

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 5 DECEMBER 2012

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Billy Drummond, Manohar Gopal, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Ieuan Tuck, Quentin Webb and Laszlo Zverko

Also Present: Sarah Clarke (Team Leader - Solicitor), Julia O'Brien (Principal Licensing Officer), Jason Teal (Performance, Research & Consultation Manager) and Amanda Ward (Licensing Officer),

Apologies for inability to attend the meeting: Paul Anstey, Councillor Paul Bryant, Councillor David Holtby, Brian Leahy and Councillor Andrew Rowles

Councillor(s) Absent: Councillor Adrian Edwards

PART I

1. Minutes

The Minutes of the meeting held on 20 June 2012 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest received.

3. Taxi Roof Signs

The Committee considered a report (Agenda Item 4) concerning a request from the trade to replace the current taxi roof signs with a new design.

It was noted that the current signs had been prescribed since January 2001. Feedback from the trade was that the current roof signs were starting to look tatty, but more importantly, were not as aerodynamic as newer designs. The request from the trade was therefore as a result of the new signs being better in terms of fuel economy and CO2 emissions.

The recommendations of the report were for the Committee to approve the new roof sign. Julia O'Brien drew the Committee's attention to the fact that in order to satisfy the Department of Transport's (DfT) guidance, a letter inviting feedback on the proposed new design was sent to all licence holders on 16 November. The consultation period would end on 28 December 2012. Since November there had been extensive discussions with taxi owners and with owners on the ranks; feedback had been positive and to date no objections had been received.

It was confirmed by Mr Lutter (Chair of the West Berkshire Hackney Carriage Association) that the signs were connected to the cars by magnets and there had been no instances of them falling off when vehicles were driven at speed. It was also confirmed that the signs were illuminated and that the red lights to the rear of the signs would not compromise the green West Berkshire livery.

Councillor Lock queried whether there would be any economies of scale should the signs to be bought in bulk. Julia O'Brien commented that this had been raised at the last liaison

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meeting with the trade and that there was no reason why the taxi operators could not collectively purchase the signs should they wish to do so.

(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).

In response to a query made by Councillor Billy Drummond relating to paragraph 1.6 of the report on the estimated reduction in CO₂ emissions this proposal would likely yield, Andrew Lutter (Chair of the West Berkshire Hackney Carriage Association) said that there was a standard formula for working out the litre of fuel converted to tonnes of fuel. He confirmed that the design of the new signage would save around ½ tonne of CO₂ after 20,000 miles. More simply, he added that the old signage was estimated to add around 6% to a taxi's fuel bill; the new signage was thought to add only around 3%.

In response to a query made by Councillor Quentin Webb on the trade's view on the phasing of the introduction of the new signs; Mr Lutter suggested that it made sense to place the requirement to upgrade the signs upon renewal of the licence.

In response to a query made by Councillor Webb on the cost of the signs Mr Lutter responded that the design was standard and available from a number of suppliers. The livery was simply transfers that were historically done by local printers; this would not change given the new signs. By buying in bulk his association estimated that the price would be reduced to around £55 a unit. In essence, therefore, the costs would have been recouped within 4 months.

A query was raised made by Councillor Webb as to how it would be ensured that the outgoing signs did not end up being used by non-licensed individuals. It was noted that the signs were the property of the licensee and it was their responsibility to ensure all identification was removed before they were either sold on, or disposed of. It was also noted that the old signs needed to be disposed of in an environmentally friendly manner.

A query was raised by Councillor Laszlo Zverko as to whether this was the optimum aerodynamic design. Mr Lutter confirmed that it was, for this kind of sign. Some licensing areas did not require taxis to display a sign on the roof, for example, a sticker on the back of the car, or the licence plate itself were considered sufficient. However, it was noted that in these cases it was not always obvious that the vehicle was a taxi.

In response to a query made by Councillor Webb on the placing of signs at the rear of cars, it was noted that it was good practice to place the sign no further back than the door pillar. This was optimal in terms of wind resistance, but also in making sure the vehicle was identifiable as a taxi from the front.

Mr Lutter signalled he was content for the Committee to discuss the positioning of the signs, although noted that front positioning was not always possible on some vehicles, for example, those with glass roofs.

Mr Lutter further commented that his organisation wished to seek representation of the Committee at the trade liaison meetings between licensees and Licensing Officers. He commented that he would welcome an additional channel of communication between the trade members and the Committee.

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

Councillor Webb proposed the recommendation to accept the new sign design as proposed. He suggested that a condition be placed on the positioning of the sign forward of the door pillar (where possible). He noted that the proposal to complete implementation over a 12 month period, upon renewal of a license seemed appropriate.

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Councillor Beck noted that the Council needed to safeguard that the old signage would not be available for usage. Sarah Clarke responded that it would be difficult to attach a condition on disposal due to its enforceability. She noted that should someone unlicensed operate as a hackney carriage they would be committing a criminal offence and therefore would be subject to criminal sanctions. It was noted that the sign was the property of the licensee and the livery was simply a sticker which could be peeled off, leaving a blank sign, which, should the licensee wish, could be sold on.

Sarah Clarke noted that an advisory notice could be placed on the renewal license suggesting how the old sign should be disposed of, i.e. removing any identifying features. She further suggested a rephrasing of the recommendation to:

'subject to the outcome of the consultation which concludes on the 28 December 2012, to approve that the new condition will apply to any new licence after 1 January 2013 and any existing licence on application for renewal and therefore all taxis would be compliant by the 31 December 2013.'

(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 Drummond and the Committee voted in favour of this proposal).

In response to a query made by Councillor Webb whether there were any issues with the new signs being used immediately, Mr Lutter responded that his organisation had a number already purchased which could be sold to licensees immediately.

He noted that a recommendation would be welcomed as to which size of sign was required, as the magnets were placed differently depending on the length of the sign. He noted that the trade's preference was for the larger signs as they were more visible.

Amanda Ward noted that an advantage of the larger signs would be that it provided space for both the license number and a wheelchair sticker (if appropriate). If a wheelchair sticker was not applicable; the license number could be replicated on both sides.

Trade representatives advised they would prefer a set size for signs, rather than leaving it to licensee discretion, therefore would ask for paragraph 2.1 to be amended, removing Officer discretion.

(The Chairman reinstated standing orders, seconded by Councillor Lock)

Sarah Clarke advised the committee following discussions with Licensing Officers, the condition to fit the sign could not take place until after the consultation had closed. It would be sensible to push the start date back to allow Officers time to finalise the administration on the licenses without necessarily prejudging the outcome of the consultation.

Sarah Clarke proposed that the start date for compliance could be set for the 14 January 2013. The condition could be applied any time from that date, but had to be met by time of renewal. Sarah Clarke then clarified that the conditions would be applied from the 14 January 2013. Officers would draft a new condition that would apply to any new licences from that date and would allow existing licensees to change their signs from that date and no later than on renewal of licences. It was clarified that Members were opting for the larger sign, to be positioned forward of the door pillar (unless this were not possible due to a glass roof panel). This condition would be subject to the outcome of the consultation.

Councillor Linden proposed the recommendation which was seconded by Councillor Laszlo. The committee voted unanimously in favour of the proposal.

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RESOLVED that the motion to approve a condition for a new taxi roof sign from 14 January 2013 be carried.

4. **Police Reform and Social Responsibility Act 2011**

Julia O'Brien introduced the report updating Members on the Police Reform and Social Responsibility Act 2011. She noted that no action or decisions were required from the Committee at present, although a further report would be forthcoming in 2013 with some recommendations.

Julia O'Brien noted that the Act would give Members new powers to adopt Early Morning Restriction Orders (EMROs) and Late Night Levys. These new powers would allow the authority to work more closely with Thames Valley Police (TVP) in reducing crime and the fear of crime. It was noted that the Late Night Levy, if applied, would be applicable across the whole district. Of this revenue stream, 70% of the net amount would be allocated to TVP, with 30% retained by the Council.

It was noted by Councillor Jeff Beck that there were no conditions placed on how the police could utilise this money.

Councillor Beck, advised the Committee that this was a further update on the Act and that the Committee was being asked to note its content and offer any comment. He added that it was unfortunate that TVP had yet to indicate whether it supported this move, although he suggested that if they were not in support there was nothing stopping the Council acting anyway.

He further offered the view that the Act was flawed, in that there was no commitment to utilising the money locally, either on alleviating night-time anti-social behaviour, or in West Berkshire specifically. He added that he felt the use of EMROs was a useful tool for the authority in dealing with problem proprietors.

Councillor Beck explained that the Council was able to extract administration charges, so that the scheme would be cost-neutral in terms of administration. The remaining 30% could, therefore, usefully be spent on things such as street cleaning or taxi marshals.

It was observed by Councillor Beck that paragraph 5.9 of the report highlighted that the Business Improvement Districts (BIDs) could be excluded from a district-wide levy. However, it was concluded that in an area such as West Berkshire, such an exemption would make the scheme effectively redundant.

Sarah Clarke noted that the authority was still waiting on regulations to be released by Central Government. Once this had been published, a decision from the Committee would be sought, in principle, which would provide Officers with instruction to work up a potential local scheme in more detail.

In noting that TVP had yet to offer a view on the proposals, it was suggested that a formal letter could be written to the new Police Crime Commissioner from the Chair of the Licensing Committee alerting him to the proposals; enquiring whether he had formed any views which he wished to discuss with the Committee.

ACTION: Sarah Clarke / Julia O'Brien to draft a letter to be sent to the TVP Police Crime Commissioner on behalf of the Chair of the Licensing Committee.

RESOLVED that the report be noted.

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

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CHAIRMAN

Date of Signature