

# LICENSING COMMITTEE

## MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 JUNE 2012

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

**Also Present:** Sarah Clarke (Team Leader - Solicitor), Brian Leahy (Senior Licensing Officer) and Jason Teal (Performance, Research & Consultation Manager),

**Apologies for inability to attend the meeting:** Paul Anstey, Councillor Peter Argyle and Councillor Billy Drummond

**Councillor(s) Absent:** Councillor David Holtby

### PART I

#### 3. Minutes

The Minutes of the meetings held on 20 March 2012 and 10 May 2012 were approved as a true and correct record and signed by the Chairman.

#### 4. Declarations of Interest

There were no declarations of interest received.

#### 5. Hackney Carriage Conditions

The Committee considered a report (agenda item 4) informing Members of a request from the taxi / private hire associations to introduce a condition requiring private hire vehicles to have a mechanical inspection, in line with taxis.

Brian Leahy drew the Committee's attention to the fact that this had been an imbalance between taxis and private hire vehicles for many years since private hire vehicles were only subject to mechanical inspections as per private vehicles, whilst taxis were subject to an MOT after the vehicle was a year old.

Brian Leahy outlined that this condition had been put out to consultation with the trade - which had concluded on the 1<sup>st</sup> June 2012. One response had been received, which had been supportive of the proposal. Brian Leahy also informed the Committee that he had discussed the proposal at a trade liaison meeting (18<sup>th</sup> May 2012) where there had been a unanimous vote from attendees to put this condition to the Committee for approval.

Brian Leahy said that since the consultation had concluded he felt that on reflection, if a condition was being set for private hire cars to undergo an MOT after the vehicle was a year old, then the same principal should apply to hackney carriages (paragraph 2.3 of the report). He noted that this seemed a sensible approach, bringing the mechanical checks for all vehicles into line.

In relation to this additional item, should Members be minded to accept the item, this would be an 'in principle' decision, allowing Brian Leahy to go out to consult with trade. The item could then be brought back to Committee, should there be no overriding objections.

Brian Leahy drew the Committee's attention to the fact that any condition put on a licence could be appealed through a Magistrate's Court. He then asked that Members consider this. It was noted that the risk of appeal was low, as no adverse comments had been

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received as a result of the consultation exercise, but that Members should be aware that there was a possibility that the condition could be appealed at the issue or renewal of licence.

Councillor Tony Linden asked for confirmation that the consultation would only be for the additional element of including hackney carriages within the condition. Brian Leahy confirmed that this would be the case, but Officers would wait to implement the two conditions simultaneously.

Councillor Paul Bryant asked whether this condition would incur any increased cost to the trade. Brian Leahy confirmed that there might be a cost incurred through having to bring the MOT forward, but that this was an issue of timing – i.e. the MOT would have to be undertaken anyway. He noted that adoption of this condition would assist the Council as it would reduce the administrative burden in sending out reminders on two separate items in relation to the renewal of a licence. It would be helpful to the trade as the two crucial dates in renewing licences would be reduced to one.

Brian Leahy reiterated the point that as this was an appeal-able decision. He would bring this matter back to the Committee after the conclusion of the consultation.

Councillor Tony Linden proposed the recommendation which was seconded by Councillor Adrian Edwards. The Committee voted unanimously in favour of the proposal.

**RESOLVED** that the motion to introduce a condition requiring private hire vehicles to have a mechanical inspection in line with taxis be carried.

### 6. Taxi Tariff

The Committee considered a report to request members to address an error in the submission for a tariff increase for 2012. Brian Leahy noted that this was a request from the trade as a result of an error made on their part in the item brought to the Committee in March on 2012/13 taxi tariffs, to do with charges applied to in-journey waiting times when the vehicle was stationary – i.e. in traffic, at lights etc.

He noted that in the initial calculations, the waiting time limit had been put at a level that reduced it rather than retained it at the 2011/12 level. He noted that the trade were not asking for an increase over last year's tariff, but to consider reinstating last year's waiting time.

As a result of the presentation of the tariff rates in March, the trade had been given an increase on the flag and mileage rate, but got a reduction in the waiting time. The amendment was therefore to simply reinstate the previous year's waiting time.

Councillor Laszlo Zverko queried the difference this amendment would make to the average fare. Brian Leahy said that that question was best answered by the trade.

*(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 and respond to questions committee members might have. This was seconded by Councillor Tony Linden and the Committee voted in favour of this proposal).*

Mr Ashley Vass introduced himself as the Treasurer of the West Berkshire Hackney and Private Hire Association. He commented that the increase in the average fare would be dependant on the amount of time spent stationary in any journey, but typically, this would equate to around 20p on a local journey: for a longer journey (i.e. around an hour) then this would typically amount to around £5.

He confirmed that this would be applied to Hackney Carriages only.

Councillor Paul Bryant enquired what the current value was. Mr Vass replied that was £15 and £22 an hour at the respective flags.

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Councillor Laszlo Zverko enquired whether this would be an affordable increase for customers. Mr Vass stated that, this rate would not be different to any applied in previous years. He noted that he had received no comments on the relative cost of fares, but confirmed that this amendment would not constitute a significant increase in fares.

Brian Leahy noted again that this was an appeal-able decision. He would have to publish the amendment in the local newspaper as a consultation, which would run for 14 days. He noted that the Committee should be aware of the legal implications as a result. The Council would incur a slight cost (around £100) in terms of having to change the tariff cards and advertise.

*(The Chairman reinstated standing orders, seconded by Councillor Linden)*

The amendment was proposed by Councillor Linden, seconded by Councillor Bryant. The Committee voted unanimously in favour of the amendment.

**RESOLVED that** the amendment to the 2012/13 taxi tariff to correct an error in the application of waiting time levies be carried.

### 7. **Gambling Act 2005**

Brian Leahy introduced the paper asking for the Committee to consider the Council's review of its gambling policy statement. He explained that the Gambling Act 2005 requires that the Council have a policy statement that was reviewed every 3 years. The current policy was agreed by this committee in 2010. He noted that there was no intention to substantively amend the policy unless compelling feedback was forthcoming at consultation stage. The only changes would be to update the address of the licensing authority (page 3) and annex B (pg 13) which were points of contact for people within responsible authorities.

Brian Leahy noted that officers' view was that the policy had been robust enough over the past 3 years and made no recommendation to change it.

Councillor Adrian Edwards enquired whether members of the public could apply for a licence to be revoked if they considered a premise to be inappropriate. Brian Leahy responded that any member of the public could apply for a review of a licence.

Sarah Clarke noted that she was not aware of any powers under the Localism Act to do this: there was already the power for local communities to request a review of licences. Brian Leahy noted that he was not aware that the Localism Act overrides the Gambling Act in any of these areas.

Councillor Tony Linden noted the need for members' annual training for licensing.

Councillor Linden proposed recommendation to approve the reviewed statement; this was seconded by Councillor Gopal. The Committee voted unanimously in favour.

**RESOLVED that** the reviewed Gambling Policy Statement be approved.

*(The meeting commenced at 6.30 pm and closed at 7.00 pm)*

**CHAIRMAN** .....

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