

# DRAFT

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

## SPECIAL LICENSING COMMITTEE

### MINUTES OF THE MEETING HELD ON TUESDAY, 25 MAY 2010

**Councillors Present:** Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, Tony Linden, Gwen Mason (Vice-Chairman), Andrew Rowles and Ieuan Tuck

**Councillors Absent:** Billy Drummond

**Apologies:** Councillor Peter Argyle, Councillor Geoff Findlay, Councillor Roger Hunneman, Councillor Mollie Lock and Councillor Quentin Webb

**Also Present:** Paul Anstey (Environmental Health & Licensing Manager), Alison Church (Solicitor), Brian Leahy (Senior Licensing Officer), and Jessica Broom (Principal Policy Officer)

#### PART I

#### 4. Apologies

Apologies for inability to attend the meeting were received on behalf of Councillors Webb, Lock, Findlay, Argyle and Hunneman.

#### 5. Declarations of Interest

There were no declarations of interest received. During the discussion of Item 3 Councillor Tony Linden realised that he had an interest in the item. As his interest was not personal and not prejudiced he determined to stay in the meeting and vote on the item.

#### 6. Hackney Carriage & Private Hire Licensing

*Councillor Tony Linden declared an interest in Item 3 by virtue of the fact that he knew a relation of a member of the Taxi Trade. He had sought advice from the Deputy Monitoring Officer who had advised him that this was neither a personal nor a prejudicial interest. He therefore took part in the debate and voted on the item*

Councillor Jeff Beck outlined the purpose and running order of the special meeting:

- There were two separate elements, which were explained in the report. The first was around licenses and the second around fees. The committee would consider the issue of fees first, following receipt of a request from the Trade representatives.
- The two representatives from the Trade who had put forward objections, would each be allowed 5 minutes to speak before being questioned by Members. The second speaker was only to bring new evidence to the table.

Brian Leahy introduced the report on Hackney Carriage & Private Hire Licensing. Mr Leahy firstly made the following points:

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- The licensing budget was self funding and should not be taken from the public purse. If Members required further detail on the budget, Paul Anstey would be able to provide this.
- A further objection from the Trade had been made, but as this was outside of the legal time frame, it would therefore not be considered at the meeting.

The report was in two parts – the first was dealt with in paragraphs 1 to 7.2 and the second in paragraphs 8.1 to 11.2. The second part related to fees which was an issue that the committee could decide on. The fees would either be deemed to be reasonable by the committee, or otherwise. Should Members decide that the fees were not reasonable, the committee would refer this back to officers, who would then put a new proposal back to full Council. Brian Leahy made the point that the Council was not trying to recover retrospective losses with the proposed new fees.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

A representative of the trade, Mr Graham Cox, who was speaking on behalf of Mr Jenn (Chairperson of the West Berkshire Executive Hire Association) who had submitted a written objection to the fees, addressed the committee. His concerns were that the increase in the fees was unreasonable and very sudden and constituted a 200% increase. The standard of service they received was not adequate to justify this. He had not seen evidence of the operator checks that were supposed to have taken place and complaints had not been dealt with appropriately or on time.

Councillor Paul Bryant wanted to know more about the supposed failings of the Licensing Service, however, Councillor Jeff Beck stated that this was outside of the remit of the meeting.

In response to a question from Councillor Ieuan Tuck, Brian Leahy stated that the Council had only ever had one fee for up to 100 vehicles. Brian Leahy continued saying that the Council had been undercharging on fees for a number of years and would also refute the allegations of failing to undertake operator checks.

In response to questioning from Councillor Paul Bryant, Brian Leahy confirmed that the fees presented on page 8 of the report were for this current year with the exception of two which were from last year. The proposed fees for West Berkshire had been arrived at in consultation with the Portfolio Holder and Accountants, and would mean that the Service would still be around £4,000 pounds in deficit. West Berkshire had been charging well under the average for fees, taking money from other incomes to make up the deficit.

*The Chairman reinstated standing orders.*

Councillor Jeff Beck summarised the facts and issues that the committee should consider in its debate:

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- The previous income for this service was £3,400 and with the new fees would be £15,000. The costs of the service would be £19,000 so there would still be a shortfall.
- In the past, the shortfall had been subsidised by other Council Services.
- That this was not an attempt to recoup previous shortfalls, but to address the current under-funding of the Service.
- This was a two-stage strategy, with a view to being fully self-funding in 2011/12.
- In the future, the process would include consultation with the Trade, with an end-date to coincide with the Council's budget process.
- If Members decided to accept the fee, the process was clear cut, but if they decided to reject them, then there would be a delay and additional cost to the Council.

Brian Leahy added that a review of the fees could potentially mean a higher level, rather than a lower one.

Councillor Paul Bryant voiced concern that the Service needed to find economies, or increase fees further, and there was a need to look at how the service could be run at a lower cost.

In response to this, Paul Anstey stated that he was currently undertaking such an exercise across the Licensing Service. He would review the cost base for the Service and might be able to meet some of the deficit. There was a great deal of work being done with the Trade, and there would be scrutiny on the Council's part as well.

In response to a question from Councillor Gwen Mason, Paul Anstey confirmed that the cost base for Taxis was a known quantity, but there was still the possibility of fluctuations, as numbers in the trade would change. He aimed to be transparent in the review of the costs and to provide as lean a service as possible.

In response to a question from Councillor Tony Linden, Brian Leahy stated that if the new fees were deemed reasonable, they would be in situ for the next 11 months. If not, then the law required that a new proposal should go before full council within 2 months.

Councillor Paul Bryant's points, regarding a review into the costs of the Service and working with the trade had been noted by the Licensing Officers and would be taken on board.

Councillor Andrew Rowles stated that he considered that an increase to £3 per week was not significant.

In response to a question from Councillor Adrian Edwards, Brian Leahy stated that there was an incremental increase on the fees last year of 2%.

Councillor Tony Linden proposed that the Committee determine that the fees for 2010/11 were reasonable, this was seconded by Councillor Mason and the Committee

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voted in favour of this. Brian Leahy stated that the new fees would therefore be implemented 14 days from the date of the meeting.

The Committee moved on to consider the second issue regarding fees for Hackney Carriage and Private Hire Driver's Licences, to which an objection had been received. There was not legal decision to be made - this was an item for discussion.

Paul Anstey stated that this was an area of ongoing work and that dual licences were one of the suggestions put forward.

*In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.*

Richard Brown from Theale Taxis and Chauffeur Hire addressed the Committee. He stated that it did not sound as though the officers would be able to work with them, but that they had had from 4<sup>th</sup> August 2009 to look at this issue. Paragraph 3.1 of the report alluded to a misunderstanding, of which there was none. A Council document had stated that operators were allowed to drive on the same licence, so they had thought they were within their legal rights. However, a letter then stated that they were not allowed to do this, and that there had been a misunderstanding by some drivers.

There was now a fee for the license and a fee for the badge which cost £69.00. The dual licenses only came into effect when West Berkshire became one authority. It would cost him £607 to renew and this included the fee for the badge, for the license and an administration charge. This currently affected 51 drivers - to put them back on the road would cost £24,531.

Paul Anstey stated that there were different budgets for different issues and he would be reviewing each of these, and would take all of Richard Brown's comments and suggestions on board. If individual fees did look out of place, he would investigate these further. Brian Leahy added that the administration charge included all the different elements, such as responding to complaints and carrying out night visits.

Richard Brown added that one suggestion for reducing costs would be to increase the people to 4 in a room for the Knowledge Test. Currently there were only 2 people in a room which took up 2 hours of officer's time, so 4 in a room would save 2 hours of office time.

*The Chairman reinstated standing orders.*

In response to questions from Councillor Paul Bryant, Paul Anstey stated that the current budget was £19k but he could not go into specifics at this meeting as he apportioned different percentages of salaries and equipment, therefore it was very difficult to give costs for the Taxi Service, separate from all the other licenses they dealt with.

Councillor Paul Bryant suggested that the Committee could not progress further with this line of enquiry in the meeting as there were too many unknowns, but that he was sympathetic to the Taxi Service, although Members had a duty to the tax payer. This should be brought back to a future meeting.

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In response to a question from Councillor Adrian Edwards regarding agenda items 5.7 and 5.8, Paul Anstey explained that whilst he understood a paper system for initial licence processing seemed inappropriate it was more efficient, at present, to do this rather than use their current computer system. There were specific requirements from Customs and Excise, for example, which made it difficult to log all applications if they then turned out to be unsuccessful for example, a failed criminal records check.

In response to a question from Councillor Andrew Rowles, Brian Leahy stated that Criminal Records Bureau checking was every 3 years and was not currently in tandem with the renewal of licenses. This would be an issue officers would look at addressing, although there were around 3,000 licenses a year to be dealt with by 3 officers.

In response to a question from Councillor Gwen Mason, Brian Leahy stated that he had received no objections from CABCO but that they did wish to engage with them on these issues. Richard Brown stated that CABCO was 95% Hackney Carriages and would therefore not get involved.

Councillor Gwen Mason proposed that the Committee accept the suggestions that Councillor Paul Bryant and Paul Anstey had made, regarding continued dialogue with the trade on this issue. Councillor Paul Bryant suggested a time frame be set for a future meeting, to consider the work undertaken. He suggested that the next meeting should take place in October 2010.

Paul Anstey and Brian Leahy made the points that such a timescale would need the caveat that other parties would need to be involved, such as Accountants, and that Members might not be able to receive definitive answers by October. It was suggested that this might require an outside resource which would add to costs. Paul Anstey would be doing the same for his other areas of responsibility but there would be restrictions to the level of detail provided, such as benchmarking as there were approximately 30 other fees and charges involved and such an exercise would be extensive and demanding.

Paul Anstey stated that he was committed to a work programme for the coming year and that the review of fees and charges would form part of this work, but that he did not want to raise Member's expectations of what this would reasonably involve.

In response to further questioning from Councillor Paul Bryant, Paul Anstey stated that although he did carry out some of this work each year for the budget setting process, the budget benchmarks were not reset every year and it was normal practice to increase by a single inflation linked amount.

Councillor Jeff Beck stated that responsibility would lie with the Committee, in ensuring that accountancy provided the support that was needed, Councillor Paul Bryant suggested that the Chairman should monitor progress of the review and this was agreed.

Brian Leahy stated that he had spoken with Andy Day, head of Policy and Communication, who had advised that figures should be finalised well ahead of the budget process, in order that the mandatory 2 months for the consultation process be

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completed by early December, so that agreed fees could be put to Members of the Committee prior to the budget being set.

**Resolved that:**

- 1) The new licensing fees come into effect 2 weeks from the date of the meeting.
- 2) The review of costs be brought back to a future meeting of the Committee in October 2010.

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

**CHAIRMAN** .....

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