regulators' Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations set out and to particularly consider the impact of regulations on small businesses.
- (c) The Provision of Services Regulations 2009 to ensure requirements are non-discriminatory justified by an overriding reason relating to the public interest, proportionate to that public interest objective, clear and unambiguous, objective, made public in advance, transparent and accessible.

1.4 Consultation

- 1.4.1 There is no statutory requirement to consult before determining the Street Trading Policy, however, to ensure openness and transparency the Council has chosen to consult with the following people and bodies:
- Residents residing within 25 metres of proposed trading site (static consents only)
 - Businesses trading within 25 metres of proposed trading site (static consents only)
 - REDA and BID
 - Highways
 - Thames Valley Police
 - Royal Berkshire Fire & Rescue
 - RBC Environmental Protection Team
 - RBC Trading Standards Team
 - RBC Planning Team
 - RBC Food & Safety Team
 - Chamber of Commerce
 - Local Elected Members
 - Any other person or body the Licensing Authority considers appropriate depending on the type of application (i.e., Property Services Team, Parks Team)
- 1.4.2 Renewal applications will be referred to any responsible authorities/consultees at the discretion of the Principal Licensing Enforcement Officer.
- 1.4.3 The consultation period is 28 days. The applicant will be required to display a public notice.

1.5 Legislation & Current Provision

- 1.5.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as ‘the sale and exposing or offering for sale any article, including a living thing, in a street’. Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.5.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where trading is prohibited without Local Authority Consent
 - Licence Streets: where trading is prohibited without a local authority Licence
- 1.5.3 Local Authorities can place conditions on any consent or licence granted through The Act which creates offences associated with trading in consent or licence streets without the necessary authority; a person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 1.5.4 There are, however, a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed at section 1.6 of this Policy. However, it is important to note that exempted traders are still controlled by other regulatory legislation.
- 1.5.5 There is just one licensed street in Reading with the remainder being consent streets.
- 1.5.6 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment additional authorisation is needed under the terms of the Licensing Act 2003.
- 1.5.7 Late Night Refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.
- 1.5.8 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003. We also maintain a page all about Licensing on the Council website: www.reading.gov.uk.
- 1.5.9 The Children and Young Persons Act 1933, as amended by the Children and Young Persons Act 1963, controls the employment of children in street trading. The Act prohibits the employment of children under 17 years of age for the purposes of street trading.

1.6 Exemptions

- 1.6.1 For the purpose of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the following are not street trading:
- a. Pedlars acting under the Pedlars Act 1871
 - b. Anything done within a Market or Fair
 - c. Trading on a trunk road picnic area under Section 112 of the Highways Act 1980

- d. News vendors selling only newspapers or periodicals
- e. Petrol filling stations
- f. Shop forecourts
- g. Roundsmen* (as they have defined customers, defined routes, (i.e., the traditional milk round) delivering to order.
- h. Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- i. Operation of facilities for recreation or refreshment under Part VIIIA of the Highways Act 1980
- j. Street Collections

*It has been established in law that mobile ice cream sales are not normally deemed to be roundsmen and, therefore, are not exempt from street trading. For sandwich vans, if the sandwiches are pre-ordered then an exemption would apply, however, most turn up and act as mobile sandwich vendors, so this type of trading will not be exempt and requires a street trading consent.

1.6.2 The Licensing Authority does not authorise Consent to trade within any privately owned land such as Broad Street Mall, the Oracle Shopping Centre, or retail car parks unless the trading pitch is located within 50m of the highway. Necessary permissions must be sought before making an application to the Council for consent from the managing agent or owner.

1.7 Special Events/Markets

1.7.1 Some special events such as Christmas or continental street markets, Farmers Markets, car boot sales and Markets governed under Charters will not require street trading consent but will need to meet any requirements of the Council and as specified in the relevant Charter.

1.7.2 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue a special events consent that facilitate multi-user street trading for community events.

1.7.3 The consent will be issued for the duration of the specified event only and will be to a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the consent.

1.7.4 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.

1.7.5 The consent holder will be required to keep records of all traders that use the special event consent including the date, trading location, name and company name, address, vehicle registration, contact telephone numbers and items being offered for sale.

1.7.6 Special Events Consents do not provide exclusive control over trading in the designated area. Individuals are still able to apply direct to the Council for consent.

1.7.7 The Chartered Market in Hosier Street is not under the control of the Council's Licensing Team.

- 1.7.8 Activities within the public parks are governed by a number of bylaws and overseen by the Parks Team.
- 1.7.9 Reading Business Improvement District “Reading BID”, are responsible for street trading activity in the areas of the Town Centre as agreed.
- 1.8 Mobile Street Trading (including ice cream traders)**
- 1.8.1 Mobile consents are issued to those who want to trade from numerous locations for a short period of time around the area.
- 1.8.2 Mobile traders will move from site to site and will only remain stationary for no longer than 10 minutes for sales to be made and must not return to that site within the same day (site refers to a 400 metre radius).
- 1.8.3 Mobile traders will require additional permission from the Council, if the consent holder intends to trade in the roads and areas around the Reading Festival event, or during any other similar outdoor events that are held within the Borough.
- 1.8.3 Mobile traders are only permitted to trade within the hours of 9am to 7pm inclusive unless prior written consent of the Council.
- 1.8.4 Mobile traders cannot stop within 800 metres of any school from an hour before the start of the school day until an hour after the end of the school day.
- 1.8.5 Applicants must follow the application procedure as detailed in paragraph 2.3 of this Policy.
- 1.8.6 Once an application has been received the Licensing Team will consult as stated in paragraph 2.4 for a period of 28 days.
- 1.8.7 Applications will be determined as stated in paragraph 2.5 of this Policy.
- 1.8.8 The trading and/or towing vehicle/trailer used must be compliant with DVSA MOT standards. The trading and/or towing vehicle must be maintained in a roadworthy condition, taxed, insured, and have a valid MOT. The type, colour, and dimensions of any trading vehicles to be used will be submitted to the Licensing Authority with colour photos for approval. Details of where the Trading vehicle is to be kept overnight must also be submitted. If a trailer is going to be used as the trading vehicle, it must comply with the relevant laws around maximum weight that can be towed, height restrictions, etc. The driver of the vehicle towing the trailer to and from the location must have the appropriate driving category included on their driving licence.
- 1.9 Buskers**
- 1.9.1 Street trading consents on a daily rate will be required by buskers who wish to sell items associated with their performance, e.g., media containing recordings of music.
- 1.10 Charitable Street Trading and Promotional Stalls**
- 1.10.1 The Council issues permits to enable charitable street trading, they will be considered and awarded on a case-by-case basis.

1.10.2 Organisations that wish to hold a promotional stall without the sale of articles or goods, will not require street trading consent but will need to apply for permission from the Licensing Team to display a stall on the highway.

1.10.3 Street Collection permits will also be required if money is collected in a public place for charitable purposes.

1.11 Vehicles for sale

1.11.1 There is just one licensed street in Reading with the remainder being Consent streets, which means consent must be given by the local authority for goods to be sold. Cars for sale in the street can cause a parking nuisance or hazard, be an obstruction on the highway, cause noise nuisance or contribute to reduced air quality therefore RBC will not allow a street trading licence/consent for this purpose. It may also be an offence under Section 3 of The Clean Neighbourhood and Environment Act 2005.

1.11.2 Officers will investigate details of sellers, conduct DVLA checks on vehicles and pursue offenders.

1.12 Fees

1.12.1 The Council will charge such fees as are reasonable having regard to pitch location, duration of consent, trading days, hours and the description of goods offered for sale.

1.12.2 Fees will be detailed in the applicable Licensing Fees Policy. Details of the current fees can be found on the Council's website.

1.12.3 Application fees must be paid in full, in advance. Application fees are non-refundable. If the application is unsuccessful the fee will be retained to cover the cost of processing the application.

1.12.4 Consent fees are payable once the application is successful. Consent fees must be paid in advance in equal instalments on a quarterly or monthly basis. Failure to maintain payments may result in the consent not being renewed.

1.12.5 Where trading ceases during the term of Consent, refunds will be considered in line with our refunds policy, which can be found on the Council website.

1.13 Delegation of Functions

1.13.1 Licensing & Enforcement Officers will assess applications for street trading, issue consents and determine the fee against the fees policy in place.

1.13.2 The Licensing Sub-Committee will consider representations against refusals and variations to conditions for street trading consent.

1.13.3 The Executive Director of Economic Growth and Neighbourhood Services is authorised to discharge any function of Full Council/Committee or Executive for Street Trading.

1.13.4 The Licensing Committee is authorised to approve policies for street trading consent.

1.13.5 The policy will be kept under review and where any significant amendments are considered necessary these will only be made by the Licensing Committee after appropriate and relevant consultations have taken place. Minor amendments that do not impact on the aims and objectives of the policy, for example due to changes in

legislation, will be made with the approval of the Consumer Protection Group Manager.

2.0 APPLICATIONS

2.1 Advice for New Applicants

- 2.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice as well as clarifying any areas of uncertainty.
- 2.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) they wish to trade as there is no designated list of street trading 'pitches' that can be traded from.
- 2.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission, food safety requirements or waste disposal.

2.2 Disclosure & Barring Service (DBS)

- 2.2.1 Applicants applying for a new street trading consent will be expected to obtain a basic DBS certificate (formerly known as CRB) which must be no more than one calendar month old when submitted to the Council.
- 2.2.2 The DBS certificate must be in the name and address of the applicant as detailed on the application form.
- 2.2.3 The original certificate must accompany the application form.
- 2.2.4 The Council will ask for a new DBS certificate from an applicant (upon renewal) every year.
- 2.2.5 The DBS certificate will be expected to accompany a renewal application every year.

2.3 Suitability of Applicant

- 2.3.1 When determining an application for the grant or renewal of a street trading consent the Council will consider all relevant information relating to the suitability of the applicant to hold such a consent. Street Traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm, and from those who may harm them, wherever possible.
- 2.3.2 The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a consent unless satisfied that the applicant is suitable. In determining this, the Council may have regard to any information, which it considers relevant including:
 - Whether the applicant has been convicted of a relevant offence
 - Whether the applicant(s) have provided a satisfactory DBS certificate before making the application (see paragraph 2.2 above)
 - Proof of eligibility to work in the UK.
 - Refusal or neglect in paying fees due to the Council for a street trading consent, or for any other charges due for services rendered by the Council to the applicant in his capacity as the holder of a street trading consent.

- Previous failures of the applicant, without reasonable excuse, to make use of, to a significant extent, of a previous street trading consent.
- Any previous enforcement action (by any team in Public Protection, Planning, HMRC or Police).
- Any previous refusal of an application for the grant or renewal of a Street Trading Consent.
- Any previous revocation of a Street Trading Consent.

2.3.3 Under the Immigration Act, introduced in 2016, anyone employing illegal workers, (those without the right to be working in the UK) can be fined per illegal worker. You are required to check the residency status and right to work of anyone who you employ to trade under your street trading consent before including their names on an application form. For more information on the Immigration Act, and the duties of employers to check the rights of their employees to work, follow the latest requirements at <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>. Any trader found to be allowing an illegal worker to work as part of their trading activities are likely to have their street trading consent revoked.

2.4 Submitting an Application for the Grant of a Street Trading Consent

2.4.1 All applications for grant of a Street Trading Consent must be made on the Council's prescribed application form.

2.4.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed fee and supporting documentation has been received.

2.4.3 The following documents will also be required to be submitted with the application:

- Proof of eligibility to work in the UK.
- Basic Criminal Record Check this can be obtained from <https://www.gov.uk/request-copy-criminal-record>
- A location plan for static consents, which clearly shows the proposed location that the unit will be sited.
- A photograph or brochure detailing the unit/vehicle to be used including its dimensions.
- Written permission from the landowner if the street trading activity is to be carried out on land in private ownership.
- A copy of Public Liability Insurance for a minimum of £5 million in respect of any one incident.
- Two passport sized photographs of the applicant and any person who will be assisting with the trading on a regular basis. One of the photographs of each person must be endorsed with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, a person of standing in the community or an individual with a professional qualification.

- 2.4.4 Applications cannot be considered from anyone under the age of 17.
- 2.4.5 The Licence holder is permitted to have the number of assistants necessary to undertake relevant duties associated with the operation of the street trading unit. The Licence holder shall provide full details of all assistants, including name, address, date of birth and a passport style photograph to the Council. No assistant shall commence work on a street trading unit until such time as that person has been approved in writing by the Council. No person other than the Licence holder or an approved assistant shall be permitted to work on the street trading unit.
- 2.4.6 It is the responsibility of the consent holder to satisfy themselves that they have carried out the relevant checks on their assistants to ensure they are legal and suitable to work on their unit, fit and proper, and suitable for interacting with their customers.

2.5 Processing an Application

- 2.5.1 Applications for the grant of a Street Trading Consent will be notified by the Council to the following people or bodies:
- Public Protection Manager, Consumer Protection Group Manager and Community Protection Group Manager
 - REDA and BID
 - Highways
 - Thames Valley Police
 - Royal Berkshire Fire & Rescue
 - RBC Environmental Protection Team
 - Chamber of Commerce
 - CCTV Control Room
 - Local Elected Members
 - Residents residing within 25 metres of proposed trading site (static consents only)
 - Businesses trading within 25 metres of proposed trading site (static consents only)
 - Any other person or body the Licensing Authority considers appropriate depending on the type of application (i.e., Property Services Team, Parks Team)
- 2.5.2 The application will be advertised on the Council's website a public notice will also be placed in a clearly visible location at the site of the proposed new pitch.
- 2.5.3 The Council will allow 28 days from the date that the application is received for members of the public and relevant bodies to make representations or objections in relation to the application.
- 2.5.4 Representations or objections will be accepted from any of the bodies listed at 2.5.1 and any other individual or business that can demonstrate that they would be affected by the proposed street trading activities.

2.6 Determining an Application

- 2.6.1 Licensing Officers have the decision-making capability to issue or reject an application following the consultation period. To assist determination, any representations will

be considered alongside a list of set criteria to determine street trading applications before any decision is made. The criteria can be found in Annex 1 of this document.

- 2.6.2 Where no representations or objections are received within 28 days of the application being received, Officers will grant Consent to the applicant in the terms that it was applied for.
- 2.6.3 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.
- 2.6.4 For example, it may be possible to find a compromise by:
- Amending the times during which trading will take place.
 - Amending the days on which trading will take place.
 - Adding conditions to the Consent to address specific concerns.
 - Granting Consent for a trial period to assess the impact.
 - Amending the list of articles to be sold.
- 2.6.5 Where all relevant parties agree to a compromise, the Consent will be granted by Officers, subject to the agreed amendments which will be documented.
- 2.6.6 Each application will be determined on its own merits without bias. Fair competition will not be a reason for refusal.
- 2.6.7 Where representations or objections are received and is not possible to reach an agreed compromise, the application can be referred by the Officer or at the applicant's request, to the Licensing Sub-Committee for determination.

2.7 Applications to renew a Street Trading Consent

- 2.7.1 Consents are issued for a maximum of twelve months but may be issued for a shorter period.
- 2.7.2 An application to renew an existing street trading consent should be made at least six weeks before it is due to expire. Once the renewal application has been received, the Council may consult further to determine if the consent holder is a cause for concern or has been subject to any complaints, or if the application to renew differs from the expiring consent in any way.
- 2.7.3 Where an application is made to renew a Consent to trade on land in private ownership, the application must include written approval from the landowner.
- 2.7.4 If a renewal application is not made before the expiry date of the current consent, a new application will be required. The effect of this will be that no street trading will be permitted until the new application has been determined and consulted upon, and the fee may differ depending on the fees policy agreed and in force at the time.
- 2.7.5 If a renewal application has been received prior to the expiry of the current consent, the consent holder will be able to continue to trade whilst the application is being determined. The Licensing Team will aim to post the consent at least 72 hours before expiry of the current consent.

2.7.6 In relation to the determination of the renewal application, if there have been no justifiable complaints, significant changes or enforcement issues and the fee has been paid, the consent will be renewed.

2.8 Transfer of a Street Trading Consent

2.8.1 A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to a member of the consent holder's immediate family in the event of the consent holder's death or incapacity.

2.8.2 The sub-letting of a pitch is prohibited.

2.9 Variation of a Street Trading Consent

2.9.1 Any variation to the details of the consent holder must be notified to the Council in writing. The Council will issue an amended consent on payment of the relevant fee. The original consent must be returned to the Council.

2.9.2 Any variation to the range of goods for sale, days and/or hours of trading must be notified to the Council in writing. The Council will consider the request taking consideration the request and the number of existing traders already operating at those times and/or offering the proposed goods for sale. Payment of the relevant fee is required. The original consent must be returned to the Council before the amended consent is granted. Traders are advised to contact the Council to seek clarification about what can be considered as a variation, as in some cases a new application may be required.

2.10 Revocation of a Street Trading Consent

2.10.1 If there are any concerns about the consent holder through justified complaints or evidence of breach of conditions, the Licensing Team may refer the consent holder to the Licensing Sub-Committee for consideration.

2.10.2 In serious and exceptional cases requiring urgent enforcement action the Licensing Enforcement Officers will remove consent then report to sub-committee for explanation and ratification.

2.10.3 The consent holder will be provided with the opportunity to present oral and/or written evidence to Members for consideration.

2.10.4 There is no right of appeal against the decision to revoke a street trading consent.

2.10.5 Where a consent is revoked, there will be no refund of the application fee.

2.11 Conditions

2.11.1 On the grant of a consent, the standard conditions will apply to the consent. The standard conditions are not exhaustive and other conditions may be attached to individual consents where appropriate. A copy of the standard conditions can be found at Annex 2 of this Policy. Additional conditions are applicable for mobile food vendors such as ice-cream vans.

2.11.2 Street trading can only be carried out from the stall or vehicle authorised on the consent. Any changes to or replacement of the stall or vehicle must be approved by

the Council. It will be maintained in good order, kept clean, attractive, and free of graffiti.

2.12 Enforcement

2.12.1 It is recognised that well-directed proportionate enforcement activity by the Council benefits residents and visitors but also responsible members of the trade as it creates an equitable trading environment.

2.12.2 All decisions and enforcement actions taken by the Licensing Authority will be in accordance with the Council's Corporate Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

2.13 Offences

2.13.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- engaging in street trading in a prohibited street.
- engaging in street trading in a consent street without a Consent.
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent holder can trade.

2.14 Complaints

2.14.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

2.14.2 If a complaint is found to be justified then the following actions may be taken by Officers:

- advice on future conduct
- verbal warning
- written warning
- suspension
- revocation/refusal to renew
- simple caution
- prosecution; or
- referral of the Consent Holder to a Licensing Sub-Committee.

2.14.3 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Committee may take any one of the following steps as are deemed desirable to meet the objectives of the Policy.

- take no further action
- provide advice on future conduct
- give a warning to the Consent Holder
- amend the days on which trading can take place
- amend the times during which trading can take place

- amend the location(s) where trading can take place
- amend the articles that can be traded
- amend the location/positioning
- amend the conditions attached to the Consent
- amend the duration of the Consent or
- revoke the consent

2.14.4 We will share information and record intelligence as required and in line with GDPR and our data sharing/retention policies. Intelligence to investigate or prevent crime will be shared with other enforcers within Public Protection or external law enforcement agencies.

2.15 **Waste Management**

2.15.1 As a business it's your legal and moral responsibility to dispose of any waste you produce properly. This means unless you are a licensed waste carrier, you need to arrange collection by licensed waste carriers. They will collect it and transport it to a nearby commercial waste disposal site for proper disposal.

2.15.2 You must: keep waste to a minimum by doing everything you reasonably can to prevent, reuse, recycle or recover waste (in that order) - get help to do this. Sort and store waste safely and securely. Complete a waste transfer note for each load of waste that leaves your premises.

2.15.3 For more information on your responsibilities regarding your business waste please contact either the Recycling and Enforcement team at RBC at recyclingandenforcement@reading.gov.uk or the Environment Agency at enquiries@environment-agency.gov.uk

2.15.4 This applies to all street traders both static and mobile you can not dispose of your business waste through your household waste.

2.15.5 The trader must provide at least one suitably sized waste container by the trading vehicle with signage requesting the customers to use it.

2.16 **Pitch Sharing**

2.16.1 If a pitch of interest is already occupied, or is of interest to two street traders, then a pitch can be shared by splitting either the times or the days on which the traders wish to operate. The street traders must have a written mutual agreement between them, approved by the Licensing Authority, detailing when the pitch is going to be occupied by both traders. The location can be shared even if the exact pitch, where the trading vehicle is located, is not. The individual traders will need their own Consents for the location. This does not apply to Licensed pitches.

2.16.2 If a pitch is shared between two Consent holders who will be operating on the same day, there will be an hour between the end time of the first consent and the start time of the other Consent to allow for the respective closing and preparation time. If the location is shared (for example a layby), and not the exact pitch, then the preparation and closing times may overlap, requiring a thirty-minute gap between trading times.

ANNEX 1

Criteria for Determining Street Trading Consent Applications in Reading Borough

- Each application will be judged on its own merits
- The number of traders in any one street will be limited so as not to cause undue concentration
- The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, obstruction to important sight lines for CCTV cameras, unreasonable obstruction of the visibility of neighbouring businesses, conflict with the requirements of emergency vehicles or create unacceptable parking issues
- Locations for users with particular needs (such as water or electricity supply) will only be considered where these supplies can be safely and conveniently provided
- The unit shall be compatible with the character of the area in which it is proposed to be situated. The design of the unit shall not have a significant adverse impact on the visual amenity of the area
- The appearance and use of the Street Trading Unit including associated equipment or structures shall be of a good quality and complementary to the ambience and vitality of the locality. The precise appearance of the facility will need to be identified before consent is granted. (For the sake of clarity, it is acknowledged that 'good quality' is a subjective judgement, but it will include reference to quality and condition of the stall, product, and staff, both in their attire and demeanour, and will be applied at both the inception of the consent and continue during operation as an ongoing duty.)
- Uses involving the sale of food, smoke and noise emission shall meet the requirements of Environmental Health and these will need to be identified before consent is given.
- Uses that are likely to cause problems of noise, damage to monuments or street furniture, traffic disturbance, odour, litter, or late-night disturbance especially in residential areas will not be given consent.
- Consideration may be given to any negative or positive health impacts provided by the range of food and drink available to customers, and the proposed location of the facility. High fat, salt or sugar products near schools will be considered particularly sensitive.
- Consent/renewals will not be considered for any trader in arrears with fees until such arrears are paid in full.
- Prior to the issue of any consent the trading unit and associated equipment may, be inspected by an officer authorised by the Council to ensure that the unit adheres to all relevant and legal conditions.

Compliance of Street Trading activity with Legislation

The Street Trading activity shall, at all times and in all respects, comply with legal requirements relating to that type of activity, including but not restricted to the following:

- Food Safety Act 1990
- Health & Safety at Work Act 1974 and any regulations made under this act.
- Environmental Protection Act 1990
- Trading Standards Legislation
- Regulation (EC) No. 852/2004 on the Hygiene of Food Stuffs.
- The General Food Law Regulation (EC) 178/2002
- The General Food Regulations 2004 (as amended)
- The Licensing Act 2003
- The Health Act 2006 (Smoke Free premises provisions)
- The Food Hygiene (England) Regulations 2013
- Control of Pollution Act 1974 (in particular s.62)

This is not an exhaustive list, and it remains the consent holder's responsibility to find out about any legislative requirements which may relate to their business and ensure they comply with it. Free basic legal advice is available from teams within Public Protection, and comprehensive support is available on a paid-for basis.

ANNEX 2

Street Trading Standard Terms and Conditions

Street Trading Consents are issued by the Council subject to the following conditions, in so far as they do not conflict with or are amended by any specific conditions imposed on the grant of the Street Trading Consent:

1. The Street Trading Consent is valid for the period specified in the Consent and shall not exceed 12 months.
2. The Consent Holder shall pay a fee to the Council in accordance with the approved list of fees.
3. The Consent Holder may surrender the Street Trading Consent at any time, and the Council shall repay to the Trader/Consent Holder that part of the fee considered by the Council appropriate for the unexpired period of the Street Trading Consent less the administration charge to cover administrative expenses, the exception being the day rate.
4. The Consent Holder must at all times, whilst trading, clearly display the Street Trading Consent issued by the Council and their legal entity details (as required by the Companies Act 2006).
5. The Consent Holder shall not carry on their trade in such a way as to cause obstruction of any part of the street in which they are trading or create a danger to persons in the street.
6. The Consent Holder must ensure that their street trading unit does not impede the passage of emergency vehicle access under any circumstances.
7. The Consent Holder shall not carry on their trade in such a way as to cause a nuisance or annoyance (e.g., noise nuisance, litter, odour etc.) to persons using the street or to occupiers in the vicinity. In addition, the trading shall meet Environmental Health and Trading Standards requirements. A food hygiene rating of 3 or above must be maintained.
8. The Consent Holder shall not sell any type of food, goods, or merchandise other than that specified in the Street Trading Consent.
9. The Consent Holder shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from their trade and at the close of each trading day shall remove that litter from the street in line with the Environmental Protection Act 1990 (2.12.11 – 2.12.16)
10. The Consent Holder shall be responsible for any damage to the Street or otherwise resulting from the Street Trading activity.
11. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from their Street Trading activity and shall not discharge any wastewater to the Street surface or to the surface water drains.
12. The Consent Holder shall not use any television, CD/MP3 player or other device for the broadcasting of sound while street trading without the express permission of the Council. A PRS licence may also be needed.

13. The Consent Holder shall not carry out on street trading outside the times and days permitted by the Street Trading Consent.
14. The Consent Holder shall not trade in any location other than the location permitted by the Street Trading Consent.
15. Any Street Trading Unit used by the Consent Holder in the course of Street Trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard or European equivalent and the Consent Holder shall bear the expense of showing such standard has been complied with.
16. The use and storage of liquid petroleum gas shall comply with any code of practice or requirements of the fire officer.
17. The Street Trading Consent shall not operate for any other purpose than to permit the Consent Holder or a person engaged by the Consent Holder to assist in their trading to trade in a Consent Street in accordance with the conditions imposed. The Consent Holder must ensure that he/she has obtained any other approval or registration required under any other statutory provisions related to their trade.
18. The Consent Holder must be 17 years of age or over and shall be responsible at all times for control of the Street Trading Unit. Any persons assisting on the unit shall be 17 years of age or over.
19. The Street Trading Consent is personal to the Consent Holder named within it and shall not be assigned, sub-let, or transferred to any other person, firm or company.
20. The Consent Holder or their employee must move the Street Trading unit or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
21. Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations, or byelaws.
22. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce evidence of such insurance any time upon request.
23. Nothing contained in these conditions shall relieve or excuse the Consent Holder or their employee or agent from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands, or costs arising from their Street Trading.
24. Consent Holders and/or any person engaged by the Consent Holder to assist in trading should wear clean and appropriate clothing.
25. The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.
26. The Council may vary the conditions attached to the Street Trading Consent at any time following consultation with the stall holder/s concerned.
27. Any breach of the conditions may lead to the Street Trading Consent being suspended or revoked.

28. Please note Planning Permission may be required for the proposed trading location; you are therefore advised to contact the RBC planning team for advice at planning.administration@reading.gov.uk
29. The Consent does not override any Regulations regarding parking, food hygiene, obstruction, etc.
30. During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 Licensing Act 2003 must be present at the point of sale.
31. There shall be no sale of alcoholic drinks in glass containers.
32. The Licence holder shall on all occasions when carrying on business, shall not be intoxicated and conduct him/herself in a proper, civil and decorous manner pursuant to the Licence.
33. The Licence holder shall ensure that his/her vehicle/stall is positioned only in the allocated area of the Consent Street for which he/she holds a Street Trading Licence. Such stall or vehicle shall be removed from the site, immediately after the close of each trading day.
34. At the close of each trading period, the Licence holder must clear the area immediately around the vehicle/stall of any advertisement, notice and/or rubbish associated with the trading unit
35. The Licence holder shall ensure that disabled persons and wheelchair users can be adequately served. This may involve such customers being served from outside the vehicle/stall.
36. A mobile phone number in addition to a landline contact number shall be provided to the Council on application.

Additional Conditions applicable to Mobile Food Vendors e.g., Ice-cream Vans

1. Mobile consent holders are not permitted to remain static for more than 10 minutes and cannot return to the same site within the same day (site refers to a 400 metre radius).
2. Mobile consent holders are not permitted to trade within a 50-metre radius of any static traders, other mobile traders, or shops, trading in similar goods / articles.
3. Mobile traders can only trade between the hours of 9am to 7pm inclusive unless prior written consent of the Council.
4. Mobile traders must ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway and does not present any dangers to other road users or pedestrians.
5. Mobile traders must not stop within 800 metres of any school from an hour before the start of the school day until an hour after the end of the school day unless granted a school consent for that site.

USE OF LOUDSPEAKERS TO ATTRACT BUSINESS

You must have reference to the Code of Practice on Noise from Ice-Cream Van Chimes, etc. in England 2013 published by Defra.

Chimes should not be sounded:

1. For longer than 12 seconds at a time.
2. More often than once every 3 Minutes.
3. When the vehicle is stationary.
4. Except on approach to a selling point.
5. When in sight of another ice-cream van which is trading.
6. When within 50m of schools (during school hours), hospitals and places of worship (on Sundays and any other recognised days of worship).
7. More often than once every 2 hours in the same street.
8. Louder than 80dB (LAmax) at 7.5m (Contact the Council's Environmental Protection Team for advice).
9. As loudly in quiet areas or narrow streets as elsewhere.

REMEMBER! – IT IS AN OFFENCE TO SOUND YOUR CHIMES

1. Before 12 noon and after 7pm.
2. At any time in a way which gives reasonable cause for annoyance.

A FULL LIST OF THE ADDITIONAL (SPECIAL) CONDITIONS CAN BE FOUND ON THE COUNCIL WEBSITE UNDER MARKET AND STREET TRADING

ANNEX 3

Guidelines on the suitability of applicants

General Principles

The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, where-ever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence.
- Whether the applicant has been the subject of any relevant enforcement action.
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal); and
- Any previous revocation of a street trading consent (and the reasons for the revocation).

For the purposes of this policy, relevant offences include unspent convictions and cautions, for offences involving dishonesty, the use and supply of controlled drugs, violence, which are less than 5 years old from the date of application, will be included in the consideration of whether the applicant is a suitable person to hold a licence or consent. Offences of a sexual nature will not be granted a street trading consent.

A person with a conviction for a relevant offence will be expected to have remained free of conviction for a period of time, before an application is granted. Some discretion may be exercised if the offence is isolated, minor in nature and there are mitigating circumstances, however, the overriding consideration will always be the protection of the public. The law and guidance relating to spent convictions and rehabilitation of offenders has been considered in drafting this policy.

Notwithstanding the above, the Council is aware of its duty not to restrict its discretion and it shall permit representations from the applicant explaining why it may, nevertheless, be appropriate to receive consent.

In the case of any conflict between this annex and the Council's Convictions Policy, or Enforcement and Prosecution Policy then that will take precedence.

Guidelines on the relevance of convictions

Each case will be decided on its own merits.

(1) The Council will assess whether:

(a) an applicant for the grant or renewal of a street trading consent is a suitable person to hold or to continue to hold a street trading consent,

(b) a person who wishes to be registered as an assistant to a street trading consent holder or to continue to be registered as an assistant to a street trading consent holder is a suitable person to be registered as an assistant to a street trading consent holder.

In making that assessment, the Council consider the previous convictions of such persons.

(2) In considering the previous convictions of those persons mentioned in paragraph 1 the Council will consider the following:

(a) whether the conviction is relevant,

(b) the seriousness of the offence,

(c) the length of time since the offence occurred,

(d) whether there is a pattern of offending behaviour,

(e) whether that person's circumstances have changed since the offence occurred,

(f) the circumstances surrounding the offence and the explanation offered by that person.

(3) The following examples provide a general guide on the action to be taken where relevant convictions and cautions are evident:

(a) Offences involving Violence

Applicant with convictions for offences involving violence will be considered carefully. Depending on the nature and seriousness of the offence, when applicants have convictions for causing grievous bodily harm, wounding, assault, or even more serious offences involving violence. In general, a period of five to ten years free of convictions should elapse before an application will be granted.

(b) Drug related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, will not necessarily prevent an applicant from obtaining a street trading consent, provided the applicant has at least five years free of convictions.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

(c) Sexual offences

Applicants with any unspent sexual related offences will not be granted a street trading consent.

(d) Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and his assistant to be honest and

trustworthy. For these reasons a serious view will be taken of any conviction involving dishonesty.

Convictions for isolated minor offences will not necessarily prevent an applicant from obtaining a street trading consent but in cases involving serious theft or fraud, at least five years should elapse before an application is granted. When offences of dishonesty have been accompanied by violence, at least ten years free of conviction should elapse before an application will be granted.

(e) Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a street trading consent or to be registered as an assistant to the holder of a street trading consent is a suitable person. It will be more relevant for mobile units. There may be instances where the offences are of a very serious nature. In those cases, an applicants would be expected to show a period of at least 5 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.

(f) Formal Cautions and fixed penalty notices.

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

In all cases, each individual application will be decided on its own merits.

Disclosure and Barring (DBS)

All application forms must be accompanied by a basic disclosure as the Council must be satisfied that the applicant is a suitable person.

If any unspent convictions or cautions are declared, depending on their nature, then the Council may as part of the application process hold a hearing to determine whether the applicant is a suitable person to hold a street trading consent. The application will not proceed until the suitability of the applicant has been determined.

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