

Notice of Meeting

Licensing Committee

Tuesday, 20 March, 2012 at 6.30pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Friday, 9 March 2012

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jenny Legge / Jason Teal on (01635) 503043 / 519102

e-mail: jlegge@westberks.gov.uk / jteal@westberks.gov.uk

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: Councillors Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Manohar Gopal, David Holtby, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck, Quentin Webb and Laszlo Zverko

Agenda

Part I

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1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 13 December 2011.	1 - 6
3. Declarations of Interest To receive any Declarations of Interest from Members.	
4. Taxi Tariff 2012/13 <i>Purpose:</i> To inform members of a request from the taxi trade for an increase in the taxi tariff (fare).	7 - 22
5. Police Reform and Social Responsibility Act 2011 <i>Purpose:</i> to update Members on the soon to be introduced, Police Reform & Social Responsibility Act 2011 and national consultation on the Late Night Levy and Early Morning Restriction Order provisions contained in the Act.	23 - 32
6. Live Music Bill <i>Purpose:</i> to inform Members of the provisions of the Live Music Bill (for information only).	33 - 38

Andy Day
Head of Policy and Communication

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

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If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.

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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, 13 DECEMBER 2011

Councillors Present: Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, David Holtby, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Ieuan Tuck and Laszlo Zverko

Also Present: Paul Anstey (Environmental Health & Licensing Manager), Sarah Clarke (Team Leader - Solicitor), Brian Leahy (Senior Licensing Officer), Moira Fraser (Democratic Services Manager) and Jenny Legge (Research, Consultation and Performance)

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Billy Drummond, Councillor Andrew Rowles and Councillor Quentin Webb

PART I

8. Minutes

The minutes of the meeting held on 29 June 2011 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

Item 3, page 2, 5th paragraph - It was noted by Councillor Jeff Beck that 'West Berkshire Taxi and Private Hire Association' should read 'West Berkshire Hackney and Private Hire Association'.

Item 3, page 3, 3rd paragraph - Councillor Laszlo Zverko advised that his name had been misspelt.

9. Declarations of Interest

During the discussion of item 4 Councillor David Holtby advised that he had been lobbied on this item.

10. Transfer of Hackney Carriage Driver Licences

(Councillor Holtby had been lobbied on this matter)

The Committee considered a report (Agenda Item 4) concerning a request from the Taxi Trade Associations to review a decision taken on 26 April 2005 in respect of Hackney Carriage vehicle transfers.

Brian Leahy introduced the report (Agenda Item 4). He apologised for two errors in the title of the report; 'Hackney Carriage Driver' should read 'Hackney Carriage Proprietor' and 'To advice Members...' should read 'To advise Members...'.

Brian Leahy provided the Committee with an overview as to why the original decision was made in April 2005, to apply the Family Exemption condition and explained the Council's position. Mr Leahy noted that the condition had been introduced:

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1. in order to encourage the proliferation of wheelchair accessible vehicles over a period of time;
2. as it was felt to be unacceptable for a value to be placed on Council property (in the form of a council plate).

Members had therefore chosen to implement the Family Exemption condition.

Brian Leahy then directed the meeting to page 9, part 5, which set out that the Government had commissioned a review via the Law Commission of all matters pertaining to Taxis and Private Hire Vehicles (PHVs). Section 5.2 of the report outlined the timescale of the review. He stated that it was an all encompassing review which was long overdue and would be a comprehensive overhaul of taxi legislation, some of which had been in existence since 1847. Consultation would be undertaken with all groups who might have an interest in taxis including local authorities, the trade and users.

Brian Leahy therefore recommended that as the consultation was due to commence in April 2012, the Committee should consider keeping the status quo in regards to vehicle transfers and the Family Exemption condition until the draft legislation became available in November 2012. At this time, the Council would be aware of what areas would be under local control and what areas would be legislated for by Parliament.

Brian Leahy drew attention to page 11, Appendix A: Equality Impact Assessment which referred to the necessity for a Stage 2 EIA by 13 December 2011. This recommendation for a stage two assessment being completed by the 13 December 2011 had been made in error, as any requirement would be dependent on the outcome of this meeting.

Councillor Paul Bryant raised a question in relation to paragraph 3.3. He asked if a third option, to rescind the Family Exemption condition and not allow transfers, had been considered.

Brian Leahy responded by stating the ability to transfer was a right under legislation and Members had previously voted in favour of the condition. Only protected vehicles could be transferred to a member of the family, as shown in the conditions for Family Exemption on page 15, part 3. The Council imposed this condition in 2005, to encourage the proliferation of wheelchair accessible vehicles and to ensure an increase in the percentage of these vehicles available for hire in West Berkshire. However, it was for Members to decide if they wanted this condition to remain.

Councillor Paul Bryant asked what other Councils had done. Brian Leahy informed the Committee that very few Councils had protected vehicles, but many authorities did insist that any new vehicles had to be fitted for wheelchair access. As there is no comprehensive data available, it would be impossible to draw a conclusion on this point.

Councillor David Holtby inquired of Brian Leahy if any indication had been given at the conference he had recently attended, as to whether councils would be refraining from changing policies relating to the taxi industry, until the new regulations had been published.

Brian Leahy answered that no indication had been given as to how to approach this matter. Attendees had been directed to continue to make decisions as they saw fit, until the changes received Royal Assent. Brian Leahy understood the general view at the conference was that the changes would be radical and would involve deregulation which would benefit the trade, but not necessarily Councils or customers. Delegates he spoke

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to offered the view that Councils were disinclined to make changes when the entire system could be overhauled in 18 months time.

Paul Anstey informed the committee, in his experience with previous consultations, if there was to be fundamental change it would be better to wait for the consultation to be completed and to delay making any decision until the Council was aware of the changes to be made as there would inevitably be costs and little benefit in changing now. Brian Leahy suggested that these costs would not just be for the Council, but would also impact on the trade.

Councillor David Holtby remarked, the current coalition Government had a propensity to openness, but agreed with Officers' advice that no change should be made in the light of the Government consultation. However, he drew attention to page 15, part 3.3 and questioned Sarah Clarke as to the use of the term 'partner'. He asked if, since 2005, there had been a change as to how this word was understood.

Sarah Clarke explained that in the context of Family Exemption, the term related to a common law husband or wife and in keeping with the Council's broader approach, this included same sex couples. Where challenges arose, the Council would have accepted evidence and would not have interpreted the term narrowly. It was not the Council's policy to limit or prevent the transfer of licenses, but it wished to ensure the availability within the fleet of vehicles for infirm passengers. The Council did not prevent transfers, but if the licence was transferred it would ensure the new vehicle would be wheelchair accessible.

Councillor David Holtby expressed concern that the term 'partner' was too loose and if business value became attached to a licence, this might result in difficulties for the Council. Sarah Clarke advised that the definitions of 'immediate family' and the need to provide proof had so far been sufficient. She was not aware of any challenge to the Council on this point. Councillor Holtby stood by his conjecture that 'partner' was a loose term and in future, more definition would be necessary if money were attached to a license.

Councillor Paul Bryant asked for assurance that the consultation response mentioned on page 10, part 5.2 would be brought back to the Committee. Brian Leahy informed the Committee that the consultation would be available via the website and therefore open to all. Councillor Paul Bryant noted that although the consultation was open to all, some councils submitted a Council view based on the results of a task group combining the responses of officers and trade members. Brian Leahy confirmed that Officers would prepare a brief report to agree the procedure for submitting a response to the consultation for the next Licensing Committee meeting.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow members of the trade to participate in the discussion. This was seconded by Councillor Mollie Lock and the Committee voted in favour of this proposal.

Two representatives of the trade, Mr Andrew Lutter and Mr Richard Brown Chairman and Vice Chairman respectively of West Berkshire Hackney and Private Hire Association, addressed the committee. Mr Richard Brown reiterated that conditions had been agreed by Members to increase the quantity of wheelchair accessible vehicles and it was felt by the trade, the target had been achieved as 59% of vehicles were now disabled accessible. In his experience, many customers preferred to travel in saloon cars and

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were declining to use wheelchair accessible vehicles. Proprietors were concerned as unprotected plates were non-transferable, when a saloon plate was returned to the Council it would be reissued as a plate for a wheelchair accessible vehicle, leading to a lack of saloon cars and an unbalanced fleet. The trade felt it was time for the conditions to be lifted to allow free transfers, in order to reduce regulation and encourage those who wanted to enter the trade.

Mr Andrew Lutter stated the conditions prevented competition in the market as wheelchair accessible vehicles could not compete with saloon cars for school transport, for example. The trade needed support in these difficult financial times and this could be provided in part by deregulation. Mr Richard Brown advised that there would be no extra costing to the Council should they lift the conditions, but there might be an increased cost to the proprietors in a fee to transfer the license.

Mr Andrew Lutter suggested that if an agreement to lift the condition were made, a clause could be included stating agreements were subject to change following the government review. Mr Richard Brown responded in the affirmative to Councillor Paul Bryant's query as to whether, should the status quo continue, there would be no saloon cars remaining in the fleet. However, he noted that a protected license holder could have a choice of vehicle.

Councillor Laszlo Zverko enquired as to the cost of converting a vehicle to be wheelchair accessible. Mr Andrew Lutter answered that to refit a VW transport, for example, would cost approx £7,000. Due to cost, many proprietors used a Fiat Doblo, which sold for approximately £12,000 new. There were not many second hand wheelchair accessible vehicles on the market and because of this, they were more expensive to purchase than a saloon car.

Councillor Laszlo Zverko asked if there are any regulations regarding vehicle maintenance.

Mr Richard Brown responded that the interior of the vehicle was checked annually. As the vehicle became older, checks increased in frequency to biannually and then quarterly.

The Chairman reinstated standing orders. Seconded by Councillor Mollie Lock.

Councillor Paul Bryant requested information on the mix of wheelchair accessible and saloon vehicles in the fleet. He also asked if Officers had a view that there should be a mix and if so, what the proportions should be and how it could be maintained?

Brian Leahy explained that the Disability Alliance had suggested that a ratio of 50% wheelchair accessible and 50% other vehicles would be beneficial. The 59% quoted by Mr Richard Brown included disabled accessible vehicles with swivel seats, not all vehicles were as yet wheelchair accessible. He informed the committee that in addition to Hackney Carriages, there were about 167 Private Hire vehicles which could not be hailed or ranked, but could be pre-booked most of which were saloon vehicles. Therefore the overall picture was that in addition to the 60+ protected licenses, there were a further 150-160 Private Hire saloon vehicles available for customers to use.

Sarah Clarke noted that some other councils had determined that their entire Hackney Carriage fleet should be wheelchair accessible. This might be one possible direction the Council wished to follow, or to have a two tier Hackney Carriage regime.

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Brian Leahy and Sarah Clarke confirmed for Councillor Paul Bryant, the distinction between disabled accessible and wheelchair accessible vehicles.

Councillor David Holtby asked Sarah Clarke and Brian Leahy, if they were suggesting the Council was heading towards an all wheelchair accessible fleet. Sarah Clarke explained there was much debate around this matter. The Disability Discrimination Act could have meant that wheelchair accessible vehicles were a requirement; however this was not implemented by Parliament. West Berkshire Council had made a concession to people who held licenses at the time the conditions were imposed and offered new licenses only to those who had wheelchair accessible vehicles. She stated it was for the Members to decide, however it was not unreasonable for this to become a requirement.

Councillor David Holtby questioned Brian Leahy if he thought the Council had a healthy mix in its fleet. Brian Leahy confirmed this was the case. He informed the Committee that 59% of the 203 vehicles were disabled accessible. However, only 33% were wheelchair accessible, 17% less than recommended by the Disability Alliance. He therefore recommended that the Members keep the status quo and await the outcome of the legislative changes.

Councillor Tony Linden proposed the Committee should not pre-empt the Government consultation and follow Officers' advice to reaffirm the Council's intention to apply the Family Exemption condition approved in April 2005. Councillor Paul Bryant seconded Councillor Tony Linden's proposal.

The Committee voted in favour of the proposal to reaffirm the Council's intention to apply the Family Exemption condition approved in April 2005.

RESOLVED: To reaffirm the Council's intention to apply the Family Exemption condition approved in April 2005.

(Next meeting to be held on 20 March 2012, Council Chamber, Council Offices, Market Street, Newbury at 6.30 p.m.)

(The meeting commenced at 6.30pm and closed at 7.20pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.

Title of Report:	Taxi Tariff 2012/13
Report to be considered by:	Licensing
Date of Meeting:	20th March 2012
Forward Plan Ref:	N/A

Purpose of Report: To inform Members of a request from the taxi trade for an increase in the taxi tariff (fare)

Recommended Action: To consider the request

Reason for decision to be taken: Request from the Trade

Other options considered: To approve, refuse or amend the rate of tariff

Key background documentation: OfT Report on taxi services

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

CPP3 – Reduce crime and the fear of crime

The proposals will also help achieve the following Council Plan Themes:

CPT13 - Value for Money

CPT15 - Putting Customers First

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Ensuring that, if approved, the tariff charged does not exceed the maximum agreed thus protecting the taxi using public from overcharging and by creating a consistent approach to charging for taxi operators and drivers.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	8 March 2011

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 42400
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy:	Although not a mandatory requirement, the Council's has set a maximum tariff for taxis for a number of years.
Financial:	None
Personnel:	None
Legal/Procurement:	The Council has a duty to advertise the fares and publish a date by which any objections must be received.
Property:	None
Risk Management:	None
Equalities Impact Assessment:	EIA carried out
Corporate Board's Recommendation:	N/A

Executive Summary

1. Introduction

- 1.1 Local Government (Miscellaneous Provisions) Act 1976 section 65 allows a district council to fix the rate of fares, within the District in respect of hackney carriages. The Council are not obliged to set a fare (tariff) for their area but may do so if they wish. In the past, West Berkshire Council and its predecessor have set a maximum taxi fare structure. It is usually reviewed annually to commence as soon as possible at the start of the new financial year.
- 1.2 Members have the option to not set a tariff at all, relying instead on market forces to establish the going rate and at the same time promoting competition. The taxi trade, through the West Berkshire Hackney and Private Hire Association and the CABCO Association, have always been opposed to such a proposal citing potential threats from the public as the main reason, along with the possibility of more mercenary drivers charging unreasonably high fares. If no tariff were set, this would not be illegal.

2. Proposals

- 2.1 To consider the trade's proposal shown as Appendix B and C.
- 2.2 To be aware of an e mail from Mr Mark Townsend of 1st Direct Cars opposing any tariff increase, shown as Appendix D.
- 2.3 To be aware of a petition signed by 40 members of the taxi trade, shown as Appendix E.

3. Conclusion

- 3.1 It is intended that any changed tariff, if agreed, will be implemented not sooner than 12th April 2011 unless an objection is received during the 14 day statutory notice period. Where an objection is received within the 14 day period, the Council will set a date, no later than 2 months after the first specified period, on which the table of fares will come into force with or without modification as decided by them after having considered all objections.

Executive Report

1. Introduction

- 1.1 The Council are empowered to set a tariff for hackney carriages by virtue of the Local Government (Miscellaneous Provisions) Act 1976 section 65.
- 1.2 The Council have approved a raised tariff at the request of the trade for a number of years and set these as a **maximum** to be charged after having considered the trade's reasons for any increase.
- 1.3 In order to assist Members in considering these requests Officers have provided information on current tariff charges agreed by other councils which are published in the trade publication, Private Hire & Taxi Monthly. The magazine shows an up to date monthly list of local authority tariffs and each Council's ranking in a price chart. The tables are sorted by the Tariff 1, 2 mile fare as being the lowest common denominator. The data is taken from 363 authorities. Rankings shown for West Berkshire and neighbouring authorities in March 2012 were:
- | | | | |
|------------------|-----|----------------------|-----|
| West Berks | 39 | Vale of WH | 50 |
| Reading | 8 | Swindon | 49 |
| Wokingham | 72 | Windsor & Maidenhead | 213 |
| Bracknell Forest | 53 | Basingstoke & Deane | 23 |
| Slough | 101 | | |
- 1.4 The national average fare (tariff) and neighbouring councils fares in February 2012 were shown as;

Tariff 1 (applies between 06:00hrs and 22:00hrs Monday to Saturday other than Bank or Public Holidays, Boxing Day and Christmas day, in West Berkshire.)				
	At 1 mile	At 5 miles	Flag	Last increase
National average	£3.60	£10.73	£2.64	
West Berks	£4.20	£12.30	£2.50	April 11
Reading	£4.20	£14.00	£2.20	Oct 11
Wokingham	£4.00	£12.00	£3.00	May 10
Bracknell	£4.20	£11.20	£3.00	June 11
Slough	£5.00	£10.40	£3.00	July 10
Vale o WH	£4.10	£12.10	£3.50	Oct 08
Swindon	£4.30	£11.30	£2.90	Sept 08
Windsor & M	£3.57	£10.29	£2.73	Nov 11
Basingstoke & Deane	£4.80	£10.40	£3.00	Feb 12

West Berkshire is therefore 4th most expensive together with 3 other authorities, at 1 mile, 2nd most expensive at 5 miles and 2nd cheapest at flag.

Tariff 2 (applies between 22.00hrs and 06.00hrs and on Sundays & Bank Holidays, in West Berkshire.)

	At 1 mile	At 5 miles	Flag
National average	£4.77	£14.03	£3.51
West Berks	£6.05	£18.20	£3.50
Reading	£5.20	£15.00	£3.20
Wokingham	£6.00	£18.00	£4.50
Bracknell	£6.30	£16.80	£4.50
Slough	£6.80	£12.20	£4.80
Val OWH	£5.55	£17.55	£4.65
Swindon	£4.90	£11.90	£3.50
Windsor & M	£5.33	£15.25	£4.09
Basingstoke & Deane	£6.30	£14.70	£4.50

It can be seen that West Berkshire fares are the 4th most expensive at 1 mile, most expensive at 5 miles and the 2nd joint cheapest, at flag.

2. Annual Review 2011/12

- 2.2 The fare structure currently in place was set by Members in 2011 and showed an increase over the previous tariff of approximately 20p on the average West Berkshire taxi fare. (Trade assessment)

3. The Office of Fair Trading Report on the Regulation of Taxis and Private Hire

- 3.1 The report does not recommend that Councils remove pricing restrictions for taxis. It recognises that whilst there are some good reasons for deregulating fares, on balance, those for applying controls are stronger. Overall, the OFT believes that fare deregulation will lead to higher charges. The report makes clear that when setting fares the Council should make it clear that the fare set, is the maximum that can be charged. This statement is shown on the tariff card issued to all vehicle proprietors.
- 3.2 A copy of the OFT report is available at the OFT web site at www.of.gov.uk.

4. Request for Annual review 2011/12

- 4.1 The West Berkshire Hackney & Private Hire Association/Cabco, letter dated 19th February 2012 and shown as Appendix B, outlines their case for an increase of tariff for 2012/13. Their submission is that this proposed tariff change will increase the average taxi fare, in West Berkshire, on a % scale shown at Appendix C and outlined at 4.2
- 4.2 The trade submission equates to an increase of between 12.00% and 3.32% at tariff 1, an increase of between 8.57% and 4.61% at tariff 2 and an increase of between 6.67% and 2.68% at tariff 3.
- 4.3 The current taxi fares/tariff and the proposed tariff, as requested by the trade, are shown at appendix C to this report.

- 4.4 Members may wish to suspend standing orders and invite the trade to address the Committee to further explain their request.
- 4.5 The Consumer Price Indices (CPI) annual inflation for January 2012 stood at 3.6%, down from 4.2% in December 2011. (last update 14th February 2012)
- 4.6.1 Annual inflation as recorded by the retail prices index (RPI) stood at 3.9% in January, down from 4.8% in December. (last update 14th February 2012)
- 5. Objections to any increase**

An e mail stating why any increase of tariff should not be considered has been received from 1st Direct Cars and is shown as Appendix D.

- 5.2 A petition, signed by 40 taxi licence holders supporting no rise in fares is shown as Appendix E.

Appendices

Appendix A – Equality Impact Assessment

Appendix B – Letter from West Berkshire Hackney & Private Hire Association & CABCO.

Appendix C – Current tariff card Tariff card for 2011/12 and proposed Tariff card for 2012/13

Appendix D - Communication from 1st Direct Cars

Appendix E - Petition opposing an increased tariff

Consultees

- Local Stakeholders:** CABCO Association, West Berkshire Hackney & Private Hire Association, Independent Taxi/Private Hire drivers, operators and vehicle owners
- Officers Consulted:** Paul Anstey Joint Service Delivery Manager
- Trade Union:** None

APPENDIX A: Equality Impact Assessment – Stage One

Name of item being assessed:	Taxi Tariff 2012/13
Version and release date of item (if applicable):	Version 1
Owner of item being assessed:	Steve Broughton
Name of assessor:	Brian Leahy
Date of assessment:	7 th March 2012

1. What are the main aims of the item?
To inform Members of a request from the taxi trade for an increase in fares.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.		
Group Affected	What might be the effect?	Information to support this.
Some elderly, disabled and those less well off persons using taxis in West Berkshire.	An increase in tariff during a period of austerity may have a serious effect on those persons dependant upon taxis.	Appendix C to this report.

3. Result	
	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
X	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

Name: Brian Leahy

Date: 7th March 2012

APPENDIX B: Letter from West Berkshire Hackney & Private Hire Association & CABCO.

WORLDS END FARMHOUSE

Worlds End, Beedon, Newbury, Berkshire, RG20 8SB

February 19, 2012:

Tel: 01635 247782

**West Berkshire Council
Market Street
Newbury**

Dear Sirs:

Re | **West Berkshire 2012/2013 Hackney Tariff**
| **Effective from April 2012**

1. Please find attached the proposed tariff adjustment for the period commencing 01 April 2012. This proposal is the result of a comprehensive review of the views of the members of the West Berkshire Hackney and Private Hire Association and of Cabco Limited. The views of these two organisations represent the views of the majority of the private and public hire trade in the district. The WBHPHA and Cabco request a suspension of standing orders to present the proposal (attached and noted as "Accepted") to the council for approval. Thank you.

2. Both the board of Cabco and the WBHPHA committee agree that an annual incremental increase on the basis of "little and often" is a more acceptable pricing strategy than substantial increases only every few years. Both organisations are determined that we continue to adjust rates annually as has been the case over recent years, rather than return to a situation where rates are increased significantly every few years as was the case some years ago.

3. We wish to draw the authorities attention to the rate of inflation, the increasing costs of regulation, the existing increase in fuel prices and the implementation of the governments fuel price escalator that is being reintroduced in the summer of 2012, deferred from January 2012. We must also mention the astonishing increase in hire and reward insurance premiums which have increased between 150% and 250% in the last 15 months. These increases alone can be as much as 2% of total turnover.

4. As was the case last year and in all previous years there has been wide range of views from the trade, ranging from very substantial increase, (wanted by a very small minority of drivers) to no increase at all, (also wanted by a small minority of drivers) and, as a result, the proposal we recommend represents a compromise that is in the best interests of the trade and the public.

5. There were several options that made it through to final consideration. The option Cabco and the WBHPHA have agreed upon is the option shown in the attached paper, marked "ACCEPTED". It may be helpful to you if we briefly comment on these options.

6. The mathematics of the algorithms in the meter software are very complicated and we have had to work our desired outcomes around these algorithms. The possible outcomes have influenced our reasoning in rejecting the remaining two options.

7. The first option (option 1) to be rejected (marked as "REJECTED") shows an initial flag at Tariff 1 of £3.50. It is agreed that this is too much of an increase from the current £2.50 T1 flag and that this will not be readily supported by the public. The remaining increases on T1 are otherwise acceptable. However the algorithm then calculates a net decrease on Tariff 2 for all journeys over 1 mile. This outcome will

be wholly unacceptable to the trade.

8. The second option to be rejected (Option 3, also marked as "REJECTED") shows an initial flag at Tariff 1 of £2.80 and at Tariff 2 of £3.80. The trade has agreed that the percentage increase on the running rate is slightly too high and is too much of an increase from the current rates and that this will not be readily supported by the public. The same argument applies for Tariff 2.

9. Thus the proposed Tariff changes put forward to the council is OPTION 2 which represents the best option to put forward for the 2012 2013 tariff and we, the undersigned, commend this proposal to the licensing authority. This will still leave the average taxi driver less well off as the calculations do not allow for a net increase in income, all other things being equal, in real terms.

Thank you for your attention to this matter.

D Oram, on behalf of the board of Cabco Limited
A Lutter on behalf of the WBHPHA

NOTES AND BACKGROUND INFORMATION:

10. In calculating previous increases on which these calculations are based we have used the formula agreed and set out by the TGWU and the Public Carriage Office. The basis of these calculations are unchanged from previous years.

Mobile 07768757183

Email:
andrew.lutter@btinternet.com

D Oram, on behalf of the board of Cabco Limited
A Lutter on behalf of the WBHPHA

APPENDIX C: Tariff Cards

WEST BERKSHIRE

CURRENT TARIFF

Name : <input type="text" value="TARIFF 1"/> Date: <input type="text" value="07/04/2011"/> Soiling charge: <input type="text" value="Allowed"/> Wait: <input type="text" value="18"/> (secs) Flag fall: <input type="text" value="£2.50"/> A Initial yardage: <input type="text" value="380"/> B Unit thereafter: <input type="text" value="86"/> C Price unit : <input type="text" value="0.1"/> D Initial Waiting Time (secs): <input type="text" value="80"/>	Name : <input type="text" value="TARIFF 2"/> Date: <input type="text" value="07/04/2011"/> Soiling charge: <input type="text" value="Allowed"/> Wait: <input type="text" value="18"/> (secs) Flag fall: <input type="text" value="£3.50"/> A Initial yardage: <input type="text" value="380"/> B Unit thereafter: <input type="text" value="86"/> C Price unit : <input type="text" value="0.15"/> D Initial Waiting Time (secs): <input type="text" value="80"/>	Name : <input type="text" value="TARIFF 3"/> Date: <input type="text" value="07/04/2011"/> Soiling charge: <input type="text" value="Allowed"/> Wait: <input type="text" value="18"/> (secs) Flag fall: <input type="text" value="£4.50"/> A Initial yardage: <input type="text" value="380"/> B Unit thereafter: <input type="text" value="86"/> C Price unit : <input type="text" value="0.2"/> D Initial Waiting Time (secs): <input type="text" value="80"/>
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PROPOSAL 1

Name : <input type="text" value="TARIFF 1"/> Wait: <input type="text" value="36"/> (secs) Flag fall: <input type="text" value="£3.50"/> A Initial yardage: <input type="text" value="1000"/> B Unit thereafter: <input type="text" value="172"/> C Price unit : <input type="text" value="0.2"/> D Initial Waiting Time (secs): <input type="text" value="209"/>	Name : <input type="text" value="TARIFF 2"/> Wait: <input type="text" value="36"/> (secs) Flag fall: <input type="text" value="£4.50"/> A Initial yardage: <input type="text" value="1000"/> B Unit thereafter: <input type="text" value="172"/> C Price unit : <input type="text" value="0.3"/> D Initial Waiting Time (secs): <input type="text" value="209"/>	Name : <input type="text" value="TARIFF 3"/> Wait: <input type="text" value="36"/> (secs) Flag fall: <input type="text" value="£5.50"/> A Initial yardage: <input type="text" value="1000"/> B Unit thereafter: <input type="text" value="172"/> C Price unit : <input type="text" value="0.4"/> D Initial Waiting Time (secs): <input type="text" value="209"/>
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Distance (miles)	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.50	£3.50	40.00%	£3.50	£4.50	28.57%	£4.50	£5.50	22.22%
1	£4.20	£4.50	7.14%	£6.05	£6.00	-0.83%	£7.90	£7.50	-5.06%
2	£6.20	£6.50	4.84%	£9.05	£9.00	-0.55%	£11.90	£11.50	-3.36%
3	£8.20	£8.50	3.66%	£12.05	£12.00	-0.41%	£15.90	£15.50	-2.52%
4	£10.30	£10.70	3.88%	£15.20	£15.30	0.66%	£20.10	£19.90	-1.00%
5	£12.30	£12.70	3.25%	£18.20	£18.30	0.55%	£24.10	£23.90	-0.83%
6	£14.40	£14.70	2.08%	£21.35	£21.30	-0.23%	£28.30	£27.90	-1.41%
7	£16.40	£16.70	1.83%	£24.35	£24.30	-0.21%	£32.30	£31.90	-1.24%
8	£18.50	£18.80	2.16%	£27.50	£27.80	0.36%	£36.50	£36.30	-0.55%
9	£20.50	£20.90	1.95%	£30.50	£30.80	0.33%	£40.50	£40.30	-0.49%
10	£22.60	£22.90	1.33%	£33.65	£33.60	-0.15%	£44.70	£44.30	-0.89%

REJECTED

WEST BERKSHIRE

CURRENT TARIFF

Name : TARIFF 1 Date: 07/04/2011 Solling charge: Allowed Wait: 18 (secs) Flag fall: £2.50 A Initial yardage: 380 B Unit thereafter: 86 C Price unit : 0.1 D Initial Waiting Time (secs): 80	Name : TARIFF 2 Date: 07/04/2011 Solling charge: Allowed Wait: 18 (secs) Flag fall: £3.50 A Initial yardage: 380 B Unit thereafter: 86 C Price unit : 0.15 D Initial Waiting Time (secs): 80	Name : TARIFF 3 Date: 07/04/2011 Solling charge: Allowed Wait: 18 (secs) Flag fall: £4.50 A Initial yardage: 380 B Unit thereafter: 86 C Price unit : 0.2 D Initial Waiting Time (secs): 80
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PROPOSAL 2

Name : TARIFF 1 Wait: 36 (secs) Flag fall: £2.80 A Initial yardage: 377.1429 B Unit thereafter: 125.7143 C Price unit : 0.15 D Initial Waiting Time (secs): 108	Name : TARIFF 2 Wait: 36 (secs) Flag fall: £3.80 A Initial yardage: 377.1429 B Unit thereafter: 110 C Price unit : 0.2 D Initial Waiting Time (secs): 123	Name : TARIFF 3 Wait: 36 (secs) Flag fall: £4.80 A Initial yardage: 377.1429 B Unit thereafter: 125.7143 C Price unit : 0.3 D Initial Waiting Time (secs): 108
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Distance (miles)	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.50	£2.80	12.00%	£3.50	£3.80	8.67%	£4.50	£4.80	6.67%
1	£4.20	£4.45	5.95%	£6.05	£6.40	5.79%	£7.90	£8.10	2.53%
2	£6.20	£6.55	5.65%	£9.05	£9.60	6.08%	£11.90	£12.30	3.36%
3	£8.20	£8.65	5.49%	£12.05	£12.80	6.22%	£15.90	£16.50	3.77%
4	£10.30	£10.75	4.37%	£15.20	£16.00	5.26%	£20.10	£20.70	2.99%
5	£12.30	£12.85	4.47%	£18.20	£19.20	5.49%	£24.10	£24.90	3.32%
6	£14.40	£14.95	3.82%	£21.35	£22.40	4.92%	£28.30	£29.10	2.83%
7	£16.40	£17.05	3.96%	£24.35	£25.60	5.13%	£32.30	£33.30	3.10%
8	£18.50	£19.15	3.51%	£27.50	£28.80	4.73%	£36.50	£37.50	2.74%
9	£20.50	£21.25	3.66%	£30.50	£32.00	4.92%	£40.50	£41.70	2.96%
10	£22.60	£23.35	3.32%	£33.65	£35.20	4.61%	£44.70	£45.90	2.68%

ACCEPTED

WEST BERKSHIRE

CURRENT TARIFF

Name : TARIFF 1 Date: 07/04/2011 Soiling charge: Allowed Wait: 18 (secs) Flag fall: £2.50 A Initial yardage: 380 B Unit thereafter: 86 C Price unit : 0.1 D Initial Waiting Time (secs): 80	Name : TARIFF 2 Date: 07/04/2011 Soiling charge: Allowed Wait: 18 (secs) Flag fall: £3.50 A Initial yardage: 380 B Unit thereafter: 86 C Price unit : 0.15 D Initial Waiting Time (secs): 80	Name : TARIFF 3 Date: 07/04/2011 Soiling charge: Allowed Wait: 18 (secs) Flag fall: £4.50 A Initial yardage: 380 B Unit thereafter: 85 C Price unit : 0.2 D Initial Waiting Time (secs): 80
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PROPOSAL 3

Name : TARIFF 1 Wait: 36 (secs) Flag fall: £2.80 A Initial yardage: 640 B Unit thereafter: 160 C Price unit : 0.2 D Initial Waiting Time (secs): 144	Name : TARIFF 2 Wait: 36 (secs) Flag fall: £3.80 A Initial yardage: 640 B Unit thereafter: 160 C Price unit : 0.3 D Initial Waiting Time (secs): 144	Name : TARIFF 3 Wait: 36 (secs) Flag fall: £4.80 A Initial yardage: 640 B Unit thereafter: 160 C Price unit : 0.4 D Initial Waiting Time (secs): 144
---	---	---

Distance (miles)	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.50	£2.80	12.00%	£3.50	£3.80	8.57%	£4.50	£4.80	6.67%
1	£4.20	£4.20	0.00%	£6.05	£5.90	-2.48%	£7.90	£7.60	-3.80%
2	£6.20	£6.40	3.23%	£9.05	£8.20	1.66%	£11.90	£12.00	0.84%
3	£8.20	£8.60	4.88%	£12.05	£12.50	3.73%	£15.90	£16.40	3.14%
4	£10.30	£10.80	4.85%	£15.20	£15.80	3.95%	£20.10	£20.80	3.48%
5	£12.30	£13.00	5.69%	£18.20	£19.10	4.95%	£24.10	£25.20	4.56%
6	£14.40	£15.20	5.56%	£21.35	£22.40	4.92%	£28.30	£29.60	4.59%
7	£16.40	£17.40	6.10%	£24.35	£25.70	5.54%	£32.30	£34.00	5.26%
8	£18.50	£19.60	5.95%	£27.50	£29.00	5.45%	£36.50	£38.40	5.21%
9	£20.50	£21.80	6.34%	£30.50	£32.30	5.90%	£40.50	£42.88	5.68%
10	£22.60	£24.00	6.19%	£33.65	£35.60	5.79%	£44.70	£47.20	5.59%

REJECTED

APPENDIX D: Letter of objection

Dear Brian,

I am not sure how to formally object to any proposed tariff change, but would like to.

I feel that at this time when the rest of the country is being asked to cut back that for the taxi trade to be asking for increases is totally wrong.

Following our last increase we noticed 2 things happen, firstly the amount of verbal abuse regarding the taxi fares increased and secondly trade in general decreased.

Admittedly fuel prices are high, but really not that higher than April 2011 (139.9p/l (data from whatprice.co.uk)) and today's price is average 142.49p/l.

As requested can you either accept this as a formal objection or advise me how I should.

Mark

Mark Townsend
Proprietor.
1st Direct Cars Group.

APPENDIX E: Petition

We, the undersigned object in the strongest terms to the proposed increase in Taxi tariff for 2012. We feel that it is inappropriate to increase fares in the current economic climate and that any increase would be detrimental to the trade in general. We therefore ask that no tariff increase be authorised at this time.

Signature	Name	Badge
	D.R. Kimball	190
	B.A. ANNETTS	863
	P BEWEN	509
	D. Aguh	700
	J BURKE	2077
	P. HIGGINS	2091
	C TAYLOR	602 214
	I.G. HYDE	2025
	S Hazzard	739
	JUAN BENJARRA	828
	JOHN KELLOCK	672
	SIMON BOYS	52
	D. SUMNER	560
	R. J. ROWE	1059
	J ROWE	38
	ANDY KEAST	2093
	D.W.S.T.	99
	K. SYBIL	786
	S. Radbourne	2106
	A SMITH	2034
	G. WILLIAMS	740
	F. TEALL	34
	G. BRINK	11
	K DAVEY	2051

24

Page 1 of 2

Signature	Name	Badge
	D. NUTNEY	3052
	K. POTTINGEL	480
	MICHAEL SKINNER	425
MAGGIE MCINTYRE	maggie	113
F. FAKHRAEE	F. FAKHRAEE	465
	K. Miller	2006
M. DAUER	M. D.	191
S. Richardson	S. R.	572
M. SIMPSON		123
P. TEIXEIRA		2039
A-JAN	A. Jan.	467
	M. TOWNSEND	14
	K. STURM	329
C. JAMES	C. JAMES	574
	M. BONATH	799
A. REDDICK	A.M. REDDICK	773

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Agenda Item 5.

Title of Report:	Police Reform & Social Responsibility Act 2011
Report to be considered by:	Licensing
Date of Meeting:	20th March 2012
Forward Plan Ref:	N/A

Purpose of Report: To update Members on the soon to be introduced, Police Reform & Social Responsibility Act 2011 and national consultation on the Late Night Levy and Early Morning Restriction Order provisions contained in the Act.

Recommended Action: To consider this report and authorise Officers to respond to the consultation on behalf of the Council.

Reason for decision to be taken: This is an opportunity for the Council to act, if deemed necessary, in conjunction with Thames Valley Police, to add its views to national consultation regarding the late night economy.

Other options considered: None

Key background documentation: The Police Reform & Social Responsibility Act 2011

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

CPP3 – Reduce crime and the fear of crime

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

- CPT2 - Thriving Town Centres**
- CPT7 - Safer and Stronger Communities**
- CPT11 - Protecting Vulnerable People**
- CPT15 - Putting Customers First**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

giving the Council, in conjunction with Thames Valley police, increased control over the night time economy thus reducing crime and the fear of crime.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	8 March 2011

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519184
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy:	One of the provisions of the Act is adoptive and policy will only be set if the appropriate section/s of the Act is/are adopted by the Council.
Financial:	If the Late Night Levy is adopted, licensing income will increase, however it is envisaged that approximately 70% of the net income must be paid to the police in order to fund any increase in police support in controlling the late night economy that may be required. At the time of writing this report the full extent of any increased income is not known.
Personnel:	The ability to retain up to 30% net income from the levy may result in the possibility of further personnel being required to further control the late night economy.
Legal/Procurement:	Adoption of the appropriate section of the Act will be required.
Property:	None
Risk Management:	
Equalities Impact Assessment:	Completed
Corporate Board's Recommendation:	N/A

Executive Summary

1. Introduction

- 1.1 The Police Reform & Social Responsibility Act 2011 was given Royal Assent on the 20th September 2011.
- 1.2 Chapter 2 of the Act is intended to, in part, amend the Licensing Act 2003 and will make quite considerable differences to a number of sections of the Licensing Act. These will have implications for the way in which Licensing Authorities operate in the future.
- 1.3 A summary of the provisions of the appropriate sections of the Act follows in the main body of this report.

2. Proposals

- 2.1 Members, after carefully considering the main provisions of the changes, will be asked to take a decision later in the year prior to the introduction of Chapter 2 of the Act, to either adopt, or not adopt, certain important aspects of the Act which could impact on the local late night economy and on the licensing income stream for the Council and the Police.
- 2.2 In order for the Government to determine the strength of opinion from interested parties, prior to making the legislation active, they have opened consultation on 2 aspects of the new Act. These are the introduction of the Late Night Levy and the Early Morning Alcohol Restriction Orders (EMRO's)

3. Conclusion

- 3.1 It will become evident from the report that Thames Valley Police have a major part to play in the decision to adopt Chapter 2 and in the delivery of the ethos of the adopted provisions by the Council, of the Late Night Levy.
- 3.2 If a decision is taken to adopt these provisions, the matter must be approved by full Council. However, a further report would need to be submitted to the Licensing Committee prior to going to full Council later in the year.

Executive Report

1. Introduction

- 1.1 This report is in 2 parts. Part 1 gives an overview of the changes to alcohol licensing under Chapter 2 of the Police Reform & Social Responsibility Act 2011 (PR&SRA 2011) and Part 2 deals with government consultation regarding the same legislation. The Act is due for implementation during the autumn of 2012.
- 1.2 Chapter 2 is an important piece of legislation which will have an impact on a number of aspects of alcohol licensing which will affect the public, the trade, local authorities and the Police.

2. Part 1: Summary of Main Changes to Licensing

- 2.1 Responsible Authorities as Interested Parties
- 2.2 The Licensing Authority (LA) will become a Responsible Authority in relation to Premises and Club Premises applications. This will enable the LA to make representations regarding applications and to apply for a review of a Premises Licence or Club Certificate should it be felt necessary.
- 2.3 Presently, the LA has no power to initiate a review nor is it able to comment on applications other than to accept and administrate those applications which are properly made.
- 2.4 Primary Care trusts are to become Responsible Authorities.
- 2.5 "any other person" has replaced "interested parties".
- 2.6 The Secretary of State will be required to make regulation changing the way in which the statutory advertising of applications for licences or reviews are made, probably by the LA bringing the application to the attention of persons who may be affected by any licence issued. It is envisaged that the form of public advertising may be similar to that of planning application notifications however Regulation will determine any changes.
- 2.7 "Necessary" has replaced "appropriate" in relation to the steps the authority may take when determining applications and reviews.
- 2.8 Temporary Event Notices (TEN's)
- 2.9 Both the Police and Environmental Health Officers will be able to object to a TEN if they consider that the activities notified are likely to undermine a licensing objective.
- 2.10 Conditions may be applied to a TEN if the LA considers it appropriate for the promotion of the licensing objectives, providing that the conditions are also imposed on a premises licence or club premises certificate, if in place for the premises, or part premises for which the TEN has been served, and the condition/s would not be inconsistent with the carrying out of the licensable activities under the TEN.
- 2.11 A "late" TEN may be submitted up to 5 days prior to the proposed event.

- 2.12 Where a TEN is served electronically, the LA will be required to forward the notice to the Police and EHO no later than the end of the first working day after the day on which the notice was given to the Authority.
- 2.13 There is to be a relaxation of the time limits for the duration of a TEN. This has been extended from the current 96 hours to a maximum of 168 hours.
- 2.14 The fine for persistently selling alcohol to children is to be raised from £10.000 to £20.000.
- 2.15 Where a closure notice for persistently selling alcohol to children has effect, the duration of the closure will be raised from 96 hours to a maximum of 336 hours.
- 2.16 Early Morning Alcohol Restriction Orders (EMRO's)
- 2.17 An EMRO is a power introduced by the previous government that was not commenced. An EMRO would have enabled LA's to restrict the sale of alcohol in the whole or part of their areas between 3am and 6am on some or all days. The PR&SRA 2011 amends this and will allow EMRO's to be applied more flexibly to problem areas between midnight and 6am.
- 2.18 The Late Night Levy
- 2.19 The Late Night Levy will allow LA's that choose to adopt it, to charge for late night licences to pay for the cost of extra policing. At least 70% of the net revenue taken through the levy will go directly to the police, with the remainder being retained by the Licensing Authority. The LA must determine, following consultation, on the process that areas would need to follow when adopting these new measures, as well as the type of services LA's may fund from their portion of the levy and whether to allow exemptions for New Years Eve. Local areas will also decide which of the available categories of exemptions and reductions will apply.
- 2.20 Alcohol Disorder Zones
- 2.21 This provision will be repealed.
- 2.22 Licence Fees
- 2.23 Where an annual licence fee is not paid, the LA will have the power to suspend the licence until such time as the payment has been made. However, exceptions are built into the Act for administrative error, disputes and a "grace period".
- 2.24 Subject to Ministerial approval, the LA will have the power to set certain fees on a cost recovery basis. The costs may also include the cost of acting as other Responsible authorities under the Act e.g. a planning authority.
- 2.25 Licensing Policy Statements
- 2.26 These will now be reviewable every 5 years rather than every 3.
- 2.27 Much of the detail of the above provisions will be subject to Government Regulation and Guidance, which will be published prior to the Act being brought into force.

3. Part 2: Consultation

- 3.1 The Home Office has introduced a consultation exercise which will be open until the **5th April 2012**, where the public, licensing authorities, the licensed trade and police are all encouraged to contribute their views.
- 3.2 The consultation is described as "have your say on late night drinking venues" and has been entitled "dealing with the problems of late night drinking". It looks at the implementation of 2 new powers (Late Night Levy and EMRO's).
- 3.3 The consultation looks to seek to identify the types of premises, for example hotels, cinemas and community venues, which could be exempted or eligible for a reduction in levy charges, if they are viewed as having a minimal effect on alcohol related crime and disorder.
- 3.4 Lord Henley the Minister for Crime Prevention and Antisocial Behaviour Reduction says "Alcohol related crime and disorder is a problem for many of our communities. These new measures give power back to local areas so they can respond to their individual needs. But we also recognise that some types of premises that open late to serve alcohol do not contribute to late night drinking problems and should not be unduly penalised. That is why we are seeking views on whether they should be exempt or see a reduction in fees".
- 3.5 Before any consultation response is made it is advisable that the Council is aware of the position of Thames Valley Police and their views in the need for further enforcement by, either the provision of additional policing of the late night economy or other necessary means and the means by which an agreement can be made with the Council to satisfy the requirements of the levy.
- 3.6 An initial approach has already been made to the Area Commander for West Berkshire Policing.

4. Early Morning Restriction Areas

- 4.1 The Government believe that EMRO's will help LA's to address specific problems caused by the late night sale of alcohol in their areas.
- 4.2 LA's will be able to make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. However, the Government believe that some types of premises should not be subject to an EMRO. These premises could be; Premises with overnight accommodation, theatres and cinemas, community premises and casinos and bingo halls with a membership scheme. The rationale for these proposed exemptions is that most do not contribute to alcohol related crime and disorder. As such the 2011 Act enables the Secretary of State to make regulations which prescribe exemptions to an EMRO by reference to the above types of premise.
- 4.3 There is a proposal that an EMRO will not apply between midnight on 31st December and 06:00 hrs on the 1st January of each year.

5. The Late Night Levy

- 5.1 The Levy will allow LA's to raise a contribution from late night opening alcohol retailers towards the cost generated by the late night economy. The levy will apply to all premises (on and off trade), throughout the LA's area, which are authorised to sell or supply alcohol in the time period set by the LA. This can be any time between midnight and 06:00 hrs. The levy will not apply to TEN's
- 5.2 The Secretary of State will prescribe details of the process for adopting the levy and provision has been made, in the Act, for draft regulation before the levy scheme is commenced.
- 5.3 Prior to making a decision to implement the levy, it is intended the LA will have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce the levy in its area. If so, the LA must formally consult the PCC, the police, licence holders and others about its decision to introduce the levy. The consultation should ask whether it needs to apply any exemptions or discounts to the levy and how it will apportion net levy revenue between the police and licensing authority. The LA will have the final decision in all of these areas.
- 5.4 If the LA decides to adopt the levy it may consider that certain types of premise should not contribute to the levy or should contribute at a lesser rate of levy. To allow local discretion, the levy will allow authorities to select exemptions or reductions that they consider should apply to their area.
- 5.5 The Government are proposing that the following types of businesses could be considered as exemptions or contribution at a reduced rate; premises with overnight accommodation, restaurants, theatres and cinemas, casinos/bingo halls, community amateur sports clubs, community premises, country pubs where the rural settlements has a population of less than 3000 residents, as appear in the qualifications for rural relief.
- 5.6 There is a proposal that the LA are able to grant an exemption to those paying a levy as part of a Business Improvement District (BID) where the authority is satisfied that the aims meet a satisfactory crime and disorder focus.
- 5.7 Where the levy is adopted, the LA can retain up to 30% of the net levy revenue to fund other activities besides policing. Where and how this money could be spent is included in the consultation.

6. Recommendation

To consider the report and to authorise officers to reply to Government Consultation on behalf of the Council, having first considered Members views.

Appendices:

Appendix A – Equalities Impact Assessment

Appendix B – Dealing with the Problems of Late Night Drinking (Hard Copy only)

Consultees

Local Stakeholders: Members of the public and pub, club etc, licence holders.

Officers Consulted: Paul Anstey Joint Service Delivery Manager

Trade Union: None

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Police Reform & Social Responsibility Act 2011
Version and release date of item (if applicable):	Version 1
Owner of item being assessed:	Steve Broughton
Name of assessor:	Brian Leahy
Date of assessment:	6 th February 2012

1. What are the main aims of the item?
To inform Members of the impending launch of new legislation.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.
Members of the Public engaging in the late night (alcohol) economy	A provision within the Act (Early morning Restriction Orders) could result in areas of the district closing earlier than at present, for the purposes of selling alcohol.	EMRO provision in the Police Reform & Social Responsibility Act 2011.
Premises selling alcohol in town and large village centres.	The Council may choose, where deemed necessary, to control late night/early morning crime and disorder, by causing alcohol premises to terminate their activities earlier than at present.	EMRO provision in the Police Reform & Social Responsibility Act 2011
Certain premises selling alcohol in the District currently open after midnight.	The Council will be able to charge a Late Night Levy against premises selling alcohol beyond midnight. The levy could impose an additional financial burden on these businesses.	Adoptive provisions of the Police Reform & Social Responsibility Act 2011. (Late Night Levy)

Further comments relating to the item:
Certain provisions in the Act are adoptive and this report seeks to inform Members of their options prior to any decision being taken.

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
X	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	Following consultation and prior to a decision being taken by Members
Owner of Stage Two assessment:	Steve Broughton
Timescale for Stage Two assessment:	Final date not yet known but believed to be early autumn 2012.

Name: Brian Leahy

Date: 6th February 2012

Agenda Item 6.

Title of Report:	Live Music Bill
Report to be considered by:	Licensing
Date of Meeting:	20th March 2012
Forward Plan Ref:	N/A

Purpose of Report: To inform Members of the provisions of the Live Music Bill

Recommended Action: None. Report submitted for information only.

Reason for decision to be taken: N/A

Other options considered: None

Key background documentation:

The proposals will help achieve the following Council Plan Themes:

- CPT2 - Thriving Town Centres**
- CPT12 - Including Everyone**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	8 March 2012

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519184
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy: A Policy will be required at the point at which the Bill becomes legislation

Financial: None

Personnel: Some added administrative work will be required however this can be covered by existing staff.

Legal/Procurement: None

Property: None

Risk Management: None

Equalities Impact Assessment: N/A

Executive Summary

1. Introduction

- 1.1 The Live Music Bill is a Bill intended to cut red tape surrounding the performance of music in small venues.
- 1.2 The Bill passed through the House of Lords with only one small amendment on Friday 27th January and is now set for Royal Assent before becoming active, although the Government have not yet indicated when this will be. However, it is envisaged that introduction of the Act will be before the Diamond Jubilee.
- 1.3 The Live Music Act is intended to deregulate certain types of live music venues, notably pubs and clubs.
- 1.4 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken.

2. Conclusion

- 2.1 As the introduction of the Act is imminent and will be an amendment to the Licensing Act 2003 this report is intended as an informative for Members.

Executive Report

1. Introduction

- 1.1 The Licensing Act 2003 requires that all regulated entertainment which is provided for members of the public or a section of the public, and the provision of entertainment facilities, whereby premises are made available for the provision of entertainment available, must be licensed.
- 1.2 The Live Music Bill has now been debated in both Houses and is to be introduced shortly as the Live Music Act 2012 and will amend the Licensing Act 2003.
- 1.3 The Bill provides different levels of regulation depending whether the Live Music is amplified or unamplified, stating that unamplified music does not require a licence if in any venue;
 - No other licensable activities are taking place, unless the licensable activity is for the provision of late night food
 - The music takes place between 8am and 11pm on the same day

Amplified music does not require a licence if:

- The music takes place between 8am and 11pm on the same day
- The performance is to no more than 200 persons
- The venue is a workplace as defined in regulation 2(1) of the Workplace (Health Safety and Welfare Regulations 1992

However, the Bill provides for, conditions relating to live music to be added to a premise licence for alcohol under the regular review process should the Licensing Authority believe this is necessary.

- 1.4 This Act will effectively make it easier for people to organise concerts, plays and other public events where alcohol is not sold, without having to inform the Council.

2. Implications

- 2.1 There are few implications for licensing other than some administrative amendments to existing licences.
- 2.2 Members should be aware that where entertainment is carried out and a licence is not required, the burden of investigation and enforcement may escalate for Environmental Health Officers.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: Members of the public and pub, club etc, licence holders.

Officers Consulted: Paul Anstey Joint Service Delivery Manager

Trade Union: None

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