

# Notice of Meeting

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## Licensing Committee

**Monday, 13th September, 2010 at 6.30pm**  
in Council Chamber Council Offices  
Market Street Newbury

Date of despatch of Agenda: Friday, 3 September 2010

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jessica Broom on (01635) 519591  
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[www.westberks.gov.uk](http://www.westberks.gov.uk)



**To:** Councillors Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Geoff Findlay, Manohar Gopal, Roger Hunneman, Tony Linden, Mollie Lock, Gwen Mason (Vice-Chairman), Andrew Rowles, Ieuan Tuck and Quentin Webb

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# Agenda

## Part I

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1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 1 - 14  
To approve as a correct record the Minutes of the meeting of this Committee held on 30<sup>th</sup> March 2010 and of the Special Committee held on 25<sup>th</sup> May 2010.
3. **Declarations of Interest**  
To receive any Declarations of Interest from Members.
4. **Hackney Carriage Licensing** 15 - 44  
*Purpose: To consider outcomes of the Taxi Working Group's deliberations on matters deferred from the Licensing Committee Meeting on 30<sup>th</sup> March 2010.*
5. **Licensing Act 2003** 45 - 104  
*Purpose: To approve the Council's Licensing Policy for the three year period commencing January 2011*

Andy Day  
Head of Policy and Communication

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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## LICENSING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 30 MARCH 2010

**Councillors:** Jeff Beck, Paul Bryant, Billy Drummond, Adrian Edwards, Geoff Findlay, Tony Linden (Chair), Gwen Mason (Vice-Chairman), Ieuan Tuck and Quentin Webb

**Also Present:** Liz Patient, Alison Church, Jason Teal, Brian Leahy, Paul Anstey, Valerie Witton.

#### PART I

#### 14 Apologies

Apologies for inability to attend the meeting were received from Councillors Jeffrey, Argyle, Lock, Rowles and Gopal.

#### 15 Minutes

The minutes of the meeting of the 8<sup>th</sup> September 2009 were signed as a true and accurate record of the meeting, subject to the following amendments:

- **Page 4; 1<sup>st</sup> paragraph**:- '... the condition of current vehicless that might not be compliant'.
- **Page 6, 5<sup>th</sup> paragraph under item 13**: - '... just because a person had a conviction this should **not** prohibit him / her from getting a job'.

#### 16 Declarations of Interest

There were no declarations of interest received.

#### 17 Hackney Carriage Licensing

Brian Leahy (Senior Licensing Officer) introduced the paper reporting on the findings and recommendations of the working group set up to look at issues relating to taxi services in West Berkshire.

The working group - of a cohort of committee members - had been established at the request of the trade to look at issues associated with limiting taxi numbers, but that the remit of the group had been widened to look at a range of issues affecting the taxi trade in West Berkshire.

The working group, in reaching its conclusions, had consulted with – and taken representations from local disability lobby groups, the council's Access Officer and Senior Transport Services Officer as well as representatives from the trade and trade associations.

As a result the working group had made a set of recommendations for the committee to consider around:

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- Options for the provision and enforced take up of driver training on disability awareness – either a nationally recognised qualification (NVQ) or more bespoke, specific training provided by the council.
- Options on the licensing of disabled access vehicles to drivers who had undertaken appropriate disability awareness training.
- Options on the imposition of an age limit on vehicles.
- Further exploratory work on applying a scale of fees to incentivise low emission vehicles and wheelchair accessible vehicles.

It was noted that depending on the recommendations being accepted, further consultations would be necessary to ensure they were implemented appropriately.

Councillor Findlay thanked Brian for the paper which was a good attempt to get to the heart of a complex set of issues. It was noted however that there was nothing in the paper on green issues – in accordance with the council's priorities – for example around looking at encouraging newer vehicles being used, or encouraging vehicles with better fuel consumption.

Councillor Findlay suggested that it would be useful to set up a further working group to take forward some of the recommendations and look in more detail at proposals, undertaking further consultation on implementation on behalf of the committee where necessary.

### **Disability Awareness Training**

Brian Leahy pointed out that as a council, members had a duty to ensure licensees had an appropriate level of competence to carry out their duties. He stressed that some of the options were cost-free to the trade, but would have resource implications for the council and the officers involved (i.e. in house training), whilst others would have limited impact on the council, but would mean a cost being borne by the trade (i.e. NVQ training).

Valerie Witton (Access Officer) noted that use of the term 'disability' was too narrow and that the committee should not just consider this in terms of physical disability, but also with respect to sensory disability, the needs of the elderly and infirm, as well as people with learning disabilities.

It was noted that West Berkshire Council was trailing the other Berkshire unitaries in not requiring some form of formal training and that only one of the other five Berkshire authorities subsidised this training for licensees. It was a matter for members to determine whether to offer free training to licensees or one with a cost associated: typically around £120 per licensee.

It was noted that the in-house training – or competency certificates - would not be nationally recognised, and therefore transferable to other areas, but being locally designed, would necessarily cover the issues deemed pertinent and appropriate for West Berkshire's needs. Valerie Witton noted however that it was possible to have any training accredited by / registered with the Oxford College Network (OCN) if thought necessary.

Training sessions had been booked for the last Wednesday in a month throughout the year – i.e. away from the busy times – to provide sufficient opportunity for

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licensees to attend. Brian Leahy noted that current interest in the council-provided course was fairly low: around 5 drivers had expressed an interest.

Brian noted that he had recently established a pan-Berkshire officer working group to look at issues around taxi with a view to consolidating policies and training across the county.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

Mr Nemeth (Chair of CABCO) and Richard Brown (Vice-Chair of the West Berkshire Hackney Carriage Owners Association) proposed to speak.

Mr Nemeth noted that his organisation represented 146 members and that his views were shared by the West Berkshire Hackney Carriage Owners Association. He thanked Brian for a good report, noting that the issues were complex with many vested interests. He welcomed further consultation on the proposals.

Mr Nemeth agreed that disability awareness training was essential for the trade and had no issue with accepting the recommendation made by Councillor Mason introducing a requirement on new and renewed licensees to undertake disability awareness training and that these were recommendations the trade could move quickly on to ensure compliance.

Mr Nemeth noted that NVQs were not especially helpful with regard to disability awareness as they were very generic qualifications focusing more broadly on issues around taxis and that the aspects of disability awareness were not explicit enough within the course's structure.

He concluded that a form of bespoke, in-house training – into which the trade would have some input – would be more valuable.

Mr Brown noted that he concurred wholly with the points made by Mr Nemeth.

Whilst standing orders had been suspended, Councillor Tony Linden asked for the trade's views on the options set out in 9.2.3 of the report (to upgrade the council vehicle test to include mechanical inspections – as required by a standard MOT – a meter seal test and to run a measured mile).

Mr Brown responded that he would like to see this deferred and included as part of the ongoing consultation with the member working group.

*The Chairman reinstated standing orders.*

Councillor Mason proposed that the options set out in 9.1.1 (all new licensees must attain a certificate of competence provided by the council) and 9.1.2 (all renewed licensees must attain a certificate of competence provided by the council) be approved by the committee. This was seconded by Councillor Linden. Members voted unanimously in favour to accept this.

### **Resolved that:**

1. Members approve a condition whereby all applicants for new licenses from 1<sup>st</sup> April 2010 must provide a certificate of competence in disabled access training issued by the council or a training body approved by the council.

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2. Members approve a condition whereby all applicants for licence renewals must provide a certificate of competence in disabled access training issued by the council / training body approved by the council. The date when this should come into effect to be agreed by working group in consultation with the trade.

### Vehicles

Brian Leahy noted that because members had opted for the less formal approach to training then it naturally followed that 9.2.2 (a condition on the vehicle on which the disabled access licence applies, that may only be driven by someone who has a certificate of competence) would apply.

Valerie Witton noted that by having the monthly training dates already booked in, there should not be an issue with all licensees having had ample opportunity to attend the training by the proposed implementation date of 1<sup>st</sup> November 2010.

Councillor Findlay noted that there would likely be some issue around implementation – as are putting a retrospective condition on licences - and he welcomed hearing the trade's views on this recommendation.

It was also noted that should it be accepted, the penalty for breaching this condition – i.e. driving a disabled access vehicle, without being in receipt of a certificate of competence – would be a criminal offence and therefore members needed to be aware of the seriousness of the implications for default. Brian Leahy reminded members that the option set out in 9.2.2 could be accepted, but that the date it would take effect could be amended.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

Mr Nemeth and Mr Andrew Lutter (Chair of the West Berkshire Hackney Carriage Owners Association) proposed to speak.

Mr Nemeth concurred that the condition set out in 9.2.2 would be acceptable for new applications. Existing licensees however should only be expected to comply upon renewal of the licence – therefore the condition should be universally applied after 3 years – i.e. once all licences had been renewed.

Mr Lutter concurred adding that this condition would in effect be creating a criminal offence where none had previously existed.

Brian Leahy reminded members that it was not possible in law to attach a condition to a licence – only to an application for a licence.

*The Chairman reinstated standing orders.*

Brian Leahy reminded members that if the November 2010 date was changed then the committee would need to agree the format or process for agreeing a subsequent date – i.e. through the proposed working group.

Councillor Webb suggested that a 2 year time period was appropriate although Councillor Geoff Findlay felt that this was relatively arbitrary and a date needed to be set in agreement with the trade.

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Councillor Mason proposed to accept the option set out in 9.2.2 (a condition on the vehicle on which the disabled access licence applies, that may only be driven by someone who has a certificate of competence) with effect from 1<sup>st</sup> April 2010 for new licences and for the ultimate compliance date for existing licensees to be agreed by the working group. This was seconded by Councillor Linden. Members voted unanimously in favour to accept this.

### **Resolved that:**

1. Members approve a condition whereby the vehicle to which a new disabled vehicle licence applies can only be driven by a person who has attended a course approved by the council on disability awareness training. To be implemented as of 1<sup>st</sup> April 2010.
2. Members approve a condition whereby the vehicle to which a renewed disabled vehicle licence applies can only be driven by a person who has attended a course approved by the council on disability awareness training. The implementation date to be consulted on by the committee working party and reported back to the Licensing Committee at its next meeting in September

### **Member Working Group**

Councillor Webb proposed that a working group be established to look at the implementation dates and also to look at the options put forward from 9.2.4 – 10, plus restrictions on the age of age of vehicles. This was seconded by Councillor Beck.

Brian Leahy suggested that it was appropriate for the committee to agree participation in the group. He suggested that this should include representations from: the trade associations, the council's Access Officer, the Disability Alliance and other lobby groups, the Chamber of Commerce as well as representatives of the travelling public (although he conceded that it was not clear at this stage how input from this latter group could be elicited). Brian also felt that it was important to elicit the views of those licence holders not represented through either trade associations.

It was agreed that members should be the same as on the previous working group: Tony Linden, Gwen Mason, Geoff Findlay, Jeff Beck and leuan Tuck. The working party would meet after the general election in May and report back at the next committee meeting in September 2010.

As a point of clarity, it was noted that only committee members would have powers to make recommendations and would take representations from those participating in the group.

Councillor Findlay suggested an amendment so that the format of the group would be the same as the previous working group. Namely that members formed the group rather than being inclusive of other representatives and interested parties as described by Brian Leahy. Councillor Webb did not accept the amendment.

Members voted in agreement with the original proposal that a working party of five members be formed with elicited input from groups cited above in order to provide

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recommendations to the September committee meeting. Two members abstained from the vote.

### Resolved that:

1. A committee sub-group comprising of Councillors Linden, Mason, Findlay, Beck and Tuck be set up to develop further recommendations which would be considered by the committee in September. Input from the trade associations, the council's Access Officer, the Disability Alliance and other lobby groups, the Chamber of Commerce, representatives of the travelling public and licence holders not represented through either trade associations would be elicited.

## 18 Taxi Tariff 2010/11

Brian Leahy introduced the paper informing the committee of the application from the trade for an increase in the taxi tariff.

Brian noted that this was an annual application, although the trade had not taken the opportunity in 2009/10 as they had previously (successfully) petitioned for a further 50p surcharge increase in 2008/9 to take account of increases in fuel costs. Appended to the paper was the letter from Mr Nemeth applying for the changes. A further paper was distributed which compared the proposed fare with that already in effect from July 2008. If this increase was agreed this evening then this would take effect on 22<sup>nd</sup> April 2010.

It was noted that the trade had not asked for a change in fare, but for the distance within which the fare increases to be reduced.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

Mr Nemeth noted that the increases effectively amounted to a 4% increase in the average fare, against an ~16% increase in fuel costs over the past year. This would mean that the average (£5) fare would rise by 20p. He also reiterated that the trade had not applied for an increase in fare for 2009/10 as they had successfully applied for two increases the previous year to take account of increases in fuel costs.

*The Chairman reinstated standing orders.*

Councillor Bryant proposed the increased fare. This was seconded by Councillor Beck.

Councillor Edwards noted that he had opposed the 50p increase 18 months ago as he felt that this would be disproportionately bourn by those living in more rural areas. He would be interested in establishing the impact of this flat fare increase on those more vulnerable and elderly members of the community living in the rural areas of the district.



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*Councillor Bryant left the meeting*

In Councillor Bryant's absence, Councillor Beck proposed the increased fare - this was seconded by Councillor Drummond.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

Mr Nemeth clarified to members that what was being applied for was the *maximum fare*. He noted that a lot of independent traders waived the 50p surcharge in the daytime – especially for regular, elderly customers. He noted that quite a few people were in receipt of travel tokens which were provided to help elderly people living in the countryside to use taxis to get into town.

*The Chairman reinstated standing orders.*

Members voted in agreement for the proposed increase in fares for 2010/11. One member voted against.

Resolved that:

1. The proposed changes to the fares for Hackney Carriages be approved with effect from 22<sup>nd</sup> April 2010.

### 19 Licensing Training

Councillor Linden reminded members that they had a legal duty under the constitution to have undertaken appropriate training at least once a year. He also noted that quite a few members had not attended the training provided in the previous year and that it was important to maintain members' competence on licensing matters.

*Councillor Bryant rejoined the meeting*

He noted that training was required for all committee members in 2010/11 - with the exception of Councillor Rowles who had recently done some training.

There was a discussion on the rushed nature of arranging and last year's training and was accepted that this was largely a factor of trying to get the most effective training available – which was as a result, unfortunately, at short notice.

Brian Leahy noted that the training was ostensibly on legal issues. Liz Patient (Solicitor) noted that there would be significant resource implications on officer time, should the training be run in-house.

Brian noted that the cost of outsourcing the training – to the same person who ran last year's session in Maidenhead – was in the order of £1,800 for a day's session in Newbury, or ~£240 per member / day for individual training on a prearranged course.

Councillor Edwards suggested that this training should be built into the annual council programme.

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### Resolved that:

1. Brian would look at cost effective ways of undertaking training post the general election – maybe through joint-training with the other Berkshire UAs, or joining in with other neighbouring authorities – such as in Hampshire, Oxfordshire or Wiltshire – and report back to the chairman.

*(The meeting commenced at 6:30pm and closed at 9:00pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## SPECIAL LICENSING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 25 MAY 2010

**Councillors Present:** Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, Tony Linden, Gwen Mason (Vice-Chairman), Andrew Rowles and Ieuan Tuck

**Councillors Absent:** Billy Drummond

**Apologies:** Councillor Peter Argyle, Councillor Geoff Findlay, Councillor Roger Hunneman, Councillor Mollie Lock and Councillor Quentin Webb

**Also Present:** Paul Anstey (Environmental Health & Licensing Manager), Alison Church (Solicitor), Brian Leahy (Senior Licensing Officer), and Jessica Broom (Principal Policy Officer)

#### PART I

#### 4. Apologies

Apologies for inability to attend the meeting were received on behalf of Councillors Webb, Lock, Findlay, Argyle and Hunneman.

#### 5. Declarations of Interest

There were no declarations of interest received. During the discussion of Item 3 Councillor Tony Linden realised that he had an interest in the item. As his interest was not personal and not prejudiced he determined to stay in the meeting and vote on the item.

#### 6. Hackney Carriage & Private Hire Licensing

*Councillor Tony Linden declared an interest in Item 3 by virtue of the fact that he knew a relation of a member of the Taxi Trade. He had sought advice from the Deputy Monitoring Officer who had advised him that this was neither a personal nor a prejudicial interest. He therefore took part in the debate and voted on the item*

Councillor Jeff Beck outlined the purpose and running order of the special meeting:

- There were two separate elements, which were explained in the report. The first was around licenses and the second around fees. The committee would consider the issue of fees first, following receipt of a request from the Trade representatives.
- The two representatives from the Trade who had put forward objections, would each be allowed 5 minutes to speak before being questioned by Members. The second speaker was only to bring new evidence to the table.

Brian Leahy introduced the report on Hackney Carriage & Private Hire Licensing. Mr Leahy firstly made the following points:

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- The licensing budget was self funding and should not be taken from the public purse. If Members required further detail on the budget, Paul Anstey would be able to provide this.
- A further objection from the Trade had been made, but as this was outside of the legal time frame, it would therefore not be considered at the meeting.

The report was in two parts – the first was dealt with in paragraphs 1 to 7.2 and the second in paragraphs 8.1 to 11.2. The second part related to fees which was an issue that the committee could decide on. The fees would either be deemed to be reasonable by the committee, or otherwise. Should Members decide that the fees were not reasonable, the committee would refer this back to officers, who would then put a new proposal back to full Council. Brian Leahy made the point that the Council was not trying to recover retrospective losses with the proposed new fees.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

A representative of the trade, Mr Graham Cox, who was speaking on behalf of Mr Jenn (Chairperson of the West Berkshire Executive Hire Association) who had submitted a written objection to the fees, addressed the committee. His concerns were that the increase in the fees was unreasonable and very sudden and constituted a 200% increase. The standard of service they received was not adequate to justify this. He had not seen evidence of the operator checks that were supposed to have taken place and complaints had not been dealt with appropriately or on time.

Councillor Paul Bryant wanted to know more about the supposed failings of the Licensing Service, however, Councillor Jeff Beck stated that this was outside of the remit of the meeting.

In response to a question from Councillor Ieuan Tuck, Brian Leahy stated that the Council had only ever had one fee for up to 100 vehicles. Brian Leahy continued saying that the Council had been undercharging on fees for a number of years and would also refute the allegations of failing to undertake operator checks.

In response to questioning from Councillor Paul Bryant, Brian Leahy confirmed that the fees presented on page 8 of the report were for this current year with the exception of two which were from last year. The proposed fees for West Berkshire had been arrived at in consultation with the Portfolio Holder and Accountants, and would mean that the Service would still be around £4,000 pounds in deficit. West Berkshire had been charging well under the average for fees, taking money from other incomes to make up the deficit.

*The Chairman reinstated standing orders.*

Councillor Jeff Beck summarised the facts and issues that the committee should consider in its debate:

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- The previous income for this service was £3,400 and with the new fees would be £15,000. The costs of the service would be £19,000 so there would still be a shortfall.
- In the past, the shortfall had been subsidised by other Council Services.
- That this was not an attempt to recoup previous shortfalls, but to address the current under-funding of the Service.
- This was a two-stage strategy, with a view to being fully self-funding in 2011/12.
- In the future, the process would include consultation with the Trade, with an end-date to coincide with the Council's budget process.
- If Members decided to accept the fee, the process was clear cut, but if they decided to reject them, then there would be a delay and additional cost to the Council.

Brian Leahy added that a review of the fees could potentially mean a higher level, rather than a lower one.

Councillor Paul Bryant voiced concern that the Service needed to find economies, or increase fees further, and there was a need to look at how the service could be run at a lower cost.

In response to this, Paul Anstey stated that he was currently undertaking such an exercise across the Licensing Service. He would review the cost base for the Service and might be able to meet some of the deficit. There was a great deal of work being done with the Trade, and there would be scrutiny on the Council's part as well.

In response to a question from Councillor Gwen Mason, Paul Anstey confirmed that the cost base for Taxis was a known quantity, but there was still the possibility of fluctuations, as numbers in the trade would change. He aimed to be transparent in the review of the costs and to provide as lean a service as possible.

In response to a question from Councillor Tony Linden, Brian Leahy stated that if the new fees were deemed reasonable, they would be in situ for the next 11 months. If not, then the law required that a new proposal should go before full council within 2 months.

Councillor Paul Bryant's points, regarding a review into the costs of the Service and working with the trade had been noted by the Licensing Officers and would be taken on board.

Councillor Andrew Rowles stated that he considered that an increase to £3 per week was not significant.

In response to a question from Councillor Adrian Edwards, Brian Leahy stated that there was an incremental increase on the fees last year of 2%.

Councillor Tony Linden proposed that the Committee determine that the fees for 2010/11 were reasonable, this was seconded by Councillor Mason and the Committee

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voted in favour of this. Brian Leahy stated that the new fees would therefore be implemented 14 days from the date of the meeting.

The Committee moved on to consider the second issue regarding fees for Hackney Carriage and Private Hire Driver's Licences, to which an objection had been received. There was not legal decision to be made - this was an item for discussion.

Paul Anstey stated that this was an area of ongoing work and that dual licences were one of the suggestions put forward.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

Richard Brown from Theale Taxis and Chauffeur Hire addressed the Committee. He stated that it did now sound as though the officers would be able to work with them, but that they had had from 4<sup>th</sup> August 2009 to look at this issue. Paragraph 3.1 of the report alluded to a misunderstanding, of which there was none. A Council document had stated that operators were allowed to drive on the same licence, so they had thought they were within their legal rights. However, a letter then stated that they were not allowed to do this, and that there had been a misunderstanding by some drivers.

There was now a fee for the license and a fee for the badge which cost £69.00. The dual licenses only came into effect when West Berkshire became one authority. It would cost him £607 to renew and this included the fee for the badge, for the license and an administration charge. This currently affected 51 drivers - to put them back on the road would cost £24,531.

Paul Anstey stated that there were different budgets for different issues and he would be reviewing each of these, and would take all of Richard Brown's comments and suggestions on board. If individual fees did look out of place, he would investigate these further. Brian Leahy added that the administration charge included all the different elements, such as responding to complaints and carrying out night visits.

Richard Brown added that one suggestion for reducing costs would be to increase the people to 4 in a room for the Knowledge Test. Currently there were only 2 people in a room which took up 2 hours of officer's time, so 4 in a room would save 2 hours of office time.

*The Chairman reinstated standing orders.*

In response to questions from Councillor Paul Bryant, Paul Anstey stated that the current budget was £19k but he could not go into specifics at this meeting as he apportioned different percentages of salaries and equipment, therefore it was very difficult to give costs for the Taxi Service, separate from all the other licenses they dealt with.

Councillor Paul Bryant suggested that the Committee could not progress further with this line of enquiry in the meeting as there were too many unknowns, but that he was sympathetic to the Taxi Service, although Members had a duty to the tax payer. This should be brought back to a future meeting.

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In response to a question from Councillor Adrian Edwards regarding agenda items 5.7 and 5.8, Paul Anstey explained that whilst he understood a paper system for initial licence processing seemed inappropriate it was more efficient, at present, to do this rather than use their current computer system. There were specific requirements from Customs and Excise, for example, which made it difficult to log all applications if they then turned out to be unsuccessful for example, a failed criminal records check.

In response to a question from Councillor Andrew Rowles, Brian Leahy stated that Criminal Records Bureau checking was every 3 years and was not currently in tandem with the renewal of licenses. This would be an issue officers would look at addressing, although there were around 3,000 licenses a year to be dealt with by 3 officers.

In response to a question from Councillor Gwen Mason, Brian Leahy stated that he had received no objections from CABCO but that they did wish to engage with them on these issues. Richard Brown stated that CABCO was 95% Hackney Carriages and would therefore not get involved.

Councillor Gwen Mason proposed that the Committee accept the suggestions that Councillor Paul Bryant and Paul Anstey had made, regarding continued dialogue with the trade on this issue. Councillor Paul Bryant suggested a time frame be set for a future meeting, to consider the work undertaken. He suggested that the next meeting should take place in October 2010.

Paul Anstey and Brian Leahy made the points that such a timescale would need the caveat that other parties would need to be involved, such as Accountants, and that Members might not be able to receive definitive answers by October. It was suggested that this might require an outside resource which would add to costs. Paul Anstey would be doing the same for his other areas of responsibility but there would be restrictions to the level of detail provided, such as benchmarking as there were approximately 30 other fees and charges involved and such an exercise would be extensive and demanding.

Paul Anstey stated that he was committed to a work programme for the coming year and that the review of fees and charges would form part of this work, but that he did not want to raise Member's expectations of what this would reasonably involve.

In response to further questioning from Councillor Paul Bryant, Paul Anstey stated that although he did carry out some of this work each year for the budget setting process, the budget benchmarks were not reset every year and it was normal practice to increase by a single inflation linked amount.

Councillor Jeff Beck stated that responsibility would lie with the Committee, in ensuring that accountancy provided the support that was needed, Councillor Paul Bryant suggested that the Chairman should monitor progress of the review and this was agreed.

Brian Leahy stated that he had spoken with Andy Day, head of Policy and Communication, who had advised that figures should be finalised well ahead of the budget process, in order that the mandatory 2 months for the consultation process be

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completed by early December, so that agreed fees could be put to Members of the Committee prior to the budget being set.

**Resolved that:**

- 1) The new licensing fees come into effect 2 weeks from the date of the meeting.
- 2) The review of costs be brought back to a future meeting of the Committee in October 2010.

*(The meeting commenced at 6.30 pm and closed at 7.45 pm)*

**CHAIRMAN** .....

**Date of Signature** .....



# Agenda Item 4.

<b>Title of Report:</b>	<b>Hackney Carriage Licensing</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	13th September 2010
<b>Forward Plan Ref:</b>	

**Purpose of Report:** To consider outcomes of the Taxi Working Group's deliberations on matters deferred from the Licensing Committee Meeting on 30<sup>th</sup> March 2010

**Recommended Action:** To consider the report and options/recommendations provided

**Reason for decision to be taken:** Undertaking from the Committee to the taxi trade

**Other options considered:** None

**Key background documentation:** Licensing Committee Reports 8<sup>th</sup> September 2009 & 30<sup>th</sup> March 2010

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	1 <sup>st</sup> September 2010

Contact Officer Details	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Senior Licensing Officer
<b>Tel. No.:</b>	01635 519209
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## Implications

**Policy:** Although the Council has an existing policy for the issuing of taxi vehicle licences, conditions of vehicle suitability and driver application conditions, these may be revisited from time to time as legislation or social changes occur.

**Financial:** The cost of undertaking a demand survey is estimated at £14,000. £5,000 of this can be met from existing budgets. If members agree to the recommendations of this report, the remainder will be recovered from an above inflation increase in Hackney Carriage Vehicle Licences.

**Personnel:** None: However there could be increased work implications for Officers should certain proposals be adopted.

**Legal/Procurement:** The Council has a duty to licence hackney carriage vehicles and may attach conditions to licences as it considers reasonably necessary. There are procurement implications for the re-tendering process for vehicle inspections.

**Property:** None

**Risk Management:** Any changes to operational requirements will result in an update to the Service Risk Register.

**Equalities Impact Assessment:** An impact assessment will be carried out subject to the outcomes of the meeting.  
For advice please contact Principal Policy Officer (Equalities) on Ext. 2441.

**Corporate Board's View:** to be completed after the Corporate Board meeting

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

## Introduction

### 1. Taxi Working group

- 1.1 Members will recall that at the Licensing Committee meeting held on the 30<sup>th</sup> March 2010, they decided to defer some decisions and to task a working group of Members to hear submissions from the trade and interested parties, before placing recommendations and/or options to the next Licensing Committee Meeting. This group consisted of Councillor's Beck ( co-opted as new Chairman of the Licensing Committee ), Mason, Findley, Tuck, Rowles and Linden.
- 1.2 In order to refresh Members memories the deferred items are listed as Appendix A:
- 1.3 In order to try to simplify the questions, Officers decided to extend the questions individually. Officers have noted the fact that some of the parties addressing the working group felt that the question alterations were not helpful and were not pre-distributed. This is the reason for the presentation of extracts from the original report (Appendix A) and the list of questions asked by the working group, together with answers (Appendix B). To try to clarify this confusion, Officers have included in the question/ answer section the number of the original report item in brackets (ie. 9.2.1 through to 9.2.6) .
- 1.4 Some of the organisations interviewed have provided written submissions, which whilst helpful for Members, makes giving a general synopsis of answers difficult. For this reason the verbal submissions have been listed at Appendix B and written submissions are shown as Appendices C, D and E.

### 2. Working Group Conclusions

- 2.1 The group met to discuss all of the proposals put forward by the trade and to try to determine a strategy for training and vehicle licensing for the foreseeable future. As the replies, both written and verbal, show, there is not a consistency of opinion on a number of matters and as was expected there were some differing values placed upon accessibility between the trade and those operating within the field of disability, both through the Alliance and as a disabled transport provider and trainer, the Transport Officer.
- 2.2 Members of the group have carefully considered all of the comments and submissions made in order to take the general consensus where they thought that suggestions were practical, achievable and of need. The Group appreciate that regardless of their recommendations to this Committee, not everyone will be fully satisfied.

### 3. Recommendations

- 3.1 The working group recommend that officers make an approach to the Driving Standards Agency with a view to engaging them in the training of all new drivers, both hackney carriage and private hire, from a date to be determined at this Meeting, however the "Z" module for disabled training is not to be included and this module is to be carried out by the Council's in house training team. At present this training incurs a cost to the council which is being met internally.

Members are advised that in the current financial situation in which the Council finds itself, a consideration may have to be made towards some cost recovery. Any financial incurrence towards training costs will be a matter for service managers to consider.

- 3.2 The group recommend that all drivers who are licensed with the Council prior to the date set for 3.1 above are to undertake training through the Driving Standards Agency within 3 years of this recommendation being agreed.
- 3.3 The group recommend that the current frequency of vehicle test remains at;
- Initial inspection upon first being licensed;
- Inspection once per year – vehicles up to 6 years old;
- Inspection twice per year – vehicles between 6 & 8 years old;
- Inspection three times per year – vehicles over 8 years old, unless changes are made to the maximum age of a vehicle. (section 3.6)
- 3.4 The group recommend that the current “Halfway Garage or Council” inspection be replaced with an inspection which consists of a standard MOT. This could mean that some vehicles will have to have the equivalent of an MOT twice or three times per year ( subject to section 3.6) and will incur costs to the licence holder. The amount of such cost will be negotiated with the garage carrying out the inspections, once tender documents are agreed.
- 3.4.1 This would leave the cosmetic check side of the test, which is generally non mechanical to be considered. The options are;
- 3.4.1.1 officers to carry out the cosmetic test prior to any licence being issued based upon one inspection per year or more frequently where conditions are not being met or complaints are received,
- or
- 3.4.1.2 the cosmetic test to be included in the tender documents for the provision of the test required at 3.4 of this Report.
- Under 3.4.1.1 there would be a cost to the Council in Officer time required to carry out the test, however under 3.4.1.2 the cost would be absorbed by the fee paid to the garage/s carrying out the testing.
- 3.5 The Group recommend that the measured mile and meter seal, with a certification requirement, be reintroduced. These tests were carried out by the previous garage contracted to do the annual inspection but were discontinued when the last tender for garage services was carried out in 2007. If Members agree to this recommendation, the tenders will be advertised in the early part of 2011 with a view to a new contract being issued at the termination of the current extended contract in July 2011.
- 3.6 The group recommend that vehicles up to 3 years old will be licensed as taxis for an initial licence and that vehicles over 8 years old will not be licensed for renewals. This will apply to all types of vehicle.

- 3.7 The Group recommend that all wheelchair accessible vehicles presented for licensing as taxis which are not manufactured as such from new, must have formal documentation confirming that any conversion has been carried out to the required EC standard. Vehicles which are not so documented will be refused a licence.
- 3.8 The group further recommend that items 3.1, 3.2, 3.3, 3.6 and 3.7 if approved in principal, are subject to a 12 week consultation with all Hackney Carriage Licence holders and possibly through publication on the Council's website. Although a large proportion of licence holders are represented by the two Associations there are licence holders who have not yet been asked for their opinions particularly where new conditions limit the life of a taxi or where there are potential financial implications. Consultation would be by personal letter to each licence holder. Twelve weeks has been recommended by referring to the Governments own published Code of Practice which recommends that consultations should last for a minimum of twelve weeks, however this is a matter for members to decide.
- 3.9 As previously reported, in the report of the Meeting held on the 8<sup>th</sup> September 2009, Officers have made Members aware that it is some considerable time since the Council commissioned a "Demand Survey". Such a survey is recommended by DfT and OFT to be carried out approximately every three years. Initial enquiries made to organisations which carry out taxi/transport surveys indicate that a survey would include most of the issues contained in this report, identified as recommendations for Member decision, as well as other areas of interest and concern to both the Council and the trade.
- 3.10 The group therefore recommend that Officers commission a survey to address the following issues;
- 3.10.1 the public perception of taxi services throughout the district;
- 3.10.2 whether the current/proposed age policy is suitable;
- 3.10.3 the benefits and disadvantages (and for whom) that will arise if hackney carriage numbers are either permitted to increase, be maintained or reduced;
- 3.10.4 the means by which the public engage Hackney Carriages and if the public demand is being adequately met;
- 3.10.5 patterns of demand for Hackney Carriage service provision at ranks, both existing and proposed;
- 3.10.6 the demand, supply and suitability of Hackney Carriages for disabled people and wheelchair users.
- 3.11 The group have been advised by Officers that there are still some issues which remain unresolved from previous meetings such as the swivel seat and the Family Exemption. Officers recommend that these matters are deferred to allow any survey to address the issues, wherever possible. If Members are in agreement that a survey is necessary, they can consider the outcomes of the survey together with the future of swivel seats and the Family Exemption before signing off decisions at sections 3.1, 3.2, 3.3, 3.6 and 3.7.

- 3.12 The benefits of undertaking a twelve week consultation are that it is believed that a survey can be conducted within that period and the conclusions of the consultants can be addressed together with the views of licence holders.
- 3.13 There are, of course, financial implications involved in the commissioning of a survey. Rather than cover this subject again in detail Members are referred to Section 4 of the 8<sup>th</sup> September 2009 Committee Report which explains the background regarding surveys and the funding of such.
- 3.14 If Members are minded to commission a survey, funding up to a maximum of £5000 can be found from within the existing budget for the licensing service . Initial estimates following the submission of quotes are that a survey will cost in the region of £14000. If the survey fee (less £5000) is apportioned through the trade in the form of added fees for next year the addition per hackney carriage vehicle licence would be £45. If the cost were spread over a longer period, say three years, then £15 would need to be added to each new and renewed licence. These increases would be in addition to the usual inflationary increase, currently estimated at 1.5%. This would represent an increase above inflation of either 30% (for one year) or approximately 10% (for 3 years) of the total cost of a Hackney Carriage Vehicle licence (currently £147 including all elements).
- 3.15

## **12. Appendices:**

*Appendix A – Extract from Licensing Committee report dated 8<sup>th</sup> September 2009*

*Appendix B – Questions and answers from Working Group meeting dated 3<sup>rd</sup> August 2010*

*Appendix C - Appendix C – Submission from CABCO*

*Appendix D - Submission from Theale Taxis & Chauffeur Hire*

*Appendix E - Submission from West Berkshire Hackney & Private Hire Association*

**Local Stakeholders:** *West Berkshire Hackney Carriage Vehicle Proprietors (vehicle) Licence holders.*

*CABCO Members Association.*

*West Berkshire Hackney & Private Hire Association*

*Disability Alliance and other representatives of the disabled, elderly and infirm.*

*Members of the public.*

**Officers Consulted:** *Paul Anstey, Steve Doel, Valerie Witton*

## APPENDIX A

- 9.1.2 *Members approve a condition for applications for all Hackney Carriage Driver's Licence renewals, under section 46 of the Town Police Clauses Act 1847 as follows; "A requirement of application is that all applicants must provide a certificate of competence in disabled access training, issued by a training body approved by the Council, prior to any application being considered".*

*Officers recommend that this condition, if adopted, applies to all applications for a licence from 1 November 2010. Note:- the trade associations, the West Berkshire Disability Alliance and the Council's Access Officer have been consulted upon this item however a definitive date for implementation was not specifically addressed.*

OR

- 9.1.3 *Members approve a condition for all applications for Hackney Carriage Driver's licences, (renewals and new licences) as follows; "A requirement of application is that all applicants must have achieved either NVQ Level 2 Road Passenger Vehicle Driving, VRQ BTECH training or appropriate modules of the Driving Standards Agency Hackney Carriage/Private Hire Test".*

*Officers recommend that this condition, if adopted, applies to all applications for a licence from 1 April 2011. Note:- it is recommended that if this item is approved, it be in principle, so that further consultation can be undertaken with hackney carriage licence holders due to some personal costs being incurred on the part of the applicant.*

## 9.2 Vehicles

- 9.2.1 *Members to approve a condition on all disabled access vehicle licences as follows; "The vehicle to which this licence applies may only be driven by a person who has achieved either NVQ Level 2 Road Passenger Vehicle Driving, VRQ BTECH training or appropriate modules of the Driving Standards Agency Hackney Carriage/Private Hire Test".*

*Officers recommend that this condition, if adopted, applies to all applications for a licence from 1 April 2011. Note; it is recommended that if this item is approved, it be in principle, so that further consultation can be undertaken with hackney carriage vehicle licence holders, due to the possibility of some personal costs being incurred. **Note: In considering this item Members should be aware that there may be an approach from the trade for some financial assistance in adopting this type of training, which will have budget implications.***

OR

- 9.2.2 *Approve a condition on all disabled access vehicle licences as follows; "The vehicle to which this licence applies may only be driven by a person who has attended a course approved by the Council, in disabled access training".*

*Officers recommend that this condition, if adopted, applies to all disabled access vehicles including those with swivel seats, from 1 November 2010. Note:- the trade associations, the West Berkshire Disability Alliance and the Council's Access Officer have been consulted upon this item however a definitive date for implementation was not specifically addressed.*

- 9.2.3 *Retain the frequency of council vehicle test (5.1 above) (subject to there being no changes to the age policy (9.2.5 refers). If changes to the policy were made then the frequency of test would have to be reviewed) but upgrade the test to include important mechanical inspections as required by a standard MOT, meter seal test and to run a measured mile. These additional items, if this option is adopted, to be included in the specification which goes out to tender for the new contract applicable from 1 July 2010. There are likely to be increased costs to the trade from garages contracted to do this additional work. As previously stated consultation with trade associations are ongoing regarding these specifications.*

*However*

- 9.2.4 *Members have the option to adopt the following policy as an alternative or select individual items for implementation or further consultation;*

- 9.2.5 *Impose an age limit on vehicles. Options are as follows;*

- 9.2.5.1 *1<sup>st</sup> time applicants should provide a brand new vehicle to a wheelchair specification determined by the Council.*

- 9.2.5.2 *All taxis licensed as above, should be refused a renewed licence once the vehicle is presented for renewal and is over 5 years old.*

- 9.2.5.3 *All taxis regardless of licensing specification, wheelchair access, swivel seat or protected status should be refused a renewed licence if over 8 years at the time of renewal.*

- 9.2.5.4 *In any case, where applicable, when a replacement vehicle is presented it should be no older than 5 years from the date of first registration.*

- 9.2.5.5 *No vehicle conversions for wheelchair accessibility should be licensed. That is to say, only vehicles which are initially manufactured from new, to a wheelchair/disability standard should be considered. It is important to note that although the Council's current disability conditions only apply to wheelchair and swivel seat access there are other disabilities which should be provided for in any public service transport policy. Although these options in 9.2.5 have been the subject of a previous report, officers recommend that a full trade consultation be carried out and the item brought back to committee for decision in September 2010*

- 9.2.6 *Adopt a condition which determines that all swivel seated vehicles are unsuitable for licensing as hackney carriages in that they are unfit for purpose, from 1<sup>st</sup> April 2012. In considering this proposal Members are reminded of the Judges' comments following an appeal in 2004 against replacing some saloon cars with disabled access facilities. "the operation of the swivel seats leaves a lot to be*



*desired and did very little in achieving easy access to the vehicle and would be greatly detrimental to the comfort of passengers being carried in it". Officers recommend that if this option were to be adopted that replacement vehicles can only be licensed if they meet the full wheelchair accessibility standard.*

## APPENDIX B

### Question 1 (9.2.1)

**“The vehicle to which this licence applies may only be driven by a person who has achieved either NVQ Level 2 Road Passenger Vehicle Driving, VRQ BTECH training or appropriate modules of the Driving Standards Agency Hackney Carriage/Private Hire Test”.**

#### Answers

KENIKABS: Disabled awareness training carried out by the Council is satisfactory and no further training is required other than for new drivers

CABCO: see supporting letter at Appendix C

DISABILITY ALLIANCE: No view other than the interviewee would like to attend the Council training as he has heard good reports about it.

TRANSPORT OFFICER: Has a problem with the disability module of the DSA programme however would support DSA generally with the DAT being given as current i.e. by the Council.

WBHPHA: Do not support either NVQ or BTECH. Would be happy for the council to explore DSA and they fully endorse the DAT. If DSA were to be adopted then the current knowledge test could be discontinued thus freeing up the knowledge test fee which could be used by the applicant towards DSA training. DSA to become a requirement for all new drivers only, unless an existing driver commits a road traffic offence (not defined) then DSA would become a requirement. Also see supporting letter at Appendix E.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D

### Question 2 (9.2.2)

**“a condition on all disabled access vehicle licences as follows; “The vehicle to which this licence applies may only be driven by a person who has attended a course approved by the Council, in disabled access training”.**

**Officers recommend that this condition, if adopted, applies to all disabled access vehicles including those with swivel seats, from 1 November 2010.**

#### Answers

KENIKABS: Agree, however implementation date needs to be re examined.

CABCO: See supporting letter at Appendix C

DISABILITY ALLIANCE: Agree

TRANSPORT OFFICER: Agree

WBHPHA: Agree with a provisional implementation date of April 2011.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D

### Question 3 ( 9.1.2 )

**“Members approve a condition for applications for all Hackney Carriage Driver’s licence renewals, under section 46 Town Police Clauses Act 1847 as follows; “A requirement of application is that all applicants must provide a certificate of competence in disabled access training, issued by a training body approved by the Council, prior to any application being considered”**

### Answers

KENIKABS: Agree, date to be confirmed.

CABCO: See supporting letter at Appendix C

DISABILITY ALLIANCE: Agree

TRANSPORT OFFICER: Agree

WBHPHA: Agree

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D

### Question 4 (9.2.3)

**“Retain the frequency of council vehicle test and upgrade the test to include important mechanical inspections as required by a standard MOT, meter seal test and to run a measured mile. These additional items, if this option is adopted, to be included in the specification which goes out to tender for the new contract applicable from 1 July 2010”.**

### Answers

KENIKABS: Retain the frequency and adopt a full MOT for each required inspection. Officers should be used to carry out the non MOT items currently required on the inspection, prior to the licence being issued.

CABCO: See supporting letter at Appendix C

DISABILITY ALLIANCE: N/A

TRANSPORT OFFICER: The test should be upgraded to include wheelchair restraints as part of the inspection. Steve Doel may be able to carry out these checks prior to the issuing of a licence.

WBHPHA: Retain the frequency of test. Meter test and seal, and running of the measured mile, to be reintroduced. Certificate to be issued to confirm that these

have been carried out before the licence is issued. Where a vehicle has to have more than one inspection per year the full MOT should be carried out. Officers should be used to carry out the non MOT items currently required on the inspection, prior to the licence being issued.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D.

#### **Question 5 (9.2.5.1)**

**Impose an age limit on vehicles.**

**Part 1. First time applicants should provide a brand new vehicle to a wheelchair specification determined by the Council.**

#### **Answers**

KENIKABS: No, brand new is not necessary.

CABCO: See supporting letter at Appendix C.

DISABILITY ALLIANCE: No, brand new is not necessary.

TRANSPORT OFFICER: No, brand new is not necessary. A specification for wheelchair accessible vehicles should be introduced.

WBHPHA: No, brand new is not necessary. Vehicles should be under 5 years at first licensing.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D.

#### **(9.2.5.2)**

**Part 2. All taxis licensed as 1 above, should be refused a renewed licence once the vehicle is presented for renewal and is over 5 years old.**

#### **Answers**

KENIKABS: No.

CABCO: See supporting letter at Appendix C.

DISABILITY ALLIANCE: N/A

TRANSPORT OFFICER: N/A

WBHPHA: All vehicles should be no older than 5 years old for first licensing with no upper age limit.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D.

( 9.2.5.3)

**Part 3. All taxis regardless of licensing specification, wheelchair access, swivel seat or protected status should be refused a renewed licence if over 8 years at the time of renewal.**

**Answers**

KENIKABS: No

CABCO: See supporting letter at Appendix C.

DISABILITY ALLIANCE: N/A

TRANSPORT OFFICER: 6 – 7 years of age is preferred maximum age for wheelchair accessible vehicles

WBHPHA: No upper age limit should be imposed.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D.

**Question 6; parts 1 & 2 (9.2.5.5)**

- 1. No vehicle conversions for wheelchair accessibility should be licensed. That is to say, only vehicles which are initially manufactured from new, to a wheelchair/disability standard should be considered.**

**Answers**

KENIKABS: Age specification as previously stated to apply however the vehicle should be built to a standard (to be determined) with a 5 year implementation period.

CABCO: See supporting letter at Appendix C

DISABILITY ALLIANCE: Generally any agreed age limit should determine that the council maintain a mixed fleet of vehicles of not less than 50% of the fleet being wheelchair accessible vehicles and the other 50% being made up of saloons and saloons fitted with swivel seats. Although swivel seats are in no way a fit all they are useful to some people. In addition drivers who are not medically fit to assist persons who are confined to a wheelchair should not be licensed to drive a wheelchair accessible vehicle.

TRANSPORT OFFICER: A mixed fleet is preferred and conversions would be acceptable subject to meeting all legal specifications for size and appendages such as restraints, eye bolts, webbing etc. All converted works to be certificated by an appropriate recognised body or tester.

WBHPHA: EC standards to apply to any converted vehicle within the age specification and certification presented to the council prior to licensing. Not in favour of vehicles which require the passenger to travel backwards. Doblo's and

other similar vehicles are fine (subject to specification). Not in favour of van conversions.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D.

### **Question 7 (9.2.6)**

**“Adopt a condition which determines that all swivel seated vehicles are unsuitable for licensing as hackney carriages in that they are unfit for purpose, from 1<sup>st</sup> April 2012.**

**If the above option is considered how should members deal with those vehicles which are currently fitted with a swivel seat and would therefore not meet the specification as of implementation date.**

### **Answers**

KENIKABS: Yes, subject to the vehicles being licensed as protected status saloons. Believe that there are not enough disabled customers to warrant the current approximate 54% disabled access fleet.

CABCO: See supporting letter attached at Appendix C.

DISABILITY ALLIANCE: If swivel seats are removed the vehicles should be replaced by fully wheelchair accessible vehicles in order to maintain the approximate 50% balance as we currently have.

TRANSPORT OFFICER: If the swivel seats were removed it would disadvantage a small number of taxi users. Aware that the seats are not popular with the trade because of the interaction required between the customer and the driver in operating the seat. However believes that this may be overcome through an extension of the councils disabled access training.

THEALE TAXI & CHAUFFEUR HIRE: See supporting letter at Appendix D.

WBHPHA: See supporting letter at Appendix E.

## APPENDIX C

### Submission from CABCO

Dear Councillors,

Please find attached written confirmation of our responses to the Working Party Meeting last week.

Kind regards,

**Kevin Archibald**

Cabco Limited

Further attachment required

## APPENDIX D

Submission from Theale Taxis & Chauffeur Hire

# Theale Taxis & Chauffeur Hire

17 High Street Theale Reading RG7 5AH

01189 302 345 Fax 01189 303 035

E-mail [thealetaxis@btconnect.com](mailto:thealetaxis@btconnect.com)

RJ & DA Brown

Est. 1961

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Sunday, 01 August 2010

Dear Councillors,

Responses to the issues for consideration, which remained unresolved between Sections 9 - Members Options and Recommendations and 9.2.6 of the report presented to members

at the committee on 30th March 2010. The same numbers are used for ease of reference:-

### **9.1 Training**

9.11 No further Action

9.12 The lead time of three months is reasonable for existing licensed drivers to prepare for training. As licences are valid for three years, drivers should be encouraged to apply for training at latest two months prior to renewing their licence. The training given at this stage is very basic; I feel that with so many disabilities there is so much more to learn. Departments within the council need to engage with each other, as I understand that School Transport services also deliver training for contracted drivers and escorts. I would be in favour of a rolling program of constructive training.

9.13 Driving Standards Agency (DSA). Don't dismiss this; I believe that this would be better assessment of the driver's ability to drive, coupled with this the DSA also test drivers on disabled access and handling, a certificate of competence is issued that is Nationally recognised.

### **Information from DSA Web Site (See Appendix 2)**

### **9.2 Vehicles**

9.21 See 9.13 Above

9.22 Why make another condition when it's covered in 9.12

Swivel Seats - did we not advise you this was not the answer, and here we are again. Are you going to get it right this time!!

All Swivel seats are fitted to saloon vehicles. If you really want to make amends, all swivel seat vehicles should be able to return to saloon car status, whether you went



in this direction as advised by Officers, or the decision was yours the elected members, you got it wrong. In the trade we have Multi Purpose Vehicles (MPV). The biggest loop hole was to use the manufactures Recreational Seat, as a swivel seat, as way of not going fully disabled access, owners swapped seats from side to side and adapted seat mounts to make do, and yes your Officers allowed this to happen, without safety certification.

9.23 Retain 5.1 Full MOT (See below Appendix 1)

9.24 Further consultation that's today. We have waited a long time for this date to become available, and we are only given four working days to consult with all parties to ensure that we all agree, for the time to be limited to 20 minutes is not long enough. The consolation process should have been all interested persons invited round a table to debate. I hope you will now take on board the comments suggestions and invite us back sooner and fine tune the results with all interested parties.

9.25 Yes

9.25.1 1<sup>st</sup> Time Applicants Wheelchair access vehicles Up to Three years old and run on as 9.25.3 suggests.

9.25.2 Please define as above Do you mean 9.25.1 if you do, No as per 9.25.3

9.25.3 All to be retired after Ten Years (so eleven working years)

9.25.4 Replacement Vehicles up to old five years first application.

9.25.5 No Converted Vehicles only approved manufactures. Steve Dole and Val Witton to discuss. At the training days to which I have attended three, because this council has made bad decisions most of the vehicles are not fit for purpose or the equipment associated with the use of the vehicle. A True Example: A vehicle licensed by your officers, tested by your approved garage, used by its owner. Did not have any anchorage points to secure a wheel chair in the vehicle, this only came to notice as and when this driver was shown the correct methods of fixing at his training day!

9.25.6 See 9.22 Also we must be mindful of other disabilities. A partially sighted or a blind passenger with a guide dog, feels lost sat in a spacious vehicle and prefers the front seat, having pushed the seat back. This gives room in the front foot well for the dog, lying down in the front foot well, if an air bag is fitted.

I totally disagree with officer's recommendations that swivel seat owners, who complied with council's policy, including those who went through the courts, must meet the full wheelchair accessibility. Its time to allow them to revert, to saloon car status. As we are aware all new applications are Wheelchair accessible vehicles, and we need to keep a mixed balance fleet.

If you insist on this policy West Berks Taxis will ALL be Wheelchair Accessible, due to the rushed, hush hush, meetings that went on in this council, when the family exemption rules were passed. How long before this council is challenged by the able bodied, we don't require a full wheelchair taxi fleet. The amount of enquires made and journeys undertaken are minimal. As you will be aware the council put into the district, I believe 13 vehicles that are capable of carrying able and passengers in wheel chairs.

The views expressed in this correspondence are mine; I have been involved in the Taxi/Private Hire trade since September 1982 first licensed with Reading Borough Council having driven saloon cars, and then London style black cabs.

In 1986 Newbury District Council started to licence Taxis in the District, I was the fifth plate issued and continually licensed since then, now operating ten vehicles within West Berks.

Regards

Richard J Brown

APPENDIX E

Submission from West Berkshire Hackney & Private Hire Association

**From:** RICHARD BROWN [mailto:richardjohnbrown@btopenworld.com]

**Sent:** Mon 16/08/2010 00:03

**To:** Jeff Beck

**Subject:** Re: Licensing Working Group

Jeff,

The association's response to 9.2.6 after talking to members this will effect, and those who have written, the attached letters received from drivers for your information. The request from you at the meeting was to keep it short and simple. I have spoken to many drivers / owners, i have read committee reports, dating back to the year 2000.

The only way forward to maintain a mixed fleet of Taxi's is to allow all the swivel seated owners to revert back to saloon vehicles, and the removal of the condition, to allow the owner to transfer his licence.

Short and to the point as requested, there is so much more to discuss, i look forward to another meeting with you as the finer points are never discussed and its usually left interperation, thats one of this councils failings.

If i may add, at the meeting you chaired, i must say the introduction of points numbered 1 to 9 by Brian Leahy was very cofusin and we should have been given notice of this format, as i started to give my responses as per the licensing committee report, and was halted.

Regards

Richard

Further attachment required



**Cabco Hackney Carriage Drivers Association**

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## **REPORT TO**

## **WEST BERKSHIRE COUNCIL**

## **LICENSING WORKING GROUP**

## **AUGUST 2010**

By: Kevin Archibald – Cabco Hackney Carriage Drivers Association  
Rodney Nemeth – Cabco Hackney Carriage Drivers Association

## Introduction

This report is produced to confirm those items discussed at the Licensing Committee Working Group meeting on 03 August 2010, at Faraday Road council offices.

Attendees: Cllr. Jeff Beck – Chairman  
Cllr. Gwen Mason  
Cllr. Ieuan Tuck  
Cllr. Andrew Roles  
Cllr. Tony Linden  
apologies were accepted from Cllr. Geoff Findlay

Brian Leahy – WBC Licensing Team  
Alison Church – WBC Legal

Kevin Archibald – Cabco  
Rodney Nemeth – Cabco

The items on the Agenda for discussion were presented on separate sheets numbered from 1 to 9. This report will follow that basic numbering system for each section.

**1. "The vehicle to which this licence applies may only be driven by a person who has achieved either NVQ Level 2 Road Passenger Vehicle Driving, VRQ BTECH training or appropriate modules of the Driving Standards Agency Hackney Carriage/Private Hire Test"**

- 1.1. Our experience of NVQ Level 2 Road Passenger Vehicle Driving is that this standard is inadequate, and does not really fulfil the requirement of producing better or safer drivers.
- 1.2. We have no experience of VRQ BTECH training, and therefore cannot comment.
- 1.3. Driving Standards Agency Hackney Carriage/Private Hire is the most appropriate for new drivers.

**2. a condition on all disabled access vehicle licences as follows; "The vehicle to which this license applies may only be driven by a person who has attended a course approved by the council, in disabled access training"**

**Officers recommend that this condition, if adopted, applies to all disabled access vehicles including those with swivel seats, from 1 November 2010.**

- 2.1. We are not sure if this condition is necessary. If all drivers licenses have a condition attached as in (3) below, then this condition becomes unnecessary.
- 2.2. The date of implementation will need to be reviewed. Not all current hackney carriage driving licence holders will have completed the course that is currently being held, and could therefore be forced into driving their vehicles illegally as from 1 November 2010.

**3. Members approve a condition for applicants for all Hackney Carriage Driver's License renewals, under section 46 of the Town Police Clauses Act 1847 as follows; "A requirement of application is that all applicants must provide a certificate of competence in disabled access training, issued by a training body approved by the Council, prior to any application being considered"**

**Officers recommend that this condition, if adopted, applies to all applications for a license from 1 November 2010**

- 3.1. This should be a condition all new license applications as well as renewals.
- 3.2. The date of implementation will need to be reviewed. Not all current hackney carriage driving licence holders will have completed the course that is currently being held. We believe notice that this condition will apply should be given allowing all existing license holders adequate time

complete a course before their renewal date.

#### **4. Retain the frequency of council vehicle test.**

**Upgrade the test to include important mechanical inspections as required by a standard MOT, meter seal test and to run a measured mile. These additional items, if this option is adopted, to be included in the specification which goes out to tender for the new contract applicable from 1 July 2010.**

4.1. Current frequency of testing should be retained.

4.2. We believe that the council test need not necessarily include the important mechanical inspections as required by an MOT test, but that an MOT test should have been done within one month of the Council Test. It could be done at the same time by the same contractor if the vehicle owner so desires.

4.3. This should also apply to those vehicles that need interim testing, as an interim test is pointless without an MOT test being done at or around that same time.

#### **5. Impose an age limit on vehicles. Options are as follows;**

**1. First time applicants should provide a brand new vehicle to a wheelchair specification determined by the Council.**

5.1. Imposing a requirement to provide a brand new vehicle would we believe be too draconian.

5.2. We would recommend a 3 year age limit for first time applicants.

#### **6. 2. All taxis licensed as 1 above, should be refused a renewed licence once the vehicle is presented for renewal and is over 5 years old.**

6.1. We do not agree with this condition. Some vehicles can cost in excess of £30,000 and owners of these vehicles would expect a reasonable 'shelf life' to get a return on their investment.

#### **7. 3. All taxis regardless of licensing specification, wheelchair access, swivel seat or protected status should be refused a renewed license if over 8 years at the time of renewal.**

7.1. We would support this condition.

7.2. As a company, this is a similar condition to that imposed on our own members. In addition to requiring that they replace any vehicle over 8 years old at renewal, we also require that the replacement vehicle be

less than 5 years old when licensed.

**8. No vehicle conversions for wheelchair accessibility should be licensed. That is to say, only vehicles which are initially manufactured from new, to a wheelchair/disability standard should be considered.**

**Should other considerations be given in reviewing specifications to taxis for considering the non-wheelchair disabled, the elderly and the infirm?**

- 8.1. We fully support a condition requiring that only vehicles which are initially manufactured from new, to a wheelchair/disability standard should be considered.
- 8.2. We would like members to consider the removal of the family exemption on the transfer of existing licenses.
- 8.3. As a trade we believe that a mixed fleet is essential. This is fully supported by Val Witton, Steve Doel and the various representatives of the elderly and disabled.
- 8.4. Without the removal of the family exemption, the fleet will slowly lose its diversity, and saloon style cars will eventually disappear. If the vehicle is transferred to anyone other than a family member, the conditions on its license change to force it to become a Wheelchair Accessible Vehicle only, thus depriving the fleet of a saloon style vehicle.

**9. Adopt a condition which determines that all swivel seated vehicles are unsuitable for licensing as hackney carriages in that they are unfit for purpose, from 1<sup>st</sup> April 2012.**

**If the above option is considered how should members deal with those vehicles which are currently fitted with a swivel seat and would therefore not meet specification as of implementation date.**

- 9.1. Having been to court with the Council over this condition twice previously, and won, we are perhaps not the best organisation to consult on this item.
- 9.2. We would however support the notion that these cars are allowed to return to normal saloon style vehicles with the grandfather rights that the others already have.

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## ***F.P.Cars***

20 Mersey Way, Thatcham, Berkshire RG18 3DL

You can not expect us drivers who have a swivel seated taxi to replace them a full disabled access vehicle as the cost of such vehicles are £ 20.000+ and as there is not much call for such vehicles. We were also lead to believe that all councils were to have a mixed fleet of Hackney as some people would not be happy to travel long distance in one.

I along with other Hackney drivers with a swivel seat would take legal action against the council for the removal of the swivel seat plate

May be if the council would be more informative with the information to the drivers and owners of the new proposals which they wish to put forward. And when we ask questions that are very relevant to be given answers, thus then helping us to purchase the correct vehicle that then not leading to wrong vehicle being purchased and not passed as not suitable, then that being money wasted for the said people.

The council come up with all theses new ideas put them out to the drivers and owners with out having all the correct information first so when we ask questions we get given the correct answers and all information needed. IE: best vehicle and where to purchase. Other councils do this so why not West Berkshire?

This is my view on the said matter and hope that the council will seriously think again as this is not acceptable to me.

If you decide for the removal of the swivel seated vehicles, then us drivers who have a swivel seated vehicle should be given Grand Farther Rights to a saloon vehicle

I myself have been on the disabled awareness course twice, and was not given any answers to my questions there either. Why not ??

Also it is a 1% average of people wanting to use a full disabled access vehicle. The blind people of West Berkshire the % is higher they prefer a saloon vehicle as the guide dog has to sit in the front with them in the foot well.



Mr Fred Pope

pb

**F.P.Cars – making life simpler ....**  
**Tel: 01635 872266**  
**E-mail: enquiries@fpcars.co.uk**

**V.A.T Reg. No 874 3241 20**

Ms. Ricketts,  
21, Chesterton Rd.,  
Thatcham,  
Berks.  
RG18 3UH

3<sup>rd</sup> August 2010

REF PLATE; 771

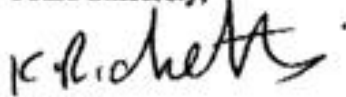
Dear Sirs,

The West Berkshire Hackney Assoc. has just informed me, that West Berkshire Council are trying to make swivel seated plates to go wheelchair access. Firstly I feel that in this present climate that it is not viable to go and spend thousands of pounds on a wheelchair access vehicle & I also feel aggrieved that I have already spent thousands of pounds on a saloon car & swivel seat, which will be useless if these changes are made. When the West Berkshire Council bought in the new laws on swivel seats a lot of drivers lost their plates, as they would not go swivel seated. I feel that the ones that went along with the changes West Berkshire Council made are now being punished once again. I will be seeking legal advice on this situation.

I would agree 100% with the West Berkshire Hackney Assoc. in their proposal that all swivel seated vehicles become normal salon car plates with Grandfather rights & family exemption be lifted. I would also agree that any new plates issued should only be issued to a manufactured disabled access vehicle.

After attending my disabled awareness course set up by West Berkshire Council & hearing that less than 1% of disabled passengers are in a wheelchair. I feel that there should be more saloon cars as Taxis as a lot of passengers are elderly or blind & are unable to access the larger vehicles safely & always request a saloon car to be sent when they are booking taxis & they also get in a saloon car on ranks rather than getting in the larger vehicles.

Yours Sincerely,



K. Ricketts

### 9.1 Training.

Having done the "DAT" course at the RBL, I did not find it as useful as I thought and I believe that there should be more training on this with more demonstrations taking place to show drivers more of what they are supposed to do this could take upto 2 years for everybody to get acquainted with all types of disabilities on saying this I would ask for 9.1.3

### 9.2 Vehicles

#### 9.2.3

In reply to 5.1 Vehicles upto 6 years old 1 MOT test per year.  
Vehicles thereafter 2 MOTs per year.

abolishing all Taxi Cosmetic Testing and implement the following:

- a) all meter agents supply a docket to show that the meter fitted to that taxi has been sealed, calibrated, and running at the current tariff (this would accompany annual renewals and replacement Taxis) no docket no plate.
- b) all first aid kits and fire ext'ers and general apperance can be done adhoc by the WBC LO's as they do on their trips to the ranks.
- c) by agreeing to this this would let the public, Police, Ministry VOSA know that WBC Hackney & Private Hire vehicles are upto the highest standards.

I know from experience that the current cosmetic test will not take a unroadworthy car off the road

#### 9.2.5. Age Limit

No age limit but if a person wishes to plate a vehicle over 8 years old it must be presented to WBC LO's to see if it is fit for purpose,

All wheelchair accessible vehicles must be purpose built vehicles and no adapted vehicles.

Rear access WAV's must be allowed as there are to many different requirements.

#### 9.2.6

Having listened to a lot of arguments about swivel seats I note that in your report that that the Judges comments were "unfit for purpose in saloon cars" I can agree with that as you also have to remove the airbag to the car but with the MPV factory fitted swivel seat there is no removal of airbag and the no danger or discomfort to any passenger sat in the FF swivel seat. therefore I ask you to leave swivel seats in MPV's in circulation

Ashley Vass  
AM,PM CARS  
27 Harrington close  
Manor Park  
RG14 2RQ

To whom it concern's

Regarding the working party meeting

Firstly I hoped that the meeting was with all the parties around the table to get an agreed principle for the working party to discuss it later in detail,so when September 13th we would all be agreeable to it I fear that instead we will disagree with what is put forward.

swivel seat hackney plate

1,I bealve that if you make swivel seat vehicle's go full wheelchair plated you will reduce the saloon mpv cars out there for a mixed fleet.

2,I thought the whole point of implementing this was to make it harder for new vehicles coming on to help the struggling taxi trade not to put existing one's out of business as this may do.

3,When I took my plate I knew I had to go swivel seat or full wheelchair I was not giving any spec on what full wheelchair so I opted for swivel seat galaxy that was agreed,now I am expected to buy an expensive full wheel chair vehicle and still there is no known vehicle to fit all.

4,Also it is now agred that everyone agree's that a mixed fleet is the way foward so i propose the following.

4.1, that all swivel seat vehicle's revert to saloon car's and be giving grand father right's.

4.2 that family restriction is removed

4.3 that will give you a maximum number of saloon car's that will never change as they can be passed on.

If this doesn't happen the number of saloon car's will dwindle which the disabled and partially disabled elderly consistly use these vehicle's.due to ease of entry and exit as the majority of wheelchair vehicle's are unsuitable for them.

5, I also feel for a mixed fleet the number of pre-existing hackney's of Rear access vehicle's remain and if they change vehicle to stay the same or full manufactured vehicle.

6, I agree that all NEW vehicle licensees be Full manufactured but this must be researched by the council ie Steve Doe to be assigned in doing this and also get advise from the main supplier's Cab direct,Taxi company etch and Disabled group's in testing these vehicle's and not make the same old mistake's make sure that they actually work and not just presume that they will.

We have a chance to get this right once and full all.

Ashley vass

## ***F.P.Cars***

**20 Mersey Way, Thatcham, Berkshire RG18 3DL**

West Berkshire Hackney Association

Forward to West Berkshire Council  
Licensing Department  
Faraday Road  
Newbury  
Berkshire  
RG14 2AF

REF: Removal of Hackney plated Taxi's with a swivel seat.

To whom it may concern

With reference to the above, I totally disagree with the decision that you are making, I have tried several times to find out from the licensing team which disabled access vehicles are the best ones to purchase. No one can answer my question or has even bothered to ring me back with an answer.

I have also contacted Cab Direct and spoke to one of there Managers, who also has tried to obtain an answer from the licensing team but he also has been given no answers.

I have also been to look at several disabled access vehicles in the factory's that make them. On looking none of them are suitable as the person sat in the wheel chair head would be bent over to one side as there is not enough head room for them to sit upright, also some of them once a wheel chair in you can not get 4 passengers in the car. I was always lead to believe that a hackney had to carry a minimum of 4 people.

Has I had been given no answers I had to replace one of my taxi's a ford galaxy, so I replaced it with another ford galaxy which has a swivel seat.

**F.P.Cars – making life simpler ....**  
**Tel: 01635 872266**  
**E-mail: [enquiries@fpcars.co.uk](mailto:enquiries@fpcars.co.uk)**

**V.A.T Reg. No 874 3241 20**

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<b>Title of Report:</b>	<b>Licensing Act 2003</b>
<b>Report to be considered by:</b>	Licensing
<b>Date of Meeting:</b>	01 September 2010
<b>Forward Plan Ref:</b>	

**Purpose of Report:** To approve the Council's Licensing Policy for the three year period commencing January 2011

**Recommended Action:** To approve the Policy

**Reason for decision to be taken:** Mandatory requirement

**Other options considered:** None

**Key background documentation:** West Berkshire District Council Licensing Policy dated 11<sup>th</sup> December 2007

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic recession** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce West Berkshire’s carbon footprint** – to reduce CO<sub>2</sub> emissions in West Berkshire and contribute to waste management, green travel, transportation and energy efficiency

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:  
 achieving a balance between the need to licence premises for the sale of alcohol, entertainment and the provision of late night food and drink whilst making consideration for residents of West Berkshire to engage with the Council on licensing matters covered by the Licensing Act 2003.

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	01 September 2010

Contact Officer Details	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Senior Licensing Officer
<b>Tel. No.:</b>	01635 519209
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

### Implications

**Policy:** The Council must have a Statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.

**Financial:** If there are any financial implications contained within this report this section **must** be signed off by a West Berkshire Group Accountant. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.

**Personnel:** None:

**Legal/Procurement:** Mandatory requirement.

**Property:** None

**Risk Management:** None

**Equalities Impact Assessment:** None  
 For advice please contact Principal Policy Officer (Equalities) on Ext. 2441.

**Corporate Board's View:** to be completed after the Corporate Board meeting

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

<b>Is this item subject to call-in?</b>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	



Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input checked="" type="checkbox"/>

# Executive Report

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## 1. Introduction

- 1.1 Under section 5 of the Licensing Act 2003 the Council are required to review their Statement of Licensing Policy at least every three years, following the introduction of the initial policy in 2004.
- 1.2 The current policy was approved on 11th December 2007 by Full Council and is now required to be reviewed and confirmed by Full Council prior to being published by 14<sup>th</sup> December 2010.
- 1.3 Letters of consultation have been sent to interested parties asking for comments on the relatively unchanged policy for the next three year period.
- 1.4 The end of the 12 week consultation period ends on the 30<sup>th</sup> September 2010. Thus far only one response has been received which compliments the council upon its policy statement. This was received from the Musicians Union.
- 1.5 Officers are confident that few, if any, further responses will be received during September which will require any further changes than those already made in order to tidy up the policy and make minor changes in contact details.
- 1.6 For clarity the revised policy document has been printed with all changes shown highlighted in red.

## 2. Proposal

- 2.1 Members are asked to approve the revised Licensing Policy Statement as presented.
- 2.2 In the event that changes are requested, officers believe that they will be minor and suggest that these minor changes could be approved by the chair of this committee in order that the report can proceed through the democratic process.

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## Appendices

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Appendix A – Revised Statement of Licensing Policy

Appendix B – Current Statement of Licensing Policy

**Local takeholders:** Residents of West Berkshire, Relevant businesses in West Berkshire



# West Berkshire

C O U N C I L

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## **Licensing Policy**

**Adopted at full council meeting held on ? 2010**

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# West Berkshire Council Licensing Policy

## 1. Definitions

- 1.1. The Council means West Berkshire District Council;
- 1.2. The Licensing Authority means the Council acting as defined by PART 2, 3[1][a] of the Licensing Act 2003. For all official correspondence, the address of the Licensing Authority is The Head of **Property & Public Protection**, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF. All correspondence to be marked for the attention of the Senior Licensing Officer.
- 1.3. The Act means the Licensing Act 2003.
- 1.4. Licensing Committee means the full committee or a Sub-Committee of not less than three members.
- 1.5. The term etc. is used to denote the whole range of consents relating to the Act, including licences, permits, variations, transfers, renewals, grant, temporary, provisional, club registration, premises and personal licences.
- 1.6. DCMS means the central government Department of Culture, Media and Sport.
- 1.7. Zoning means to control licensing hours in a defined geographical area.
- 1.8. Child means a person under 18 years of age.
- 1.9 DCMS guidance means the **current** guidance, as amended, issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport.
- 1.10 SIA means the Security Industry Authority.

## 2. Introduction

- 2.1. This Licensing Policy Statement addresses the requirements of section 5 **of Part 2** of the Act. It sets out the Council's Licensing Policy and takes account of the DCMS guidance.
- 2.2. This Policy is not intended to;

- 2.2.1. repeat national legislation or national guidance. Rather, it will aim to clearly state the Policy of the Council, quoting or paraphrasing such sources only when considered necessary for a full understanding of the text;
- 2.2.2. set out detailed conditions which, where appropriate, may be published separately and in a form as may be prescribed by central government in the future;
- 2.2.3. set out the detailed constitutional arrangements of the Council in relation to licensing matters such as the Licensing Committee make up;
- 2.2.4. set out the Council's Policy about licensing matters outside the remit of the Licensing Act 2003, for instance matters covering the licensing of taxis, street traders etc.
- 2.2.5. The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
  - 2.2.6. **Retail sale of alcohol.**
  - 2.2.7. **Supply of alcohol to club members.**
  - 2.2.8. **Provision of 'Regulated Entertainment' – to the public, to club members or with a view to profit.**
  - 2.2.9. **A performance of a play.**
  - 2.2.10. **An exhibition of a film.**
  - 2.2.11. **An indoor sporting event.**
  - 2.2.12. **Boxing or wrestling entertainment.**
  - 2.2.13. **A performance of live music.**
  - 2.2.14. **Any playing of recorded music.**
  - 2.2.15. **A performance of dance.**
  - 2.2.16. **Provision of facilities for making music.**
  - 2.2.17. **Provision of facilities for dancing.**
  - 2.2.18. **The supply of hot food and/or drink from any premises between 11pm & 5pm.**

- 2.3. The scope of the Policy covers new licence and permit applications, renewals, transfers and variation of conditions for existing and where applicable, temporary licences. These licensing activities include Personal Licences, Licensed Premises, Qualifying Clubs and Temporary Events.**
- 2.4. The Licensing Authority recognises its duty under the Act to carry out its functions with a view to promoting the four Licensing Objectives, and all decisions will be made solely based on the four objectives. These are :-
- 2.4.1 **the prevention of crime and disorder;**
  - 2.4.2 **public safety;**
  - 2.4.3 **the prevention of public nuisance;**
  - 2.4.4 **the protection of children from harm.**
- 2.5 The Licensing Authority recognises the Act is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals once they are away from the premises and, therefore, beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. Nevertheless, it is a key aspect of such control and the Licensing Authority recognises that licensing law will always be part of a holistic approach to the management of the evening and night time economy in its area.
- 2.6 The Licensing Authority recognises that, in general, the West Berkshire area has relatively few major difficulties linked to the consumption of alcohol. However, the Licensing Authority would not wish to see the liberalising advantages of the Act negated by the development of anti-social behaviour regularly associated with the excessive consumption of alcohol in some major conurbations. Accordingly, the Licensing Authority will pay particular attention when determining licences etc, to the Operating Schedules submitted by applicants. In so doing, the Licensing Authority will seek assurance that measures are in place to further the promotion of the four statutory objectives of the Act. In this respect, the Council recognises its responsibilities under , appropriate guidance and such legislation as is applicable at the time and will co-operate closely with the Police, and other

agencies making up the West Berkshire Safer Communities Partnership, and regularly monitor reports on crime and disorder.

2.7 The Licensing Authority recognises the contribution made by the leisure and entertainment industry to the economy and vibrancy of West Berkshire. The Licensing Authority is also aware of the negative impacts of noise, nuisance, light pollution, noxious smells and crime and disorder which poorly regulated licensed premises may have on the safety and amenity of residents and local business. The Licensing Authority recognises the obligations placed upon it by the Race Relations Act 1976 (RRA), as amended. A significant aspect of the RRA is the duty to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority will continue to meet its responsibilities in this respect and continue to be mindful of the RRA in discharging its licensing duties.

2.8 The Licensing Authority recognises the obligations placed upon it by the Disability Discrimination Act 1996 and will strive to ensure that it meets its responsibilities in all respects whilst discharging its functions at licensed premises.

### 3. Consultation on this Policy

3.1. The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate.

3.2. Before publishing any revised Policy Statement, or any periodic review, the Council will consult with the following:-

3.2.1 the Chief Officer of Police responsible for the West Berkshire area;

3.2.2 the Fire Authority;

3.2.3 representatives of licence holders of the various types including Premises Licences, Club Premises Certificates and Personal Licences

3.2.4 local businesses and their representatives;

3.2.5 local residents and their representatives;

3.2.6 the West Berkshire Safety Advisory Group (SAG);

3.2.7 the Local Safeguarding Children Board/ Area Child Protection Committee;

3.2.8 the West Berkshire Children and Young People Strategic Partnership;



- 3.2.9 the West Berkshire Safer Communities Partnership; and
- 3.2.10 other groups or individuals the Council feels appropriate.

The Council is aware that consultation which goes beyond the statutory minimum laid down by the Act will have to be funded from Council resources rather than licence fees.

- 3.3. Accordingly, the Council reserves the right to limit its consultations. The Council will give careful consideration and appropriate weight to the views of all those consulted before the publication of any revised policy. In particular the Council will seek the views of local Licensed Victuallers, Pub Watch schemes and representatives of local licence holders. The Council recognises the need to consult as widely as possible but also recognises the need to balance the costs of so doing.

#### **4 The Licensing Process**

- 4.1 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee of the Licensing Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act for personal and premises licences, club premises registration and temporary event notices. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.

- 4.2 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder and other granted relevant authorisations. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on members of the public living, working or engaged in normal activities in the area concerned. In determining applications for licences etc, the Licensing Authority will expect applicants to address, in their Operating Schedule, the measures they propose to take to prevent anti-social behaviour and crime and disorder, to protect the safety of the public. Where relevant, it should also include any

impact on children of licensable activities whether those children are on, or in the vicinity of, their premises.

- 4.3 The Licensing Authority will expect individual applicants to address the Licensing Objectives in their Operating Schedule having regard to the type of premises and the licensable activities to be provided.
- 4.4 The Licensing Authority recommends that the Operating Schedule address detailed activities, depending on the nature of the event and the premises concerned. Typical examples could include references to:
  - 4.4.1 procedures at closing time between the last sales of alcohol and the closure of the premises;
  - 4.4.2 the drugs policy, **although not within the scope of licensable activity**;
  - 4.4.3 the emergency closure and evacuation procedures in the event of violence, power failure or similar occurrences;
  - 4.4.4. special drinks promotions;
  - 4.4.5. the use of glasses and open bottles and;
  - 4.4.6. where drinking would be permitted, for example on pavement areas or on garden terraces;
  - 4.4.7 the use of licensed door staff to control entry at specific times and for specific functions and where appropriate, the use of 'search' facilities to prevent the entry of both illegal substances and weapons into the licensed premises.
  - 4.4.8 training to be given to staff in crime prevention measures and issues such as the prevention of excessive alcohol consumption and the protection of children;
  - 4.4.9 the adoption by licensed premises of, and adherence to, best practice guidance given in the National Pubwatch Good Practice Guide and the Safer Clubbing Guide published by the Home Office;
  - 4.4.10 participation in Pubwatch, **Best Bar None** or other appropriate schemes;
  - 4.4.11 the presence, or otherwise, of transport facilities to ensure that patrons can leave the premises safely and without undue delay;
  - 4.4.12 the use of CCTV and security lighting as measures to prevent violence and disorder.
  - 4.4.13 adherence to the principles and practice defined in the Event Safety Guide, the Guide to Safety at Sports Grounds and other best practice advice where

- public safety could be compromised in the context of Regulated Entertainment;
- 4.4.14 the prevention of disturbance to neighbouring residents by patrons arriving at, or leaving, licensed premises through noise or light pollution;
  - 4.4.15 the prevention of litter deposited by customers in the vicinity of the licensed premises;
  - 4.5 The extent to which applicants take these various strategies into account will largely depend on the nature and scale of the proposal. However, local crime prevention strategies will usually be important for most undertakings, as will the dispersal of people from licensed premises with later trading hours.
  - 4.6 The Act requires the Designated Premises Supervisor to be named on the Premises Licence. Sufficient details are to be supplied to enable this person to be contacted, if required.
  - 4.7 In determining licensing matters the Licensing Authority will;
    - 4.7.1 consider only pertinent licensing factors as set out in law and in approved guidance;
    - 4.7.2 act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with a licence application for one of its own properties;
    - 4.7.3 act in accordance with the principles of natural justice;
    - 4.7.4 only impose conditions on a licence when a relevant representation has been made and conditions are necessary in the particular circumstances of an individual premises and will not duplicate other statutory requirements.
  - 4.8 The Council recognises its licensing responsibilities under the Licensing Act 2003 and in particular will provide;
    - 4.8.1 appropriate levels of resources including personnel, systems (including computer systems), and support;
    - 4.8.2 appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
    - 4.8.3 hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
    - 4.8.4 guidance and assistance to licence applicants as far as reasonably practicable;

- 4.8.5 guidance to organisers and audiences in particular cases, or for particular types of events;
- 4.8.6 an appropriate system to receive related complaints and service requests;
- 4.8.7 elected members and officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications;
- 4.9 The Council recognises there are personnel and financial implications linked to discharging its duties under the Act. Where the fees are unlikely to cover even the basic costs of administering licensing, the Council will need to consider carefully the advisability of undertaking any licensing service which exceeds its statutory duty.
- 4.10 The Licensing Authority will, as far as reasonably practicable, check all applications and similar documents as they are received. In the case of those applications not properly made, the Licensing Authority may return the application package by second class mail, to the sender, with an appropriate explanation. The Licensing Authority will also inform the applicant that any timescale applicable in the circumstances will only start when a properly made application is received.
- 4.10.1. If the applicant then returns the application package correctly made, any timescales will begin then, in accordance with the Regulations and the application will not be prioritised as if it had been received at the earlier time
- 4.10.2. A properly made application means an application package complete with all necessary forms, fully completed, dated and signed, all necessary enclosures and any appropriate fee.
- 4.10.3. Applications, notices and representations can be transmitted by electronic means **generally in accordance with the Provision of Services Regulations 2009**.
- 4.10.4 Generally applications etc received by the Licensing Authority will be processed in the order received. However, the Licensing Authority reserves the right, subject to statutory time scales, to process more urgent and correctly made applications in preference to those of a non-urgent nature, earlier.
- 4.11 The quasi-judicial nature of the licensing process is such that elected members and officers of the Licensing Authority can offer only limited

assistance at hearings. However, all applications and representations will be dealt with in an equal and considerate way. It is important therefore that those giving evidence either as applicants or objectors:

- 4.11.1 consider taking legal or other professional advice;
- 4.11.2. consider seeking the advice of the Licensing Authority or statutory bodies listed in annex B well before the hearing;
- 4.11.3. consult any advisory material produced by the Council or other informed sources and;
- 4.11.4. prepare thoroughly including acquiring a knowledge of any appropriate procedural matters, having all notes and evidence etc to hand and having sufficient copies of documents for all parties that might legitimately require them.

## 5 Temporary Event Notices

5.1 Where events are taking place which consist of either the sale of alcohol or the provision of Regulated Entertainment and there are to be less than 500 attendees at any one time, a Temporary Event Notice (TEN) must be served on the Licensing Authority and the Police. For events which have 500 attendees or more, a Premises Licence will be required.

5.2 The Licensing Authority advises organisers of Temporary Events to submit their Notice as soon as reasonably possible in order for the Police to consider the event and for the Licensing Authority to check that the limitations set down in part 5 of the Act are being observed. The Licensing Authority recommends that at least two calendar months notification of an event is given. Although notification cannot be less than 10 working days before the event not counting the day of the event, this may be insufficient time for the Police to consider the effects of the Notice. Notification two calendar months prior to the event will enable the Police to work with the organiser, should the Police have concerns **regarding the event undermining the crime prevention objective.**

5.3 Working days are any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales. Ten Working Days notice means ten working days exclusive of the day on which the event is to start.

- 5.4 Where reasonable notification is given, the Council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution and the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bylaws; and the need to prevent anti-social behaviour by those attending.
- 5.5 Event organisers are strongly advised to submit their Notice on a weekday and before 1200hrs on a Friday in order to have a quick response. Notices should be submitted to the Council Offices as in Annex B.
- 5.6 Notification to the Police as referred to in Annex B.
- 5.7 It is strongly recommended, **although not mandatory**, that the Fire Authority are consulted, as in Annex B.
- 5.8 In the event of a representation being made by the Police, a hearing will be held and a decision given not **later** than 24 hours before the event is due to start.

## 6 Partnerships and Policy Integration

- 6.1. The Council recognises there is often a mistaken perception that West Berkshire Council is the primary agency responsible for solving anti-social behaviour problems. The Council recognises the licensing function is only one means of securing the delivery of the licensing objectives. It should not, therefore, be seen as a panacea for all anti social or criminal problems within the community. The Council will continue to work in partnership with its neighbouring authorities, the Police, local businesses and local people, towards the promotion of the Licensing Objectives. Most notably the Council recognises and acknowledges its duties under section 17 of the Crime and Disorder Act 1988.
- 6.2. To achieve the Licensing Objectives, the Council will **engage** a full range of measures, including crime and disorder policies and powers, as applicable, in the circumstances. The Licensing Authority will seek to enter into partnership arrangements, working closely with the Police, the Fire Authority, local businesses, the Local Safeguarding Children Board/Area Child Protection Committee and the West Berkshire Safer Communities Partnership,

community representatives and local people in meeting these objectives. The Council will seek, **wherever possible**, to integrate its various strategies including those addressing crime prevention, planning, transport, tourism, culture and race equality.

- 6.3. The Council recognises that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include –
  - 6.3.1 planning controls;
  - 6.3.2 ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
  - 6.3.3 powers to designate parts of the district as places where alcohol may not be consumed publicly;
  - 6.3.4 existing Police powers of enforcement including issuing fixed penalty notices;
  - 6.3.5 enforcement action against those selling alcohol to people who are already drunk;
  - 6.3.6 confiscation of alcohol from adults and children in designated areas;
  - 6.3.7 police powers of closure for up to 24 hours;
  - 6.3.8 the power of Police, **Responsible Authorities, interested parties** such as local businesses or residents to seek a review of the licence.
- 6.4. The Council will endeavour to integrate its various strategies, and use the available legal powers, to achieve the Licensing Objectives.
- 6.5.** The Council recognises that a major contributor to the prevention of crime and anti-social behaviour, is getting customers home at night when premises close. It will be a role of this Policy to ensure all transport providers are aware of this and that the Licensing Authority acknowledges their efforts. **The Licensing Authority will, therefore, make arrangements to monitor the effectiveness of this Policy in relation to the Council's transport strategies. It will periodically liaise with major transport providers in the district, and monitor the dispersal of people from Town Centres, particularly at night.**
- 6.6. The Council recognises that on occasions there will be conflicts between its other strategies.

- 6.7. The Council will endeavour to make arrangements for its Licensing Committee to annually receive reports on:
- 6.7.1 the work of the Local Safeguarding Children Board in relation to the Act and the protection of children from harm.
  - 6.7.2 public health aspects relating to the impact of alcohol consumption;
  - 6.7.3 crime and disorder matters.

## **7. Each Application to be Determined on its Merits.**

- 7.1 Whilst this Policy sets out the general approach for making licensing decisions, the Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, its guidance and this Policy. In particular, this Policy does not override the right of any individual to make representations on an application, nor does it prevent anyone seeking a review of a licence or certificate, where that provision has been made in the Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.
- 7.2 The Licensing Authority will not operate a quota of any kind, which could pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned. The Licensing Authority recognises that pubs, night-clubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, proper regard will be had to these differences and the impact they are likely to have on the local community and the **licensing objectives**.
- 7.3 The Licensing Authority recognises that in relation to applications for licences etc, its discretion is engaged only where relevant representations have been received. Therefore, all references in this policy to the Licensing Authority's approach to decision making concern cases where its discretion has been so engaged.



## 8 Licence Conditions

- 8.1 The Licensing Authority recognises its legal obligation whereby if no Relevant Representations are received, they must grant the licence/permit etc in the terms sought, with no additional conditions.
- 8.2 The Licensing Authority may;
- 8.2.1 publish, periodically review and update a pool of appropriate licence conditions;
- 8.2.2 prepare and publish guidance to licence applicants about the licensing scheme.
- 8.3 However, any conditions attached to any particular licence will:
- 8.3.1 always be tailored to the style and characteristics of the premises or event in question;
- 8.3.2 only be applied when needed for the prevailing circumstances and;
- 8.3.3 will only be applied when necessary to help achieve the Licensing Objectives.
- 8.4 The Licensing Authority recognises that a pool of conditions could lead an applicant to believe only the listed conditions, and no others, will be applied. Care will be needed to ensure this danger is minimised. Applicants are reminded, however, that self-imposed conditions detailed in an Operating Schedule will, on the grant of a licence, form part of the final licence conditions, providing no Relevant Representations are received from Interested Parties.
- 8.5 Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.
- 8.6 The Licensing Authority may impose conditions other than those consistent to the Operating Schedule or attached to the existing licence. However, they can do so only when Relevant Representations are made. For example, conditions may be attached requiring the provision or control of:
- 8.6.1 CCTV;

- 8.6.2 door staff
- 8.6.3 toughened glass or polycarbonate drinking glasses and restrictions on open bottles and glasses being removed from the premises;
- 8.6.4 drinks promotions;
- 8.6.5 'proof of age' measures;
- 8.6.6 other measures intended to address the Licensing Objectives such as the playing of ambient music towards the end of an evening to reduce the possibility of violence and the handing out of sweets as people leave premises to reduce public nuisance by noise.
- 8.7 The Licensing Authority wishes to encourage a wide range of entertainment activities and promote live music, dancing and theatre for the wider cultural benefit of the community. When attaching conditions, the Licensing Authority will try to avoid imposing substantial indirect costs which might deter live music, dancing or theatre.
- 8.8 The Licensing Authority recognises the wider community and cultural benefits which can accrue from the production of live music, dancing and theatre productions, including those for children. However, the local disturbance to neighbourhoods, particularly of open air events, will be carefully balanced against the community gain. Each **event** will therefore be considered on its merits.
- 8.9 The Council will seek to monitor the impact of its Licensing Policy on live music and dancing performances in the district. If the Council becomes aware that its Licensing Policy is having an adverse effect on such performances in its area, it will endeavour to consult with appropriate bodies including representatives of performers and the National Association of Arts and **may, where appropriate, review its policy.**
- 8.10 The Licensing Authority recognises the important role played by premises not being overcrowded in helping to achieve the Licensing Objectives. The Licensing Authority will normally:
  - 8.10.1 advise applicants for premises licences or applicants for club premises certificates to consider undertaking an appropriate assessment to determine

the safe occupancy capacity and, where appropriate, to incorporate this in the operating schedule;

- 8.10.2 consider any proposals by the applicant for the capacity of the premises, and, if it considers it necessary, will consider representations made by other bodies as listed in Annex B. The Licensing Authority will normally consider whether a condition relating to capacity is necessary in order to promote either or both of the Public Safety and Crime Prevention Objectives. The Licensing Authority may decide to impose a capacity figure which differs from that proposed by the applicant;
- 8.10.3 seek to impose appropriate conditions, including the prevention of overcrowding, in premises used by children;
- 8.10.4 work closely with the Fire Service to ensure previously imposed limits noted on earlier fire certification, where in place, are still relevant and appropriate in the prevailing circumstances;
- 8.10.5 place considerable weight on the use of “during performance” inspections to determine safe numbers and ensure compliance with licence conditions,
- 8.11 In addressing the Licensing Objectives, the Licensing Authority recognises the significant role played by the combination of drugs and alcohol at some licensable events whilst acknowledging that drug abuse is not specifically addressed as a licensing objective . Accordingly the Licensing Authority may, in circumstances where representations have been made, impose licence conditions aimed at addressing these problems. In so doing, the Licensing Authority will consider:
  - 8.11.1 Appropriate guidance on the subject, for instance “Safer Clubbing” and other appropriate publications;
  - 8.11.2 the availability of free water;
  - 8.11.3 the provision of designated chill out areas;
  - 8.11.4 staff training in first aid to an appropriate standard and
  - 8.11.5 the provision of SIA licensed door supervisors.

## **9 Licensing Hours.**

- 9.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the

streets when large numbers of people tend to leave licensed premises at the same time. Accordingly, the Licensing Authority will consider longer licensing hours in the interests of avoiding the concentration of such disturbance, whilst also ensuring that nuisance is minimised to local residents. Whilst the Licensing Authority considers that longer licensing hours may be an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport, and that such extended opening hours are the prerogative of licence holders, they could be subject to challenge by local residents.

- 9.2. Shops, stores and supermarkets will generally be permitted to sell alcohol during the hours they intend to open. However, in the case of individual shops which are known to be a focus of disorder and disturbance, the Licensing Authority may limit the licensing hours following representations or review.
- 9.3. It is not the Licensing Authority's intention to introduce zoning for the purposes of drinking hours. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is necessary.
- 9.4. In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter noise control conditions are likely to be imposed on premises in residential areas.
- 9.5. The Licensing Authority will encourage applicants to anticipate exceptional conditions or events which could require special or extended trading times and to incorporate these in their Operating Schedule. Equally the Licensing Authority recognises the rights of Personal Licence holders to hold up to fifty Temporary Events each year, subject to the correct notification procedure and the statutory limitations of no more than twelve such events on any particular premises. Such notifications apart, the Licensing Authority is also aware of the Secretary of State's power to declare national, general extensions of licensing hours by order, for special events.
- 9.6. Generally, the Licensing Authority will consider proposed licensing hours submitted in applications for the sale and supply of alcohol and adjust these appropriately, according to Relevant Representations.

- 9.7. When setting licensing times, the Licensing Authority can only consider those factors directly relevant to the Act. Consequently all other factors must be set aside. The Licensing Authority may not be influenced by other legislation including those which may be contrary to contractual law. Most notably this will include controls in relation to permitted working hours for employees. In practice, therefore, the Licensing Authority cannot refuse to grant opening hours solely because this would breach a worker's employment rights. Similar examples may arise in other areas outside employment law.

## **10. Cumulative Impact and Public Nuisance.**

- 10.1. The Licensing Authority recognises that from time to time it may receive representations on the grounds of cumulative impact of a number of licensed premises on the Licensing Objectives. In these circumstances the Licensing Authority will expect the objector to provide, in full, his or her own evidence for consideration.
- 10.2. The Licensing Authority recognises it may receive representations from either a Responsible Authority, or an Interested Party, both defined by the Act, that the cumulative impact of new licences is leading to an area becoming a focal point for large groups of people to gather, and so creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. On receiving such representations, or on its own volition, the Licensing Authority may consider the cumulative effect that such a proliferation of premises in one area may be having.
- 10.3. In determining whether to adopt a cumulative impact policy for a particular area the Licensing Authority may, among other things;
- 10.3.1. gather evidence of serious and chronic concern from a Responsible Authority or local residents about nuisance and disorder;
- 10.3.2. identify the area from which problems are arising and the boundaries of that area;
- 10.3.3. make an assessment of the causes and;
- 10.3.4. adopt a special policy about future applications for premises within that area. Such a policy would be one of refusing licences whenever it receives Relevant Representations about the cumulative impact on the Licensing Objectives

these must be from Responsible Authorities and/or Interested Parties. The Licensing Authority may conclude after hearing those representations, that a refusal may be necessary.

10.4. If the Council establishes a special policy for a particular area, it will review that policy regularly and at least once every three years. It will not use such a policy to:

10.4.1. revoke an individual premises licence that is already in force;

10.4.2. vary a licence except when directly relevant to the policy and when necessary for the promotion of the Licensing Objectives or;

10.4.3. impose a terminal hour as a matter of policy, although a terminal hour may be imposed if such is necessary in order to promote the Licensing Objectives.

## **11. Children and Licensed Premises.**

11.1 The Licensing Authority recognises the wide variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, night-clubs, cafes, takeaways, community halls and schools. Although the Act sets out various controls restricting admission to children, nothing in the Act makes it a requirement that children must, or must not be admitted to licensed premises. Beyond the statutory controls, the Licensing Authority will not normally further control entry to licensed premises by children unless it considers this to be necessary to protect minors from physical, moral or psychological harm. Where a licence includes children on the premises, then the suitability and safety of the premises will be considered.

11.2 Licence holders are not to provide alcohol to those under 18 years of age, except as provided for by the Act. The Licensing Authority expects applicants for a licence to be able to demonstrate that satisfactory arrangements are in place to prevent such sales and recommended the following documents should be used as proof of age:

11.2.1 Passport;

11.2.2 Photocard Driving Licence issued in the European Union;

11.2.3 Proof of Age Card Scheme eg. Portman Group Card or Connexions Card;

11.2.4 Citizen Card issued on behalf of the Home Office;

11.2.5 Identity Card issued to HM or NATO Forces bearing a photograph and date of birth of the holder.

- 11.3 When appropriate representations have been made, the Licensing Authority may, where it deems necessary, impose conditions to restrict entry to children in premises for example;
- 11.3.1 where entertainment or services of an adult or sexual nature are commonly provided;
- 11.3.2 where there have been convictions **or the issue of fixed penalty notices** of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- 11.3.3 with a known association with drug taking or dealing;
- 11.3.4 where there is a strong element of gambling on the premises. This would normally not include the presence of a small number of cash prize machines;
- 11.3.5 where there have been convictions of any member of staff leading to registration under the Protection of Children Act.
- 11.4 When the Licensing Authority considers restricting access by those under 18 this may mean a broad prohibition. However, depending on the circumstances, the Licensing Authority may include one or more of the following controls:
- 11.4.1 specific times when children can or cannot be present;
- 11.4.2 age limits for certain types of activities on the premises;
- 11.4.3 age limits for those under 18;
- 11.4.4 requirements for suitably qualified accompanying adults;
- 11.4.5 such other conditions or restrictions as may be necessary to achieve the Licensing Objectives.
- 11.5 The Licensing Authority recognises that licensees may wish to control entry to children, but regards this a trade decision. The Licensing Authority will not, therefore, impose conditions requiring the admission of children to licensed premises. So therefore, if a licence holder decides to prohibit entry by children and the Licensing Authority has chosen not to restrict entry, then the Licensing Authority will respect that decision. Such a decision by a licence holder might give rise to human rights issues beyond the remit of the Council acting under its licensing powers.
- 11.6 Only where representations are made can the Licensing Authority consider imposing conditions to control the safe access and egress of children and generally ensure their safety. However, applicants are advised to consider child supervision/control in their Operating Schedule. In imposing such

conditions referred to above, the Licensing Authority may draw up appropriate conditions for the number of supervising adults required.

## **12. Film Exhibitions.**

- 12.1. Where the exhibition of films is permitted, the Licensing Authority will require age restrictions to be complied with, Mandatory conditions will be attached to all Licences in this respect. in accordance with the British Board of Film. Classifications recommendations for the film in question

## **13. The Planning System**

- 13.1. The Licensing Committee will act independently of the Planning system and licence applications will be considered solely against licensing criteria. The Council will at all times separate its licensing and planning roles.
- 13.2. In considering a licence application, the Licensing Authority cannot generally take account of “need”.
- 13.3. The Council’s Licensing Committee will periodically draw to the attention of the Council’s Planning Committee, the situation regarding licensed premises and the general impact of alcohol related crime and disorder.

## **14. Enforcement**

- 14.1. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Enforcement Concordat.
- 14.2. The Licensing Authority will establish protocols with the local Police and Fire Service on enforcement issues to provide an efficient deployment of those who are commonly engaged in enforcing licensing law and the inspection of licensed premises. In particular, these protocols will provide for the targeting of agreed problem and high risk premises requiring greater attention, while providing a lighter touch in respect of low risk premises which are well run.
- 14.3. The Licensing Authority believes that to maintain trade, public and partners’ confidence in the licensing regime, it needs to establish an active inspection and regulatory service. The Licensing Authority will therefore, in combination with the Police and other partnership organisations, actively engage in seeking to:



- 14.3.1. advise licence holders and potential licence holders to prevent problems arising;
- 14.3.2. inspect premises both before and during their use under the Act;
- 14.3.3. when necessary, institute legal actions including issuing formal cautions and taking prosecutions.
- 14.4. The Licensing Authority will actively enforce, alone or in partnership, all breaches of the licence conditions under the Act. The Council will, when deciding on best use of limited resources place weight on offences linked to:
  - 14.4.1. Underage sales and;
  - 14.4.2. The sale of alcohol to persons already drunk.
- 14.5. The Licensing Authority reserves the right to introduce a penalty points or similar scheme intended to provide a cumulative score for one or more minor infringements of licence conditions. This may lead to the Licensing Authority instituting legal proceedings against the licence holder. This process is independent of the licence review by any Interested Party or Responsible Authority. The introduction of any scheme will only supplement any decisions concerning enforcement or legal actions and will not replace other legal powers and duties.

## **15. End of Licensing Policy**

# ANNEX A

## DELEGATION OF LICENSING FUNCTIONS

<u>Matter to be dealt with</u>	<u>Determined by Committee</u>	<u>Delegated to Officers</u>
Application for Personal Licence	If a representation is made by the Police	If no representation is made by the Police
Application for a personal licence with unspent convictions	All cases	
Application for Premises Licence/Club Premises Certificate	If a representation is made	If no representation is made
Application for a Provisional Statement	If a representation is made	If no representation is made
Application to vary Premises Licence/Club Registration Certificate	If a representation is made	If no representation is made
Application to vary Designated Personal Licence Holder	If a Police representation made	All other cases
Request to be removed as Designated Personal Licence Holder		All cases
Application for transfer of Premises Licence	If a Police representation made	All other cases
Application for Interim Authority	If a Police representation made	All other cases
Application to review Premises Licence/Club Premises Registration	All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious		In consultation with Chairman of the Licensing Committee

Application by the Local Authority	All cases	
Determination of Police representation to a Temporary Event Notice	All cases	

## Annex B

### Responsible Authority

### Point of Contact

The Licensing Authority	Senior Licensing Officer, West Berkshire Council, Public Protection Department, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF <a href="mailto:licensing@westberks.gov.uk">licensing@westberks.gov.uk</a>
The Chief Officer of Police	Licensing Officer, Thames Valley Police, Mill Lane, Newbury, Berkshire. RG14 5QU
The Fire Authority	The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD <a href="mailto:NewburyFireSafety@rbfr.co.uk">NewburyFireSafety@rbfr.co.uk</a>
The Enforcing Authority for Health & Safety at Work Act 1974	Principal Public Protection Officer (Health & Safety Enforcement) West Berkshire District Council, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF For all Council owned or operated premises and those others where the Health & Safety Executive is the Enforcing Authority Principal Inspector Mr Bob Meldrum, Health & Safety Executive, Priestly House, Priestly Road, Basingstoke, Hampshire RG24 9NW
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Enforcing Authority for Pollution	Principal Public Protection Officer for Pollution West Berkshire District Council, Council Offices, Faraday Road, Newbury, Berkshire. RG14 2AF

Children Services – Safeguarding Board Chair	Sarah Lewis, Referral & Assessment Team Manager, West Berkshire District Council, West Street House, West Street, Newbury, RG14 1BD
Trading Standards Office	Principal Trading Standards Officer West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
In relation to a Vessel - A Navigation Authority British Waterways Board or The Secretary of State	Planner Officer, Mr Colin Blundel, British Waterways Board, Harbour House, West Quay, The Dock, Gloucester. GL1 2LG. Tourism Division, 3 <sup>rd</sup> Floor, 2-4 Cockspur Street, London. SW1Y 5DH
The Environment Agency	Responsible Officer Isis House, Wallingford, Oxfordshire. OX10 8BD

APPENDIX B



## **Licensing Policy**

**Adopted at full council meeting held on 11<sup>th</sup> December 2007**

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## **West Berkshire Licensing Policy**

### **1. Definitions**

- 1.1. The Council means West Berkshire District Council;
- 1.2. The Licensing Authority means the Council acting as defined by PART 2, 3[1][a] of the Licensing Act 2003. For all official correspondence, the address of the Licensing Authority is The Head of Countryside & Environment, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF. All correspondence to be marked for the attention of the Senior Licensing Officer.
- 1.3. The Act means the Licensing Act 2003.
- 1.4. Licensing Committee means the full committee or a Sub-Committee of not less than three members.
- 1.5. The term etc. is used to denote the whole range of consents relating to the Act, including licences, permits, variations, transfers, renewals, grant, temporary, provisional, club registration, premises and personal licences.
- 1.6. DCMS means the central government Department of Culture, Media and Sport.
- 1.7. Zoning means to control licensing hours in a defined geographical area.
- 1.8. Child means a person under 18 years of age.
- 1.9. DCMS guidance means the guidance, as amended, issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport in July 2007.
- 1.10. SIA means the Security Industry Authority.

### **2. Introduction**

- 2.1. This Licensing Policy Statement addresses the requirements of section 5 of the Act. It sets out the Council's Licensing Policy and takes account of the DCMS guidance.
- 2.2. This Policy is not intended to;

- 2.2.1. repeat national legislation or national guidance. Rather, it will aim to clearly state the Policy of the Council, quoting or paraphrasing such sources only when considered necessary for a full understanding of the text;
  - 2.2.2. set out detailed conditions which, where appropriate, may be published separately and in a form as may be prescribed by central government in the future;
  - 2.2.3. set out the detailed constitutional arrangements of the Council in relation to licensing matters such as the Licensing Committee make up;
  - 2.2.4. set out the Council's Policy about licensing matters outside the remit of the Licensing Act 2003, for instance matters covering the licensing of taxis.
- 2.3. The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
- 2.3.1. Retail sale of alcohol.
  - 2.3.2. Supply of alcohol to club members.
  - 2.3.3. Provision of 'Regulated Entertainment' – to the public, to club members or with a view to profit.
  - 2.3.4. A performance of a play.
  - 2.3.5. An exhibition of a film.
  - 2.3.6. An indoor sporting event.
  - 2.3.7. Boxing or wrestling entertainment.
  - 2.3.8. A performance of live music.
  - 2.3.9. Any playing of recorded music.
  - 2.3.10. A performance of dance.
  - 2.3.11. Provision of facilities for making music.
  - 2.3.12. Provision of facilities for dancing.

- 2.3.13. The supply of hot food and/or drink from any premises between 11pm and 5am.
- 2.4. The scope of the Policy covers new licence and permit applications, renewals, transfers and variation of conditions for existing and where applicable, temporary licences. These licensing activities include Personal Licences, Licensed Premises, Qualifying Clubs and Temporary Events.
- 2.5. The Licensing Authority recognises its duty under the Act to carry out its functions with a view to promoting the four Licensing Objectives, and all decisions will be made solely based on the four objectives. These are :-
- 2.5.1. *the prevention of crime and disorder;*
- 2.5.2 *public safety;*
- 2.5.3 *the prevention of public nuisance;*
- 2.5.4 *the protection of children from harm.*
- 2.6 The Licensing Authority recognises the Act is not the primary mechanism for the general control of anti-social behaviour and nuisance by individuals once they are away from the premises and, therefore, beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. Nevertheless, it is a key aspect of such control and the Licensing Authority recognises that licensing law will always be part of a holistic approach to the management of the evening and night time economy in its area.
- 2.7 The Licensing Authority recognises that, in general, the West Berkshire area has relatively few major difficulties linked to the consumption of alcohol. However, the Licensing Authority would not wish to see the liberalising advantages of the Act negated by the development of anti-social behaviour regularly associated with the excessive consumption of alcohol in some major conurbations. Accordingly, the Licensing Authority will pay particular attention when determining licences etc, to the Operating Schedules submitted by applicants. In so doing, the Licensing Authority will seek assurance that measures are in place

to further the promotion of the four statutory objectives of the Act. In this respect, the Council recognises its responsibilities under Section 17 of the Crime and Disorder Act 1998, appropriate guidance and such other legislation as is applicable at the time and will co-operate closely with the Police, and other agencies making up the West Berkshire Safer Communities Partnership, and regularly monitor reports on crime and disorder.

- 2.8 The Licensing Authority recognises the contribution made by the leisure and entertainment industry to the economy and vibrancy of West Berkshire. The Licensing Authority is also aware of the negative impacts of noise, nuisance, light pollution, noxious smells and crime and disorder, which poorly regulated, licensed premises may have on the safety and amenity of residents and local business. The Licensing Authority acknowledges the Government's Alcohol Harm Reduction Policy and may apply that guidance, and where appropriate, employ the powers made available under Sections 40 & 41 of the Anti-Social Behaviour Act 2003 if noise from any licensed premises is causing a public nuisance.
- 2.9 The Licensing Authority recognises the obligations placed upon it by the Race Relations Act 1976 (RRA), as amended. A significant aspect of the RRA is the duty to have regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority will continue to meet its responsibilities in this respect and continue to be mindful of the RRA in discharging its licensing duties.

### **3 Consultation on this Policy**

- 3.1. The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate.
- 3.2. Before publishing any revised Policy Statement, or any periodic review, the Council will consult with the following:-
- 3.2.1. the chief officer of Police responsible for the West Berkshire area;

- 3.2.2. the Fire Authority;
- 3.2.3. representatives of licence holders of the various types including Premises Licences, Club Premises Certificates and Personal Licences;
- 3.2.4. local businesses and their representatives;
- 3.2.5. local residents and their representatives (Ward and Parish Members);
- 3.2.6. the West Berkshire Safety Advisory Group (SAG);
- 3.2.7. the Local Safeguarding Children Board/ Area Child Protection Committee;
- 3.2.8. the West Berkshire Children and Young People Strategic Partnership;
- 3.2.9. the West Berkshire Safer Communities Partnership; and
- 3.2.10. other groups or individuals the Council feels appropriate.

The Council is aware that consultation which goes beyond the statutory minimum laid down by the Act will have to be funded from Council resources rather than licence fees.

- 3.3. Accordingly, the Council reserves the right to limit its consultations. The Council will give careful consideration and appropriate weight to the views of all those consulted before the publication of any revised policy. In particular the Council will seek the views of local Licensed Victuallers, Pub Watch schemes and representatives of local licence holders. The Council recognises the need to consult as widely as possible but also recognises the need to balance the costs of so doing.

#### **4 The Licensing Process**

- 4.1. The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee of the Licensing Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act for personal and premises licences, club premises registration and temporary event notices. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.

- 4.2. When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder and other granted relevant authorisations. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on members of the public living, working or engaged in normal activities in the area concerned. In determining applications for licences etc, the Licensing Authority will expect applicants to address, in their Operating Schedule, the measures they propose to take to prevent anti-social behaviour and crime and disorder, to protect the safety of the public. Where relevant, it should also include any impact on children, of licensable activities whether those children are on, or in the vicinity of, their premises.
- 4.3. The Licensing Authority will expect applicants to address the Licensing Objectives in their Operating Schedule having regard to the type of premises and the licensable activities to be provided.
- 4.4. The Licensing Authority recommends that the Operating Schedule address detailed activities, depending on the nature of the event and the premises concerned. Typical examples could include references to:
- 4.4.1. procedures at closing time between the last sales of alcohol and the closure of the premises;
  - 4.4.2. the drugs policy;
  - 4.4.3. the emergency closure and evacuation procedures in the event of violence, power failure or similar occurrences;
  - 4.4.4. special drinks promotions;
  - 4.4.5. the use of glasses and open bottles and;
  - 4.4.6. where drinking would be permitted, for example on pavement areas or on garden terraces;
  - 4.4.7. the use of licensed door staff to control entry at specific times and for specific functions and where appropriate, the use of 'search' facilities to prevent the entry of both illegal substances and weapons into the licensed premises.

- 4.4.8 training to be given to staff in crime prevention measures and issues such as the prevention of excessive alcohol consumption and the protection of children;
  - 4.4.9 the adoption by licensed premises of, and adherence to, best practice guidance given in the National Pubwatch Good Practice Guide and the Safer Clubbing Guide published by the Home Office;
  - 4.4.10 participation in Pubwatch or other appropriate schemes;
  - 4.4.11 the presence, or otherwise, of transport facilities to ensure that patrons can leave the premises safely and without undue delay;
  - 4.4.12 the use of CCTV and security lighting as measures to prevent violence and disorder.
  - 4.4.13 adherence to the principles and practice defined in the Event Safety Guide, the Guide to Safety at Sports Grounds and other best practice advice where public safety could be compromised in the context of Regulated Entertainment;
  - 4.4.14 the prevention of disturbance to neighbouring residents by patrons arriving at, or leaving, licensed premises through noise or light pollution;
  - 4.4.15 the prevention of litter deposited by customers in the vicinity of the licensed premises;
- 4.5. The extent to which applicants take these various strategies into account will largely depend on the nature and scale of the proposal. However, local crime prevention strategies will usually be important for most undertakings, as will the dispersal of people from licensed premises with later trading hours.
- 4.6. The Act requires the Designated Premises Supervisor to be named on the Premises Licence. Sufficient details are to be supplied to enable this person to be contacted, if required.
- 4.7. In determining licensing matters the Licensing Authority will;
- 4.7.1. consider only pertinent licensing factors as set out in law and in approved guidance;

- 4.7.2. act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with a licence application for one of its own properties;
  - 4.7.3. act in accordance with the principles of natural justice;
  - 4.7.4. only impose conditions on a licence when a relevant representation has been made and conditions are necessary in the particular circumstances of an individual premises and will not duplicate other statutory requirements.
- 4.8. The Council recognises its licensing responsibilities under the Licensing Act 2003 and in particular will provide;
- 4.8.1. appropriate levels of resources including personnel, systems (including computer systems), and support;
  - 4.8.2. appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
  - 4.8.3. hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
  - 4.8.4. guidance and assistance to licence applicants as far as reasonably practicable;
  - 4.8.5. guidance to organisers and audiences in particular cases, or for particular types of events, for instance, advice in relation to drug related problems;
  - 4.8.6. an appropriate system to receive related complaints and service requests;
  - 4.8.7. Elected Members and Officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications;
- 4.9. The Council recognises there are personnel and financial implications linked to discharging its duties under the Act. As it is unlikely that the fees will cover even the basic costs of administering licensing, the Council will need to consider carefully the advisability of undertaking any licensing service which exceeds its statutory duty.
- 4.10. The Licensing Authority will, as far as reasonably practicable, check all applications and similar documents as they are received. In the case of those applications not



properly made, the Licensing Authority may return the application package by second class mail, to the sender, with an appropriate explanation. The Licensing Authority will also inform the applicant that any timescale applicable in the circumstances will only start when a properly made application is received.

- 4.10.1. If the applicant then returns the application package correctly made any timescales will begin then, in accordance with the Regulations and the application will not be prioritised as if it had been received at the earlier time
- 4.11. A properly made application means an application package complete with all necessary forms, fully completed, dated and signed, all necessary enclosures and any appropriate fee.
- 4.12. Applications, notices and representations can be transmitted by electronic means. However, on sending the text of the application, notice or representation by electronic means, the application, notice or representation is given or made, as applicable, to the recipient in writing forthwith.
- 4.13. Generally applications etc received by the Licensing Authority will be processed in the order received. However, the Licensing Authority reserves the right, subject to statutory time scales, to process more urgent and correctly made applications in preference to those of a non-urgent nature, earlier.
- 4.14. The quasi-judicial nature of the licensing process is such that elected members and officers of the Licensing Authority can offer only limited assistance at hearings. However, all applications and representations will be dealt with in an equal and considerate way. It is important therefore that those giving evidence either as applicants or objectors:
  - 4.14.1. consider taking legal or other professional advice;
  - 4.14.2. consider seeking the advice of the Licensing Authority or statutory bodies listed in annex B well before the hearing;
  - 4.14.3. consult any advisory material produced by the Council or other informed sources and;
  - 4.14.4. prepare thoroughly including acquiring a knowledge of any appropriate procedural matters, having all notes and evidence etc to hand and having

sufficient copies of documents for all parties that might legitimately require them.

## **5. Temporary Event Notices**

- 5.1 Where events are taking place which consist of either the sale of alcohol or the provision of Regulated Entertainment and there are to be less than 500 attendees at any one time, a Temporary Event Notice (TEN) must be served on the Licensing Authority and the Police. For events which have 500 attendees or more, a Premises Licence will be required.
- 5.2 The Licensing Authority advises organisers of Temporary Events to submit their Notice as soon as reasonably possible in order for the Police to consider the event and for the Licensing Authority to check that the limitations set down in part 5 of the Act are being observed. The Licensing Authority recommends that at least two calendar months notification of an event is given. Although notification cannot be less than 10 working days before the event not counting the day of the event, this may be insufficient time for the Police to consider the effects of the Notice. Notification two calendar months prior to the event will enable the Police to work with the organiser, should the Police have concerns over matters relating to crime and disorder.
- 5.3 Working days are any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales. Ten Working Days notice means ten working days exclusive of the day on which the event is to start.
- 5.4 Where reasonable notification is given, the Council will provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution and the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local bylaws; and the need to prevent anti-social behaviour by those attending.
- 5.5 Event organisers are strongly advised to submit their Notice on a weekday and before 1200hrs on a Friday in order to have a quick response. Notices should be submitted to the Council Offices as in Annex B.

- 5.6 Notification to the Police as referred to in Annex B.
- 5.7 It is strongly recommended that the Fire Authority are consulted, as in Annex B.
- 5.8 In the event of a representation being made by the Police, a hearing will be held and a decision given not less than 24 hours before the event is due to start.

## 6. Partnerships and Policy Integration

- 6.1. The Council recognises there is often a mistaken perception that West Berkshire Council is the primary agency responsible for solving anti-social behaviour problems. The Council recognises the licensing function is only one means of securing the delivery of the licensing objectives. It should not, therefore, be seen as a panacea for all anti social or criminal problems within the community. The Council will continue to work in partnership with its neighbouring authorities, the Police, local businesses and local people, towards the promotion of the Licensing Objectives. To achieve the Licensing Objectives, the Council will use a full range of measures, including its transport controls, crime and disorder policies and powers, as applicable, in the circumstances. The Licensing Authority will seek to enter into partnership arrangements, working closely with the Police, the Fire Authority, local businesses, the Local Safeguarding Children Board/Area Child Protection Committee and the West Berkshire Safer Communities Partnership, community representatives and local people in meeting these objectives. The Council will seek, in particular, to integrate its various strategies including those addressing crime prevention, planning, transport, tourism, culture and race equality.
- 6.2. The Council recognises that as well as the licensing function there are a number of other mechanisms for addressing issues of unruly behaviour which occur away from licensed premises. These include –
  - 6.2.1. planning controls;
  - 6.2.2. ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
  - 6.2.3. powers to designate parts of the district as places where alcohol may not be consumed publicly;

- 6.2.4. existing Police powers of enforcement including issuing fixed penalty notices;
  - 6.2.5. enforcement action against those selling alcohol to people who are already drunk;
  - 6.2.6. confiscation of alcohol from adults and children in designated areas;
  - 6.2.7. Police powers of closure for up to 24 hours;
  - 6.2.8. the power of Police, local businesses or residents to seek a review of the licence.
- 6.3. The Council will endeavour to integrate its various strategies, and use the available legal powers, to achieve the Licensing Objectives.
- 6.4. The Council recognises that a major contributor to the prevention of crime and anti-social behaviour, is getting customers home at night when premises close. It will be an important role of this Policy to ensure all transport providers are aware of this and that the Licensing Authority supports their efforts. The Council will, therefore, make arrangements to monitor the effectiveness of this Policy in relation to its own transport strategies. It will periodically liaise with major transport providers in the district, including the taxi trade, to seek ways of improving the rapid dispersal of people at night.
- 6.5. The Council recognises that on occasions there will be conflicts between its other strategies.
- 6.6. The Council will endeavour to make arrangements for its Licensing Committee to annually receive reports on:
- 6.7.1 the needs of the local tourist economy;
  - 6.7.2 the local cultural strategy,
  - 6.7.3 local employment and
  - 6.7.4 the work of the Local Safeguarding Children Board in relation to the Act and the protection of children from harm.

6.7.5 public health aspects relating to the impact of alcohol consumption;

6.7.6 crime and disorder matters.

## **7. Each Application to be Determined on its Merits.**

7.1. Whilst this Policy sets out the general approach for making licensing decisions, the Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, its guidance and this Policy. In particular, this Policy does not override the right of any individual to make representations on an application, nor does it prevent anyone seeking a review of a licence or certificate, where that provision has been made in the Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.

7.2. The Licensing Authority will not operate a quota of any kind, which could pre-determine an application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned. The Licensing Authority recognises that pubs, night-clubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. In considering applications, proper regard will be had to these differences and the impact they are likely to have on the local community.

7.3. The Licensing Authority recognises that in relation to applications for licences etc, its discretion is engaged only where relevant representations have been received. Therefore, all references in this policy to the Licensing Authority's approach to decision making concern cases where its discretion has been so engaged.

## 8. **Licence Conditions**

- 8.1. The Licensing Authority recognises its legal obligation whereby if no Relevant Representations are received, they must grant in the terms sought, with no additional conditions.
- 8.2. The Licensing Authority may:
  - 8.2.1. publish, periodically review and update a pool of appropriate licence conditions;
  - 8.2.2. prepare and publish guidance to licence applicants about the licensing scheme.
- 8.3. However, any conditions attached to any particular licence will:
  - 8.3.1. always be tailored to the style and characteristics of the premises or event in question;
  - 8.3.2. only be applied when needed for the prevailing circumstances and;
  - 8.3.3. will only be applied when necessary to help achieve the Licensing Objectives.
- 8.4. The Licensing Authority recognises that a pool of conditions could lead an applicant to believe only the listed conditions, and no others, will be applied. Care will be needed to ensure this danger is minimised. Applicants are reminded, however, that self-imposed conditions detailed in an Operating Schedule will, on the grant of a licence, form part of the final licence conditions, providing no Relevant Representations are received from Interested Parties.
- 8.5. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.
- 8.6. The Licensing Authority may impose conditions other than those consistent to the Operating Schedule or attached to the existing licence. However, they can do so only when Relevant Representations are made. For example, conditions may be attached requiring the provision or control of:

- 8.6.1. CCTV;
  - 8.6.2. door staff;
  - 8.6.3. toughened glass or polycarbonate drinking glasses and restrictions on open bottles and glasses being removed from the premises;
  - 8.6.4. drinks promotions;
  - 8.6.5. 'proof of age' measures;
  - 8.6.6. other measures intended to address the Licensing Objectives such as the playing of ambient music towards the end of an evening to reduce the possibility of violence and the handing out of sweets as people leave premises to reduce public nuisance by noise.
- 8.7. The Licensing Authority wishes to encourage a wide range of entertainment activities and promote live music, dancing and theatre for the wider cultural benefit of the community. When attaching conditions, the Licensing Authority will try to avoid imposing substantial indirect costs which might deter live music, dancing or theatre.
- 8.8. The Licensing Authority recognises the wider community and cultural benefits which can accrue from the production of live music, dancing and theatre productions, including those for children. However, the local disturbance to neighbourhoods, particularly of open air events, will be carefully balanced against the community gain. Each instance will therefore be considered on its merits.
- 8.9. The Council will seek to monitor the impact of its Licensing Policy on live music and dancing performances in the district. If the Council becomes aware that its Licensing Policy is having an adverse effect on such performances in its area, it will endeavour to consult with appropriate bodies including representatives of performers and the National Association of Arts.
- 8.10. The Licensing Authority recognises the important role played by premises not being overcrowded in helping to achieve the Licensing Objectives. The Licensing Authority will normally:
- 8.10.1. advise applicants for premises licences or applicants for club premises certificates to consider undertaking an appropriate assessment to determine

the safe occupancy capacity and, where appropriate, to incorporate this in the operating schedule;

- 8.10.2. consider any proposals by the applicant for the capacity of the premises, and, if it considers it necessary, will consider representations made by other bodies as listed in Annex B. The Licensing Authority will normally consider whether a condition relating to capacity is necessary in order to promote either or both of the Public Safety and Crime Prevention Objectives. The Licensing Authority may decide to impose a capacity figure which differs from that proposed by the applicant;
  - 8.10.3. seek to impose appropriate conditions, including the prevention of overcrowding, in premises used by children;
  - 8.10.4. place considerable weight on the use of “during performance” inspections to determine safe numbers and ensure compliance with licence conditions,
- 8.11. In addressing the Licensing Objectives, the Licensing Authority recognises the significant role played by drugs at some licensable events. Accordingly the Licensing Authority may, in circumstances where representations have been made, impose licence conditions aimed at addressing drug related problems. In so doing, the Licensing Authority will consider:
- 8.11.1. Appropriate guidance on the subject, for instance “Safer Clubbing” and other appropriate publications;
  - 8.11.2. the availability of free water;
  - 8.11.3. the provision of designated chill out areas;
  - 8.11.4. staff training in first aid to an appropriate standard and
  - 8.11.5. the provision of SIA licensed door supervisors.

## 9. **Licensing Hours.**

- 9.1. The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Accordingly, the Licensing Authority will consider longer licensing hours in the interests of avoiding the concentration of such disturbance, whilst also ensuring



that nuisance is minimised to local residents. Whilst the Licensing Authority considers that longer licensing hours may be an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport, and that such extended opening hours are the prerogative of licence holders, they could be subject to challenge by local residents.

- 9.2. Shops, stores and supermarkets will generally be permitted to sell alcohol during the hours they intend to open. However, in the case of individual shops which are known to be a focus of disorder and disturbance, the Licensing Authority may limit the licensing hours following representations or review.
- 9.3. It is not the Licensing Authority's intention to introduce zoning for the purposes of drinking hours. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is necessary.
- 9.4. In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter noise control conditions are likely to be imposed on premises in residential areas.
- 9.5. The Licensing Authority will encourage applicants to anticipate exceptional conditions or events which could require special or extended trading times and to incorporate these in their Operating Schedule. Equally the Licensing Authority recognises the rights of Personal Licence holders to hold up to fifty Temporary Events each year, subject to the correct notification procedure and the statutory limitations of no more than twelve such events on any particular premises. Such notifications apart, the Licensing Authority is also aware of the Secretary of State's power to declare national, general extensions of licensing hours by order, for special events.
- 9.6. Generally, the Licensing Authority will consider proposed licensing hours submitted in applications for the sale and supply of alcohol and adjust these appropriately, according to Relevant Representations.
- 9.7. When setting licensing times, the Licensing Authority can only consider those factors directly relevant to the Act Consequently all other factors must be set

aside. The Licensing Authority may not be influenced by other legislation including those which may be contrary to contractual law. Most notably this will include controls in relation to permitted working hours for employees. In practice, therefore, the Licensing Authority cannot refuse to grant opening hours solely because this would breach a worker's employment rights. Similar examples may arise in other areas outside employment law.

## **10. Cumulative Impact and Public Nuisance.**

- 10.1. The Licensing Authority recognises that from time to time it may receive representations on the grounds of cumulative impact of a number of licensed premises on the Licensing Objectives. In these circumstances the Licensing Authority will expect the objector to provide, in full, his or her own evidence for consideration.
- 10.2. The Licensing Authority recognises it may receive representations from either a Responsible Authority, or an Interested Party, both defined by the Act, that the cumulative impact of new licences is leading to an area becoming a focal point for large groups of people to gather, and so creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. On receiving such representations, or on its own volition, the Licensing Authority may consider the cumulative effect that such a proliferation of premises in one area may be having.
- 10.3. In determining whether to adopt a cumulative impact policy for a particular area the Licensing Authority may, among other things;
  - 10.3.1. gather evidence of serious and chronic concern from a Responsible Authority or local residents about nuisance and disorder;
  - 10.3.2. identify the area from which problems are arising and the boundaries of that area;
  - 10.3.3. make an assessment of the causes and;
  - 10.3.4. adopt a special policy about future applications for premises within that area. Such a policy would be one of refusing licences whenever it receives Relevant Representations about the cumulative impact on the Licensing

Objectives these must be from Responsible Authorities and/or Interested Parties. The Licensing Authority may conclude after hearing those representations, that a refusal may be necessary.

10.4. If the Council establishes a special policy for a particular area, it will review that policy regularly and at least once every three years. It will not use such a policy to:

10.4.1. revoke an individual premises licence that is already in force;

10.4.2. vary a licence except when directly relevant to the policy and when necessary for the promotion of the Licensing Objectives or;

10.4.3. impose a terminal hour as a matter of policy, although a terminal hour may be imposed if such is necessary in order to promote the Licensing Objectives.

## **11. Children and Licensed Premises.**

11.1. The Licensing Authority recognises the wide variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, night-clubs, cafes, take-aways, community halls and schools. Although the Act sets out various controls restricting admission to children, nothing in the Act makes it a requirement that children must, or must not, be admitted to licensed premises. Beyond the statutory controls, the Licensing Authority will not normally further control entry to licensed premises by children unless it considers this to be necessary to protect minors from physical, moral or psychological harm. Where a licence includes children on the premises, then the suitability and safety of the premises will be considered.

11.2. Licence holders are not to provide alcohol to those under 18 years of age, except as provided for by the Act. The Licensing Authority expects applicants for a licence to be able to demonstrate that satisfactory arrangements are in place to prevent such sales and recommended the following documents should be used as proof of age:

11.2.1 Passport;

11.2.2 Photocard Driving Licence issued in the European Union;

11.2.3 Proof of Age Card Scheme eg. Portman Group Card or Connexions Card;

- 11.2.4 Citizen Card issued on behalf of the Home Office;
  - 11.2.5 Identity Card issued to HM or NATO Forces bearing a photograph and date of birth of the holder.
- 11.3. When appropriate representations have been made, the Licensing Authority may, where it deems necessary, impose conditions to restrict entry to children in premises, for example;
- 11.3.1. where entertainment or services of an adult or sexual nature are commonly provided;
  - 11.3.2. where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - 11.3.3. with a known association with drug taking or dealing;
  - 11.3.4. where there is a strong element of gambling on the premises. This would normally not include the presence of a small number of cash prize machines;
  - 11.3.5. where there have been convictions leading to registration under the Protection of Children Act.
- 11.4. When the Licensing Authority considers restricting access by those under 18 this may mean a broad prohibition. However, depending on the circumstances, the Licensing Authority may include one or more of the following controls:
- 11.4.1. specific times when children can or cannot be present;
  - 11.4.2. age limits for certain types of activities on the premises;
  - 11.4.3. age limits for those under 18;
  - 11.4.4. requirements for suitably competent accompanying adults;
  - 11.4.5. such other conditions or restrictions as may be necessary to achieve the Licensing Objectives.
- 11.5. The Licensing Authority recognises that licensees may wish to control entry to children, but regards this as a trade decision. The Licensing Authority will not, therefore, impose conditions requiring the admission of children to licensed

premises. So therefore, if a licence holder decides to prohibit entry by children and the Licensing Authority has chosen not to restrict entry, then the Licensing Authority will respect that decision. Such a decision by a licence holder might give rise to human rights issues beyond the remit of the Council acting under its licensing powers.

- 11.6. Only where representations are made can the Licensing Authority consider imposing conditions to control the safe access and egress of children and generally ensure their safety. However, applicants are advised to consider child supervision/control in their Operating Schedule. In imposing such conditions referred to above, the Licensing Authority may draw up appropriate conditions for the number of supervising adults required.

## **12. Film Exhibitions.**

- 12.1. Where the exhibition of films is permitted, the Licensing Authority will require age restrictions to be complied with, Mandatory conditions will be attached to all Licences in this respect. in accordance with the British Board of Film. Classifications recommendations for the film in question

## **13. The Planning System**

- 13.1. The Licensing Committee will act independently of the Planning system and licence applications will be considered solely against licensing criteria. The Council will at all times separate its licensing and planning roles.
- 13.2. In considering a licence application, the Licensing Authority cannot generally take account of “need”.
- 13.3. The Council’s Licensing Committee will periodically draw to the attention of the Council’s Planning Committee, the situation regarding licensed premises and the general impact of alcohol related crime and disorder.

## **14. Enforcement**

- 14.1. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Enforcement Concordat.

- 14.2. The Licensing Authority will establish protocols with the local Police and Fire Service on enforcement issues to provide an efficient deployment of those who are commonly engaged in enforcing licensing law and the inspection of licensed premises. In particular, these protocols will provide for the targeting of agreed problem and high risk premises requiring greater attention, while providing a lighter touch in respect of low risk premises which are well run.
- 14.3. The Licensing Authority believes that to maintain trade, public and partners' confidence in the licensing regime, it needs to establish an active inspection and regulatory service. The Licensing Authority will therefore, in combination with the Police and other partnership organisations, actively engage in seeking to:
- 14.3.1. advise licence holders and potential licence holders to prevent problems arising;
  - 14.3.2. inspect premises both before and during their use under the Act;
  - 14.3.3. when necessary, institute legal actions including issuing formal cautions and taking prosecutions.
- 14.4. The Licensing Authority will actively enforce, alone or in partnership, all breaches of the licence conditions under the Act. The Council will, when deciding on best use of limited resources place weight on offences linked to:
- 14.4.1. Underage sales and;
  - 14.4.2. The sale of alcohol to persons already drunk.
- 14.5. The Licensing Authority reserves the right to introduce a penalty points or similar scheme intended to provide a cumulative score for one or more minor infringements of licence conditions. This may lead to the Licensing Authority instituting legal proceedings against the licence holder. This process is independent of the licence review by any Interested Party or Responsible Authority. The introduction of any scheme will only supplement any decisions concerning enforcement or legal actions and will not replace other legal powers and duties.

## **15. End of Licensing Policy**

## ANNEX A

### DELEGATION OF LICENSING FUNCTIONS

<u>Matter to be dealt with</u>	<u>Determined by Committee</u>	<u>Delegated to Officers</u>
Application for Personal Licence	If a representation is made by the Police	If no representation is made by the Police
Application for a personal licence with unspent convictions	All cases	
Application for Premises Licence/Club Premises Certificate	If a representation is made	If no representation is made
Application for a Provisional Statement	If a representation is made	If no representation is made
Application to vary Premises Licence/Club Registration Certificate	If a representation is made	If no representation is made
Application to vary Designated Personal Licence Holder	If a Police representation made	All other cases
Request to be removed as Designated Personal Licence Holder		All cases
Application for transfer of Premises Licence	If a Police representation made	All other cases
Application for Interim Authority	If a Police representation made	All other cases
Application to review	All cases	

Premises Licence/Club Premises Registration		
Decision on whether a representation is irrelevant, frivolous or vexatious		In consultation with Chairman of the Licensing Committee
Application by the Local Authority	All cases	
Determination of Police representation to a Temporary Event Notice	All cases	



## Annex B

### Responsible Authority

### Point of Contact

The Licensing Authority	Senior Licensing Officer, West Berkshire Council, Public Protection Department, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF
The Chief Officer of Police	Licensing Officer, Thames Valley Police, Mill Lane, Newbury, Berkshire. RG14 5QU
The Fire Authority	The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD
The Enforcing Authority for Health & Safety at Work Act 1974	<p>Principal Public Protection Officer (Health &amp; Safety Enforcement)</p> <p>West Berkshire District Council, Council Offices, Faraday Road, Newbury, Berkshire, RG14 2AF</p> <p>For all Council owned or operated premises and those others where the Health &amp; Safety Executive is the Enforcing Authority</p> <p>Principal Inspector Mr Bob Meldrum, Health &amp; Safety Executive, Priestly House, Priestly Road, Basingstoke, Hampshire RG24 9NW</p>
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Enforcing Authority for Pollution	Principal Public Protection Officer for Pollution West Berkshire District Council, Council Offices, Faraday Road, Newbury, Berkshire. RG14 2AF

Children Services – Safeguarding Board Chair	Sarah Lewis, Referral & Assessment Team Manager, West Berkshire District Council, West Street House, West Street, Newbury, RG14 1BD
Trading Standards Office	Principal Trading Standards Officer for Licences West Berkshire Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
In relation to a Vessel - A Navigation Authority British Waterways Board or The Secretary of State	Planner Officer, Mr Colin Blundel, British Waterways Board, Harbour House, West Quay, The Dock, Gloucester.GL1 2LG. Tourism Division, 3 <sup>rd</sup> Floor, 2-4 Cockspur Street, London. SW1Y 5DH
The Environment Agency	Responsible Officer Isis House, Wallingford, Oxfordshire. OX10 8BD

Previous policy in force from 15<sup>th</sup> December 2004 to 11<sup>th</sup> December 2007