

# Notice of Meeting



## **Licensing Committee**

**Tuesday, 25 July 2006 at 6.30pm**

**in the Council Chamber, Council Offices,  
Market Street, Newbury**

Date of despatch of Agenda: 14 July 2006

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact David Baker, Policy Manager on (01635) 519083  
e-mail: [dbaker@westberks.gov.uk](mailto:dbaker@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

**Agenda – Licensing Committee to be held on 25 July 2006 (continued)**

**To:** Councillors Andrew Rowles (*Chairman*), Peter Argyle, Paul Bryant, Billy Drummond, John Farrin (*Vice-Chairman*), Geoff Findlay, Manohar Gopal, Sally Hannon, Roger Hunneman, Owen Jeffery, Tony Linden, Irene Neill, Alexander Payton, Quentin Webb

# Agenda

## Part I

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| 1. <b>Apologies</b><br>To receive apologies for inability to attend the meeting (if any).   |                 |
| 2. <b>Minutes</b><br>To approve as a correct record the Minutes of the meetings of the Licensing Committee held on 31 January 2006.   | 1 - 3           |
| 3. <b>Declarations of Interest</b><br>To receive any Declarations of Interest from Members.   |                 |
| 4. <b>Licensing Act 2003</b><br><i>Purpose: To update members on the Act, its progress and projections for 2006/7.</i>  | 4 - 5           |
| 5. <b>Disabled Awareness Training for Hackney Carriage Drivers</b><br><i>Purpose: To update members on progress in ensuring that taxi drivers are suitably informed to deal with disabled passengers and those who are elderly and/or infirm.</i> | 6 - 8           |
| 6. <b>Gambling Act 2005</b><br><i>Purpose: To update members on the Gambling Act and its implications for the Council.</i>  | 9 - 12          |

David Baker  
Policy Manager

Note: Minutes indicated as **DRAFT** will remain so until approved at the next meeting of the Committee

## **LICENSING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON 31 January 2006**

**Councillors:** Andrew Rowles (*Chairman*) (P), Peter Argyle (P), Billy Drummond (AP), John Farrin (*Vice-Chairman*) (P), Geoff Findlay (P), Manohar Gopal (P), Sally Hannon (P), Roger Hunneman (P), Owen Jeffery (P), Tony Linden (P), Mrs Irene Neill (P), Alexander Payton (P), Quentin Webb (P)

#### **PART I**

#### **17. APOLOGIES.**

Apologies for the inability to attend the meeting were received on behalf of Councillor Billy Drummond.

#### **18. MINUTES.**

The Minutes of the meetings held on 1 November 2005 was approved as true and correct records and signed by the Chairman.

#### **19. DECLARATIONS OF INTEREST.**

None.

#### **20. MATTERS ARISING FROM THE MINUTES.**

Councillor John Farrin asked officers if there were any firmer details available on the costs incurred implementing the new licensing arrangements. John Priest from memory was able to confirm that under the new licensing regime fee income had amounted to £60K so far compared to the budgeted £30k that was raised under the old licensing scheme. Officers were planning to review the fee structure for the next financial year and were also participating in the LGA consultation on fee structures.

#### **21. GUIDANCE NOTES ON THE RELEVANCE OF CRIMINAL RECORDS IN RESPECT OF APPLICANTS FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE.**

In November the Committee considered a report (Agenda Item 4) concerning a review of the criminal records guidance to Officers used in the determination of fitness of an applicant to drive a taxi. The main body of the text was approved at that meeting but Members requested that a revised paragraph relating to guidance on the relevance of convictions was put out for further consultation. Officers have consulted with the taxi trade and other interested parties. There were no written responses received by Officers. Officers have spoken to the Chair and Vice Chair of the Operators association and they have confirmed their acceptance of the revised guidance. Home to school transport were also consulted and were happy to endorse the revised guidance.

**RESOLVED** that the revised standards, as set out in the report be approved with the revised amendment applied.

Voting was unanimous.

Note: Councillor Alexander Payton stated that in principal he didn't agree with the policy relating to guidance on the relevance of convictions but accepted its lawfulness.

## 22 ANNUAL REVIEW OF THE TAXI TARIFF

Brian Leahy (Senior Licensing Officer) introduced the paper to confirm the Council's position on setting a maximum taxi fare tariff. Councils are not obliged to set a maximum fare for their area but West Berkshire has set a maximum fare in the past. Officers have consulted with the Trade and Police and again there was general support for setting a maximum tariff.

The Officer referred Members to the current maximum fare tariff that was listed in appendix 1 and to the proposed formal response on setting a new tariff rate in appendix 2. The proposed increase equates to a roughly 10% increase.

Note: Councillor Quentin Webb joined the meeting.

At the Chairman's request, standing orders were suspended to allow Judy Beales representative from the West Berkshire Hackney Carriage and Private Hire Operators Association to address the Committee.

Judy Beales made the following comments to members:

- The trade was reluctant to raise the maximum fare tariff but given the substantial increases in both fuel and insurance costs in the last year she felt the trade had no alternative
- The 10% increase requested was required to cover those higher costs
- The trade had not asked for a temporary increase during the current financial year when increased fuel costs were first experienced
- The trade remained in favour of the Council setting a maximum fare tariff.

Standing orders were re-instated.

Note: Councillor Manohar Gopal joined the meeting.

There followed some further discussion by Members.

**RESOLVED** that to approved the recommended tariff

Voting was unanimous

## 23. DISABILITY ACCESS AND TRAINING FOR TAXI DRIVERS.

At the last Licensing Committee meeting Officers were commissioned to investigate Disability Access training. Brian Leahy provided statistical details on the current taxi fleet:

- The current taxi fleet stands at 209
- 13 of which were fully wheelchair accessible and
- 49 were fitted with a swivel seat.
- Since 15<sup>th</sup> March 2005, 6 fully wheelchair accessible vehicles have been licensed.

To date a single training module to be supplied by a company called M2 had been assessed. This product carried a high cost of £16k/pa over 3 years to the local authority. It appeared to be a comprehensive training package that would take some considerable time for each taxi driver to complete. Some incentive for the Trade would be required. The Officer was of the opinion more assessment work was required and further liaison with the Trade would be needed and he looked for Member guidance on whether the time consuming exercise should be continued.

Members expressed concern at the costs and the time required by the Trade to take part in the planned M2 training module. Members were of the opinion that a simpler solution should be sought and Officers should continue assessment work. It was requested that disability training use by day care transport should be investigated.

At the Chairman's request, standing orders were suspended to allow Judy Beales representative from the West Berkshire Hackney Carriage and Private Hire Operators Association to answer questions from the Committee.

Judy Beales was asked if the Trade were aware of any training options:

- Readibuss used to provide a 2 day certificated course that had been used by Trade members in the past. However, this offering had since been dropped by Readibuss.

The Committee requested that the Trade should investigate if they were aware of any other training options that were worthy of consideration.

**RESOLVED that** to agree that officers continue to explore the full provision of disability awareness training for taxi drivers.

It was expected that the Government would introduce its new gambling act very shortly and the Council will be required to develop its policy on the act. It was planned to set up a Task Group to address this requirement. It was proposed that the Task Group should consist of Councillors Andrew Rowles, Geoff Findlay, Roger Hunneman and John Farrin. The Task Group was expected to start work shortly with the objective of reporting back to the Licensing Committee in July. Consultation on the policy document would then be scheduled to take place in August with the final policy document being taken to Council by November. It was also noted that the Task Group would also be required to review the current Licensing policy. Work would only start on this action once the national review had taken place and Government guidance had been issued.

Note: The Licensing Committee meeting scheduled for the 21 March 2006 would be cancelled and the next meeting of the Licensing Committee would be called in July 2006 date to be agreed.

*(The meeting commenced at 6.30 p.m. and closed at 7.25 p.m.)*

**CHAIRMAN** .....

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



**Title of Report:** Licensing Act 2003

**Item 4**

**Report to be considered by:** Licensing Committee

**Purpose of Report:**

To update members on the Act, its progress and projections for 2006/7

**Recommended Action:**

That report be noted

**List of other options considered:**

None

**Key background documentation:**  
*(bulleted list format)*

None

**Contact Officer Details**

**Name:** Brian Leahy

**Job Title:** Senior Licensing Officer

**Tel. No.:** 01635 519209

**E-mail Address:** bleahy@westberks.gov.uk

## Supporting Information

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### 1. Background

- 1.1 The licencing Act 2003 became active on 23<sup>rd</sup> November 2005. Applications were being accepted for both premises and personal licences from 7<sup>th</sup> February 2005 until the 23<sup>rd</sup> November, with a grandfathering period of between 7<sup>th</sup> February and 6<sup>th</sup> August..
- 1.2 It was anticipated that most applications would be submitted over the full 6 months grandfather period in a steady trickle, however this proved not to be the case with the majority of applications being received in the last week of the grandfather period and up to and beyond the second appointed day of 23<sup>rd</sup> November. All outstanding licences have been issued and the licensing team are currently dealing with all applications within the prescribed period.
- 1.3 Members were informed at the last committee meeting that a review of the Section 182 Statutory Guidance to the Act was being considered by DCMS. The first phase of the review is now complete and the revised Guidance issued under section 182 of the Licensing Act is available. Phase two will be released for consultation at the end of July 2006 and will be laid before Parliament in November 2006.
- 1.4 The revised document has proved to be a tidying up exercise and only significantly changes the original guidance in three ways. These are that councils should ask landlords for advice when drawing up their late night transport plans, that local residents and police do not need to provide a catalogue of evidence when they ask for a review of a licence and that personal licence holders do not need to be on the premises at all times to supervise sales of alcohol – they can authorise someone to be in charge.
- 1.5 The full revision will cover more complex/contentious issues from the initial review, e.g. vicinity, incidental music, notification of applications to councillors, longer hours and other undisclosed areas of the original 182 guidance. However, the Minister has made it clear that a revision of the Act and its Regulations are not programmed for the near future.
- 1.6 Using figures reported to ODPM in a formal request for information earlier this year, the following statistics are submitted for members information.

#### 7<sup>th</sup> February 2005 to date

visits to premises	416
premises licences issued	509
variations to premises licences	26
personal licences issued	652
TEN's approved	406
TEN's voided	19

#### Projections for 2006/7

Visits to premises	1000
Premises licence applications	25
Variations	30
Personal licence applications	50
TEN's	1500



**Title of Report:** Disabled Awareness Training for Hackey Carriage Drivers

**Item 5**

**Report to be considered by:** Licensing Committee

**Purpose of Report:**

To update members on progress in ensuring that taxi drivers are suitably informed to deal with disabled passengers and those who are elderly and/or infirm.

**Recommended Action:**

To consult with interested groups and the taxi associations with a view to introducing disability awareness training for new taxi drivers as soon as possible.

**List of other options considered:**

To continue the status quo

**Key background documentation:**  
(bulleted list format)

None

**Contact Officer Details**

<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Senior Licensing Officer
<b>Tel. No.:</b>	01635 519209
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## **Supporting Information**

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### **1. Background**

- 1.1 In 2001 Members determined that the Council would relax the capping of taxi numbers and allow new applications, but only for vehicles which had either an adaptation for disabled access in the form of a swivel seat or a vehicle which could transport a person in a wheelchair in comfort and safety.
- 1.2 This change was challenged in the courts by way of Judicial Review with the Council being successful. The condition was finally introduced in 2003 with the condition regarding disabled access being challenged by way of appeal. The Council lost this appeal on the grounds that the swivel seat was, in the Judge's view unsuitable however, the Judge commended the Council for wishing to provide wheelchair accessible taxis before being required to do so by the Disability Discrimination Act, which will be introduced in due course, possibly 2010/12.
- 1.3 Members formed a working party to discuss the situation and in March 2005 the Committee agreed a changed condition which required all new taxi licences issued from the 14<sup>th</sup> March 2005, to have full wheelchair access. All of those vehicles which had a swivel seat or which were fully wheelchair accessible in accordance with the 2001 licence conditions were to retain their right to continue with the swivel seats/wheelchair access until a change in legislation requires otherwise.
- 1.4 At the Licensing Committee meeting on 31<sup>st</sup> January 2006, Members considered a report on disability awareness training and asked officers to further research such training as the option provided was expensive and required ongoing time commitment from driver's in order to achieve the required standard.

### **2. Current Situation**

- 2.1 Officers have approached the Newbury Day Centre and discussed this training with the Operational Manager. Training is available in the form of "Equality and Diversity Training" which contains not only disability awareness but expands upon those issues and has in fact replaced disability awareness training within social care services. The course is of one day duration and costs £60 per delegate. Courses are currently being held locally at two monthly intervals. The courses are open to anyone and it would therefore be possible for applicants for licences to book a course, either before applying for a licence or during any predetermined period during the first few, say three months, of having a licence issued. The licence could, in the latter case, only be issued upon condition that the training had been completed within the prescribed period. Failure to attend training would then have to be dealt with by suspension of licence and this has a drawback in that suspension is appeal able. Positives towards this option are that training is individual and group training specifically for taxi driver's would not always be required.
- 2.2 An approach has also been made to an independent trainer who currently trains for Basingstoke and Deane Council. This person offers two types of training which may be of benefit to WBC. The training sessions are group and are offered for between 15 and 20 persons at a venue selected and paid for by the Council.
- 2.3 The first is disability awareness training which deals purely with education and etiquette where disabled persons are being transported. The training is generic but offers no advice on the physical aspects of loading or assisting disabled persons. This course costs approximately £20 per person and lasts for a half day.

- 2.3 The second training option offers practical and etiquette training and is carried out in partnership with Pre Med Health Care. This training costs in the region of £30 per person per full days training, with a maximum attendance of 20 persons. The course covers current attitudes towards disabled people, appropriate communication/behaviour and client handling techniques to safeguard the safety of both driver and passenger.

### **Implications**

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<b>Policy:</b>	This training requirement would supplement the current policy for licensing only wheelchair accessible taxis.
<b>Financial:</b>	Possibly some financial implications if subsidies were to be considered.
<b>Personnel:</b>	Existing resources would suffice.
<b>Legal:</b>	Possible appeals against such a condition if adopted.
<b>Environmental:</b>	None
<b>Equalities:</b>	The adoption of a condition requiring disability awareness training would be welcomed by disability groups and would support the condition of having all new and some existing taxis being disabled accessible.
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Community Safety:</b>	Training would help both taxi customers and drivers in offering an informed and safer system of transportation.

### **Consultation Responses**

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<b>Local Stakeholders:</b>	The Disability Alliance, West Berkshire Hackney Carriage and Private Hire Association.
<b>Officers Consulted:</b>	John Priest, Deborah Davies
<b>Trade Union:</b>	None



**Title of Report: Gambling Act 2005**

**Item 6**

**Report to be considered by: Licensing Committee**

**Purpose of Report:**

**To update members on the Gambling Act and its implications for the Council**

**Recommended Action:**

**That report be noted**

**List of other options considered:**

None

**Key background documentation:**  
*(bulleted list format)*

- Gambling Act 2005
- Gambling Commission Guidance to Licensing Authorities
- [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

**Contact Officer Details**

**Name:** Brian Leahy

**Job Title:** Senior Licensing Officer

**Tel. No.:** 01635 519209

**E-mail Address:** [bleahy@westberks.gov.uk](mailto:bleahy@westberks.gov.uk)

## Supporting Information

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### 1. Background

1.1 For many years all forms of gambling have been licensed and administrated through the Gaming Board or the Licensing Justices and local authorities have had few duties in issuing or enforcing licences or permits.

1.2 The Gambling Act 2005 repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976 and creates a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gives to local authorities new and extended responsibilities for licensing premises for gambling. In some cases such as gambling arcades, these build on existing responsibilities. but in other major areas, including betting, casino gaming and bingo, they transfer to local authorities responsibilities which previously lay with licensing justices.

1.3 The new Act comes fully into force in September 2007. In preparation, each licensing authority is required to develop, consult on and publish a statement of its licensing policy. The statement must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act. To help this process, the Act requires the Gambling Commission to issue guidance to licensing authorities on the manner in which they are to exercise their functions under the Act and the principles to be applied by them in exercising those functions. This guidance was published in April this year and licensing authorities are required to take account of all such guidance.

1.4 The guidance will be supplemented by two further documents, one concentrating on licensing authorities responsibilities in respect of society lotteries and the other on the compliance and enforcement responsibilities of licensing authorities.

1.5 Like the Licensing Act 2003, the Act has Licensing Objectives which are;

- Preventing Gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 2. Areas of Responsibility

2.1 Licensing Authorities will licence gambling premises and issue a range of permits to authorise other gambling facilities in their licensing area. Authorities will have similar regulatory powers to the Commission with respect to their licences, including the power to impose conditions and to review licences, however they will not be able to impose financial penalties. The Act places the responsibility on licensing authorities for a range of licensing activities, as listed below.

- Publication of three year licensing policy
- Grant of premises licences
- Administration of occasional use notices
- Endorsement of temporary use notices
- Grant of family entertainment center gaming machine permits
- Grant of club gaming permits
- Grant of club machine permit
- Grant of licensed premises gaming machine permit

- Grant of prize gaming permit
- Grant of application for registration of small societies
- Maintenance of registers
- Compliance

### 3. Timetable

3.1 The build up to the introduction of the Act will commence in 2006 with policy statements being published by licensing authorities on the 3<sup>rd</sup> January 2007 and becoming effective on the 31<sup>st</sup> January 2007. The Act will then become operational as follows:

- 31<sup>st</sup> January 07 – start of transitional period: advance applications for premises licences and permits.
- 28<sup>th</sup> April 07 – Last date for applications under former legislation.
- 28<sup>th</sup> April 07 – Deadline for continuation rights – advance applications for premises licences and permits to be submitted by this date.
- 31<sup>st</sup> August 07 – Deadline for grandfather rights – advance applications for premises licences and permits to be submitted by this date.
- 1<sup>st</sup> September 07 – Act goes live, old licences fall away, continuation rights activated, provided 28<sup>th</sup> April application deadline met.

### 4. Licensing Policy Statement

4.1 The policy statement is to follow roughly the same lines as that for the Licensing Act 2003 and must be consulted upon by the police, persons representing interests of gambling businesses in the area and persons representing interests of those likely to be affected.

4.2 The consultation period is to be 13 weeks prior to the 3<sup>rd</sup> January 2007, wherever possible. The authority is required to issue a notice of intention to publish the statement not less than two weeks before the statement is published. The notice must be advertised on the Council's web-site and in/on one or more of the following places; a local newspaper or newsletter, public noticeboard at or near the principal council offices or a public notice board at public libraries. To achieve the publication of the statement by the deadline, Members have already set up a working party of Members and officers.

### Implications

<b>Policy:</b>	The publication of a licensing policy statement will develop policy for the first time
<b>Financial:</b>	Some financial implications for Member and officer training – can this be accommodated from existing budgets?.
<b>Personnel:</b>	Some, but minima and not requiring additional officers.
<b>Legal:</b>	This report sets out the legal requirements to publish a licensing policy statement and the administration and enforcement of gambling.
<b>Environmental:</b>	None directly, but given the objectives of the Act the policy will have a direct bearing on the protection of children and other vulnerable persons.
<b>Equalities:</b>	None directly
<b>Property:</b>	None

**Risk Management:** None

**Community Safety:** Possible implications for public safety through policy statement in observing the crime and disorder objective.

### **Consultation Responses**

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**Local Stakeholders:** None required until policy has been drafted and approved and is distributed for consultation.

**Officers Consulted:** John Priest, Brian Leahy, Thames Valley Police

**Trade Union:** None