

DRAFT

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 8 NOVEMBER 2021

Councillors Present: Adrian Abbs, Jeff Beck, Graham Bridgman, Billy Drummond, Rick Jones (Chairman), Tony Linden, David Marsh, Graham Pask, Claire Rowles and Martha Vickers.

Also Present: Moira Fraser (Principle Policy and Governance Officer), Sean Murphy (Public Protection Manager) and David Lucas (James Button & Co).

Apologies for Inability to attend the meeting: Councillor Phil Barnett.

PART I

11. Minutes

The minutes of the meeting held on 06 September 2021 were approved as a true and correct record and signed by the Chairman. Councillor Bridgman noted that the Committee had not yet agreed the minutes from the meeting held in June 2021 and it was agreed they would be brought to the next meeting in January 2022 for approval.

12. Declarations of Interest

Councillor Graham Bridgman declared an interest in Agenda Item 7 (Licensing Act 2003 and Gambling Act 2005 Delegations) and Agenda Item 9 (Licensing Fees and Charges 2022/23 Report) as a Director of two companies, each of which has premise licenses. He reported that, as his interest was personal and not a disclosable pecuniary interest, he determined to remain to take part in the debate. As he was not present in the Council Chamber he would not be taking part in the vote.

13. Forward Plan

The Committee considered the Forward Plan for January 2022 to January 2023. The Chairman referred to the last agenda item indicated on the Forward Plan for the meeting taking place on 31 January 2022 and asked the Committee to note that this item had been submitted by Newbury Town Council. Officers were currently undertaking research on the matter to determine whether this item would ultimately come forward for consideration by this Committee.

Councillor Adrian Abbs asked whether the Executive Member for Housing, Strategic Partnerships and Transformation would be present when the Committee considered those items where the Executive Member was marked as being the 'Lead Member' on the Forward Plan. The Chairman undertook to ensure that the Executive Member would be invited to meetings of this Committee when appropriate to do so.

14. Statement of Gambling Principles (C4045)

David Lucas of James Button & Company had been asked to provide the Council with assistance with the revision of the Gambling Statement of Principles. The Committee had considered the draft statement at the Licensing Committee held on 21st June 2021.

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There were a number of changes which in the main were due to formatting and Mr Lucas confirmed that those amendments, summarised in the report, had all been incorporated into the statement and that no substantive change had been made to the policy. The reformatted policy statement had been sent out for consultation and had attracted one comment from Public Health and Wellbeing for West Berkshire in relation to a suggestion that public health considerations play a greater part in the Committee's consideration in Licensing applications under the Gambling Act. Whilst a laudable comment, it was not something the Committee could consider in relation to gambling matters because the Gambling Act was prescriptive as to the matters that could be taken into consideration and public health was not one of them. It was proposed that some of the issues raised by Public Health could be dealt with by changing some operational practices. Mr Lucas said this was possible provided they did not impact on the specific duties the Committee had under the Act pertaining to the way in which Members must carry out those duties.

Councillor Bridgman said that the document read well and was a good statement of the Council's gambling position and noted that Delegations had been removed from the draft which would now be dealt with separately.

Councillor Marsh said that the third objective of the gambling act was to protect children and other vulnerable people from being harmed or exploited by gambling and in the submission by Public Health West Berkshire they had referred to the impact gambling had on the poorest sectors of society and on mental health. Councillor Marsh said, for example, if the head of a household became addicted to fixed odds betting machines and the family suffered as a consequence, surely that would be part of the third principle and wondered whether the Committee had some leeway to take those circumstances into account, as had been demonstrated by the Committee in response to objections to applications on the grounds of the impact granting a particular license may have on children. Mr Lucas said notwithstanding that fixed odds betting machines no longer existed, the way in which the current legislation was framed made it difficult to allow for such leeway. When a Local Authority dealt with gambling applications, their only remit was to look at the premises and the way in which those premises may have an impact on public health but wider issues, such as the impact on family and friends, were regulated by the Gambling Commission. As a point of interest, Mr Lucas added that the latest information from the Gambling Commission was that 'the overall problem gambling rate had decreased significantly and the moderate risk rate had also decreased significantly'. Councillor Bridgman said that most of the applications dealt with by the Committee were made under the Licensing Act rather than a single application under the Gambling Act for which the rules were somewhat different. Mr Lucas said the Gambling Act was currently being reviewed which may lead to a change in the Committee's responsibilities and objectives and/or lead to Public Health being introduced as an objective but this would not be known until a White Paper was introduced, probably in 2023.

Councillor Vickers said whilst the third objective of the Gambling Act could not be dealt with under Licensing, could those issues be dealt with in a preventative way through Health and Wellbeing or through Children's Services by way of an education raising awareness programme? Councillor Jones responded that he thought this could indeed be the case.

Councillor Pask thanked Mr Lucas for the hard work undertaken in the revision of the Gambling Statement of Principles and proposed that the recommendations contained within the report were agreed by the Committee which was seconded by Councillor Abbs with the amendment to (c) to disallow the Officer to make minor corrections to the

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Statement without recourse to the Licensing Committee prior to inclusion in the Council agenda.

RESOLVED that the **RECOMMENDATIONS** in the report that the Licensing Committee:

- (a) **NOTES** the outcome of the consultation;
- (b) **CONSIDERS** any amendments needed to be made to the draft Statement of Gambling Principles arising from the consultation;
- (c) **DELEGATES** Authority to the Service Director (Development and Regulation), in consultation with the Portfolio Holder, to make any minor corrections to the Statement prior to inclusion in the Council agenda.
- (d) **RECOMMENDS** to Full Council that the Statement be adopted, subject to any amendments agreed at the meeting.

And that Full Council:

CONSIDERS the Statement and the consultation responses received, was **CARRIED**.

15. Hackney Carriage Tariffs (EX4140)

Moira Fraser, Principle Policy and Governance Officer, presented the Committee with a report which contained feedback on the statutory consultation which related to the Hackney Carriage table of fares. The consultation had taken place over 28 days rather than the prescribed 14 days and one objection had been received, as set out in appendix A of the report. The Licensing Committee was asked to make a recommendation to the Executive to approve an increase in the current fare scale of approximately 5%. Moira Fraser advised Members that Officers wished to make one further change to the proposal to amend the implementation date of 2nd December 2021 to 19th November 2021 following discussion with the Taxi Liaison Group and the views of the trade about wanting to expedite the process so that the new tariffs could be in place by 1st December 2021.

Councillor Abbs said he supported the Officer's request to bring forward the implementation date in support of measures to assist the taxi trade.

Councillor Bridgman said were it not for his virtual presence at the meeting, he would be proposing 2.1, 2.2, 2.4, 2.5 and 2.7 of the Recommendations due to the thorough perusal of the proposals and the full consultation that had taken place. In addition, only one objection to the proposal had been received which indicated approval by the trade to an increase in the current fare scale.

Councillor Linden said he too was in agreement with Officers' Recommendations.

RESOLVED that the following **RECOMMENDATIONS** in the report that the Licensing Committee:

- 2.1 **CONSIDER** the objection received during the Statutory Consultation as set out in Appendix A; and

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2.2 **RECOMMEND** to the Executive, with reasons, that the table of fares at Appendix D comes into effect as set out;

And that the **EXECUTIVE** is asked to:

2.4 **CONSIDER** the objection received during the statutory consultation; and

2.5 **DETERMINE** any modifications to be made to the table of fares at Appendix D in light of the objection;

2.7 **CONFIRM** a date of 19th November 2021 for the table of fares, with or without modification, to come into effect was **CARRIED**

The following **RECOMMENDATIONS** were **NOT CARRIED**:

2.3 **PROPOSE** a modification to the table at Appendix D for the Executive to consider, which they believe is more appropriate, with reasons

2.6 **DETERMINE** no modifications are to be made to the table of fares at Appendix D having taken into account the objection.

16. **Licensing Act 2003 and Gambling Act 2005 Delegations (LC4141)**

Sean Murphy, Public Protection Manager, advised Members that the majority of the delegations came through Full Council. The Licensing Act was different in that it set up the concept of the Licensing Authority which was the Council exercising its Licensing powers through the Committee. Therefore it was for the Committee to determine what delegations they gave themselves to the sub-Committee or to Officers. The Gambling Act 2005 builds on the same principles as set out in the Licensing Act and adopted the relevant provisions to delegate to the Licensing Committee the functions of the Authority under the Gambling Act.

There were some matters which were reserved to Full Council which were identified in the Scheme of Delegation 1, for example the adoption of the policy, which were included in the Scheme of Delegations for completeness. Therefore, Members were only being asked to consider the Delegations to the sub-Committee and to Officers.

Councillor Bridgman said in the original statement of gambling principles there was a list of delegations which provided evidence of a contradiction between the Scheme of Delegations as they should be in both the Licensing Act policy and the Gambling Act policy. The updated delegations had removed this contradiction so that the delegations were effectively taken out of the control of Council for the most part but, in order to be consistent, they were not going to be in either of the statements of principle but would sit within the constitution so that it would be apparent who had delegated what to where which in this case, in the most part, were to Committee or Officers by the Committee or sub-Committee.

Councillor Abbs proposed that the Recommendations were accepted which was seconded by Councillor Pask.

RESOLVED that the **RECOMMENDATIONS** in the report that the Licensing Committee:

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2.1 **APPROVE** the delegations to the Licensing Sub-Committee and Officers set out at Appendix A and Appendix B to this report.

2.2 **DELEGATE** authority to the Monitoring Officer to make any changes to the Constitution arising from this report was **CARRIED**.

17. **Licensing Annual Report (LC4044)**

Sean Murphy, Public Protection Manager, introduced the Licensing Annual Report 2020/21 to Members which gave a summary of the activity of the Committee and the Licensing service. It was intended that future reports would be brought to Committee in the first meeting following the end of the previous financial year.

The report noted that two Hearings had taken place in 2020 and summarised the Licenses that had been granted. The pandemic had significantly impacted on the Licensing trade as well as on the service and the report highlighted the experiences and responses of both. Appendix A of the report set out the number of active Licenses in the area which showed, for example, the fall in Hackney Carriage vehicles, Private Hire vehicles and Animal Boarding establishments to the end of March 2021.

Councillor Linden advised that his next-door neighbour kept dogs for a short period of time on a commercial basis which should be noted under Declarations of Interest.

Councillor Marsh reiterated his message from previous years that he was disappointed there had been no contribution from the Committee towards reducing carbon output, bearing in mind the Council's Environment Strategy, whilst there was an opportunity to do so with the hundreds of licensed vehicles. Councillor Marsh said one meeting related to this initiative had taken place with the trade who had shown some interest whilst pointing out the difficulties associated with moving to fully electric vehicles due to the lack of electric charging points at taxi ranks. Councillor Marsh was hopeful that as the country moved out of the pandemic, there would be an opportunity for the Committee to re-visit this issue and to look towards a scheme which would benefit the trade and individual drivers and businesses to be able to switch to electric vehicles, and for the Council to show leadership in this regard.

Councillor Abbs agreed with the point made by Councillor Marsh about the impact of Covid-19 and finding a way of helping the taxi trade and was in support of the need for charging points, particularly in town centres, which was an essential component in giving all drivers the ability to switch to cleaner energy. Encouragement to do so did not relate directly with this Committee but fell within the remit of other bodies, such as Environment, but was a general statement made by Councillor Abbs to be noted by the appropriate departments within the Council for action to be taken on the infrastructure to promote a greener route for vehicle use.

Moira Fraser said that at the last taxi trade meeting, colleagues from the Environment Delivery team were in attendance. A further meeting with the trade had been arranged to take place on 17th November to address any myths around the use of electric vehicles for taxi purposes which would include representation from a London taxi driver who drove an electric vehicle who could offer peer-to-peer support and the opportunity for members of the trade to test-drive an electric vehicle. There was space for 20 drivers to attend the event and to-date 10 drivers had reserved a space. As part of addressing issues related to cleaner energy, the new Air Quality Officer had also attended a meeting to speak to drivers about air quality and the anti-idling campaign.

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Councillor Jones said he fully endorsed the principles promoted to encourage cleaner energy and that the last taxi trade meeting had been open for any Member to attend and he therefore encouraged the Committee to keep up-to-date with the issues being addressed. Councillor Jones added that the reports from the meetings explained why the trade were reluctant to switch to electric vehicles, which was not as a result of lack of pressure from the Council but were due to issues which were out of the control of the Council.

Councillor Jones referred to the single case management system which had enabled the Committee to propose (later in the agenda) quite favourable fees and charges and asked for an update on the progress of the implementation of that system. Sean Murphy said there had been challenges with the system, in particular the lack of staff available to engage with the process due to the pandemic. However, the system was still on target to be delivered in February 2022 and fully operational by 1st April 2022 so that no legacy systems would be in place by the start of the new financial year. Trade members would be invited to assist with the testing of the system to make sure that it worked for them.

RESOLVED that the Committee **NOTED** the content of the report including the work of the Licensing Committee and Service related activity for 2020/21.

18. Fees and Charges

Sean Murphy introduced the report for Licensing Fees and Charges 2022/23 proposed by the JPPC for the Committee to consider ahead of consideration by Executive and Full Council. The Committee were asked to agree that the proposed charges for operators and vehicle licence fees were put forward for statutory consultation and advised that any representation that arose from the consultation would be brought back to Committee.

The service currently ran on three legacy systems but would move to a single system which would vastly improve service delivery and service efficiency. This would allow the Licensed sector to make applications fully online, to make payments online and for reminders to be sent to them online, for example in relation to MOT certificates and insurance documentation. As a result of the new system, discretionary fees and charges had substantially been re-worked which would be put before Full Council at the end of February/beginning of March 2022 as part of the budget setting process. It was believed there were some efficiencies which would result in savings which would be passed back to the trade due to the nature of the preparation of discretionary fees.

The report contained a schedule which proposed a set of fees, a number of which had been reduced, particularly around taxi and private hire vehicle fees and small adjustments to operator and other License fees.

Discussion had taken place with the trade, particularly the taxi trade, around some of the additional costs associated with the driver's Licenses and the courses that were required as part of the Council's conditions in relation to disability awareness and safeguarding. The efficiencies produced in relation to the driver's fees meant the Council were now able to absorb the cost of those courses and it was intended for the courses to be provided in-house as opposed to by an external provider which was currently the case.

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Some other minor fees had been re-worked and been based on time, for example a replacement plate for a vehicle would have a time period associated with it as well as the cost of the plate.

Councillor Pask noted that animal day care and home boarding had a reasonably significant granting fee which was currently £354.00 with a proposed fee of a minimum of 4 hours at £236.00 and asked how long it would normally take, was this an actual fee reduction and did it impact on the Council's budget? Sean Murphy said items like that would take a minimum of 4 hours should everything be straightforward but in the spirit of fairness, rather than asking everybody to pay a uniform fee, some individuals may pay more if particular issues arise which meant the process took longer. On the overall issue of budget, there had been changes to the Public Protection service as a result of Wokingham Borough bringing some elements back in-house and a number of vacancies had been held open with a view to the fact that some fees would have to be reworked once the new system was in place. The service would therefore look to balance the budget overall without further demands on the authorities by reworking the structure of the service.

Sean Murphy added that this was the final year of the unification of the fees with Bracknell Forest with one of the last remaining areas being street-trading consents where both Councils had different fee structures in different periods whereas it was now proposed to have a combined set of fees which represented a full cost recovery for West Berkshire but which actually gave a wider range of options in terms of the period that people could apply for those consents.

Councillor Pask proposed that the Recommendations were accepted which was seconded by Councillor Linden.

RESOLVED that the **RECOMMENDATIONS** in the report that the Licensing Committee:

2.1 **AGREES** that save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the fees set out at Appendix A go forward for consideration as part of the Council fee setting process.

2.2 **AGREES** that the proposed charges for operators and vehicle licence fees are put forward for statutory consultation.

2.3 **AGREES** that the charges for private hire operators and vehicle licence fees are subjected to a twenty eight day statutory consultation period from 18 November 2021 to 16 December 2021.

2.4 **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees is placed in the Newbury Weekly News and Reading Chronicle.

2.5 **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District and that a copy of the consultation is posted on the Public Protection Partnership website and in the reception area at the Market Street Offices.

2.6 **AGREES** if no objections are received, the charges for operators and vehicle licence fees are included in February 2022 Executive and March Council papers for approval; or

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if objections are received they be considered by the Licensing Committee at the meeting on 31 January 2022 and any changes be recommended to full Council for approval was **CARRIED**.

19. Taxi Trade Meeting Report

Moira Fraser did not have any feedback to give to Members on the taxi trade meeting report further to that already given earlier in the meeting.

Councillor Abbs referred to items 4.8 and 4.9 of the report which summarised the key highlights from the survey of Private Hire and Taxi Driver Members which sought to understand driver work routines and interest in ultra-low emission vehicles undertaken in April 2021. Around 60% of respondents were intending to change vehicles within the next 3 years and Councillor Abbs felt this provided an opportunity to understand what the barriers were for drivers to switch to electric vehicles other than the lack of available electric charging points. Councillor Abbs urged the Committee to begin looking at a new category of License that would encourage more than the 20% of drivers that would choose an electric vehicle in the next three years to include those that had indicated they would switch to an electric vehicle in the next six years. For example, an incentive to those drivers could include removing the License fee for those few years, albeit a small contribution to the overall cost of purchasing or leasing an electric vehicle, and recognising that plug-in hybrid vehicles were a viable alternative considering the majority of journeys were of low mileage which plug-in hybrids would be able to undertake using electric power only. These initiatives could help to accelerate all parties towards meeting the climate emergency target. Councillor Jones proposed this item should be added as a standard agenda item to future taxi trade meetings, the next one of which was scheduled to take place in the third week of January 2022.

RESOLVED that the Committee **NOTED** the content of the taxi trade meeting report.

(The meeting commenced at 4.30 pm and closed at 5.35 pm)

CHAIRMAN

Date of Signature