

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 20 MARCH 2013

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, David Holtby, 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), Julia O'Brien (Principal Licensing Officer) and Jenny Legge (Principal Policy Officer)

Apologies for inability to attend the meeting: Councillor Billy Drummond

PART I

12. Minutes

The Minutes of the meeting held on 5 December 2012 were approved as a true and correct record and signed by the Chairman, subject to the inclusion of the following amendments:

Part 1, Item 10, page 2, paragraph 3: it was noted by the Chairman that 'fuel converted to tonnes of fuel' should read 'fuel converted to tonnes of Co₂'.

13. Declarations of Interest

There were no declarations of interest received.

14. Taxi Tariff 2013/14

The Committee considered a report (Agenda Item 4) concerning a request for an increase in the taxi tariff of approximately 2% for 2013/14. Brian Leahy introduced the report and informed the Committee that the Council's fees would be frozen for the next financial year rather than being increased by 2%. He also noted that in his report: point 4.8, page 12, '£146.9' should read '146.9p'.

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

Mr Ashley Vass in addressing the Committee raised the following points:

- The trade was requesting a small rise in the Tariff; at a rate lower than inflation.
- Taxi insurance had risen by 12%; which was substantially higher than normal vehicles.
- The freeze on Council fees, although welcome, only accounted for 1% of the trade's overheads.
- They had been advised by Officers to ask for smaller rises, more often; rather than infrequent, larger rises.
- Fuel prices rose and fell, but continued on an upward curve.
- West Berkshire was the 5th most expensive place to live in the country.

LICENSING COMMITTEE - 20 MARCH 2013 - MINUTES

- The flag would remain unchanged, meaning the increase would be 15p on the average yardage.
- The Tariff was a 'maximum' and drivers would habitually discount longer journeys and fares for elderly passengers.
- He asked for all these factors to be taken into consideration by the Committee.

Councillor Jeff Beck inquired what percentage of the trade's overheads accounted for the cost of fuel; and as the predicted rise in fuel duty in September was now not going to occur, if this had been taken in their calculations. Mr Vass explained fuel was approximately 30-40% of the trade's overheads. He also confirmed that the predicted increase in duty had been included in the original calculation and though this was no longer a factor, fuel prices rose and fell across the year and across the district.

Councillor Tony Linden commented that current West Berkshire tariffs were on a reasonable par with other local authorities. Mr Vass concurred and noted that other towns were cheaper to live in.

Councillor Adrian Edwards asked for clarification as to whether the flag price of £2.80 was included in the average cost at 5 miles in Tariff 1 of £13.80 (page 11). Mr Vass confirmed that it was.

Councillor Quentin Webb remarked that although the positions of the local authorities in comparator table, on page 11 of the report, might change the differences between them would be relatively stable.

(The Chairman proposed reinstating standing order. The proposal was seconded by Councillor Lock.)

The Chairman asked Officers to clarify the origin of the comparator table. Brian Leahy explained that the figures for 340-360 local authorities were compiled on a monthly basis by a Taxi magazine in order to reach an average amount.

Councillor Geoff Mayes inquired as to where the Taxi fares listed on page 20 originated. Brian Leahy explained that this was produced by West Berkshire Council as a guide to customers as to the cost of a journey.

Councillor Webb proposed to reject the request for a rise in the Tariff as per Officer Recommendation, Councillor Manohar Gopal seconded this proposal.

Councillor Peter Argyle enquired if the proposal could return to Committee should there be a change in circumstances. Brian Leahy confirmed that it could.

Councillor Argyle remarked that the substantial rise in the cost of insurance should be taken into account. Brian Leahy commented that this data had not been provided by the trade in the formal request and had therefore not been considered by Officers.

Councillor David Holtby sought clarification as to when a taxi booked by phone, was able to begin charging. Brian Leahy explained that the cost of the journey / flag price was usually negotiated during the booking process.

Councillor Linden noted that inflation was +2% and was unlikely to decrease.

The Chairman asked Officers if the Committee was able to propose a different increase amount, for example, 1%. Brian Leahy confirmed that this was the case.

Councillor Paul Bryant queried the necessity of having a set tariff rate. Councillor Beck stated that the trade welcomed a 'maximum' as it prevented rogue operators.

The Chairman asked the Committee to vote on the proposal to reject the request for an increase in the taxi tariff, as per Officer Recommendation.

LICENSING COMMITTEE - 20 MARCH 2013 - MINUTES

The Committee voted four in favour and six against the proposal. The proposal was therefore refused.

Councillor Bryant proposed to go against Officer Recommendation and allow a rise in the taxi tariff. Councillor Argyle seconded this proposal.

At the vote, seven voted in favour and the vote was carried.

RESOLVED that the request for an increase in the taxi tariff be granted.

15. Taxi Roof Signs

The Committee considered a report (Agenda Item 5) that supplemented a report discussed by Members on 5 December 2012 regarding new Taxi roof signs. Brian Leahy introduced the report and drew the Committee's attention to the point that it would not be possible to dictate the position of the new signs on the vehicles roofs due to differences in vehicle design. He concluded that he was asking Members to confirm the decision they had made previously.

Councillor Jeff Beck informed the Members that this report had previously been approved during the open consultation period and there had been one challenge, which had since been verbally withdrawn. A report had therefore been commissioned, at the cost of the Council, to investigate how the signs would impact on fuel consumption.

Councillor Mollie Lock proposed the Committee accept the request from the trade to replace the current taxi roof signs with a new design. Councillor Tony Linden seconded.

Councillor David Holtby asked for assurance that the magnets used to attach the signs to the roofs would be robust enough. The Chairman confirmed that this point had been discussed on 5 December 2012 and the Committee had been satisfied that this was the case.

Councillor Adrian Edwards noted that the previous report had used imperial units of measurement, whereas the new report used metric units. He requested that any future reports should use imperial measurements and asked for a legal viewpoint. Sarah Clarke advised that this was probably an oversight made during the instruction process, but that it could be noted for any future action. She concluded that the purpose of the report had been to give an evidential basis on fuel consumption and that this had been achieved.

ACTION: Officers to ensure that any future commissioned reports, return findings in imperial units.

The Chairman invited the Committee to vote on the proposal to accept the request from the trade to replace the current taxi roof signs with a new design.

At the vote the proposal was unanimously approved.

RESOLVED that the Committee approve the request from the taxi trade to replace the current taxi roof signs with a new design.

16. Police Reform & Social Responsibility Act 2011 - Late Night Levy & Early Morning Restriction Order.

The Committee considered a report (Agenda Item 6) asking Members to decide whether to consult on adopting the Early Morning Restriction Order (EMRO) and Late Night Levy (LNL) or to await further Government guidance and maintain a watching brief on other local authorities. Julia O'Brien introduced the report.

The Chairman stated that any final decision had to be made by Full Council. He clarified for the Committee that both an EMRO and an LNL could be introduced. An EMRO would take temporary affect at the request of Thames Valley Police (TVP). Any income

LICENSING COMMITTEE - 20 MARCH 2013 - MINUTES

generated by an LNL would be split with 70% going to TVP and the Police and Crime Commissioner (PCC); 30% going to West Berkshire Council. Brian Leahy had been in discussion with TVP and the PCC had delegated funds to the Local Superintendent, who in turn had delegated funds to the Crime Reduction Partnership, which was under the Council's control. Other measures were being undertaken to ensure anti-social crime was kept under control by the Business Improvement District (BID) and West Berkshire Council (WBC). He concluded that this decision could be returned to a future Committee for reconsideration.

Councillor Quentin Webb noted that the LNL gave decreasing returns and was probably meant for larger urban areas, which were not present in this district. He felt he would rather delay the decision and was aware that TVP might not have sufficient resources to enforce the measures if the Committee was minded to approve.

Councillor Paul Bryant reiterated Councillor Webb's points and continued that unless a problem arose, he could see no value in the consultation.

Councillor Jeff Beck brought to the Member's attention that funds raised from the LNL could be used towards funding Taxi Marshals or wet cleaning, for example.

Councillor David Holtby asked if the LNL could be imposed on one premise. Julia O'Brien explained that it would affect the whole district and was therefore not as flexible as an EMRO.

Councillor Adrian Edwards asked Officers which Levy band a nightclub would be in. Julia O'Brien answered that it would probably be band D or E. Councillor Edwards concluded that it seemed unreasonable that premises which caused the most problems, might not be charged the most levy and therefore the EMRO might be the preferable option.

Councillor Mollie Lock concurred with Councillor Webb that the Committee should wait until there was more Government guidance.

Councillor Geoff Mayes asked Officers where most problems occurred. Brian Leahy explained that incidents happened between 5-6am at 'all-night' pubs. However, crime and alcohol related crimes were declining across the Thames Valley, which was already one of the lowest in the country.

Councillor Ieuan Tuck queried if supermarkets would be covered by an EMRO. Julia O'Brien answered that they would be included and further suggested that an EMRO could be a useful tool. Currently, if TVP called a review of premises causing problems, the premises could apply to the Magistrates Court and continue trading.

Councillor Geoff Mayes asked when Government guidance was expected. Brian Leahy confirmed that the act was being introduced in June 2013 and therefore guidance would be expected approximately four months later.

Councillor Lock suggested that the decision be brought back to the December 2013 meeting.

Brian Leahy observed that other controlling mechanisms such as the 'Purple Flag' and 'Best Bar None' were ongoing and it would be useful to wait and see if these addressed the current situation.

Councillor Lock proposed that the decision to consult on the EMRO and LNL be postponed until the Committee meeting on 16 December 2013. Councillor Bryant seconded.

At the vote the proposal was unanimously approved.

RESOLVED that the decision be brought back to the Committee at the meeting scheduled for 16 December 2013.

LICENSING COMMITTEE - 20 MARCH 2013 - MINUTES

17. Police Reform & Social Responsibility Act 2011 - Change to Responsible Authority List.

To inform Members that the Licensing Authority had been included in the list of Responsible Authorities; as part of The Police Reform and Social Responsibility Act 2011.

(The meeting commenced at 6.30 pm and closed at 7.50 pm)

CHAIRMAN

Date of Signature