

Notice of Meeting



Licensing Committee

Tuesday, 13 February 2007 at 6.30pm

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

Date of despatch of Agenda: 2 February 2007

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

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Agenda – Licensing Committee to be held on 13 February 2007 (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. Apologies
To receive apologies for inability to attend the meeting (if any). | |
| 2. Minutes
To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 5th December 2006. | 1-2 |
| 3. Declarations of Interest
To receive any Declarations of Interest from Members. | |
| 4. Annual Review of the Taxi Tariff
Purpose: To set a maximum scale of fares for licensed hackney carriages operating in the district, for 2006/7. | 3-8 |
| 5. Annual Report of Responsible Authorities
Purpose: To receive verbal reports from Responsible Authorities in connection with the impact the Licensing Act 2003 has had to date. | |

David Baker
Policy Manager

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON

5 December 2006

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

PART I

30. APOLOGIES.

Apologies for the inability to attend the meeting were received on behalf of Councillors John Farrin, Billy Drummond, Alexander Payton and Sally Hannon

31. MINUTES.

The Minutes of the meeting held on 14 September 2006 was approved as true and correct record and signed by the Chairman

32. DECLARATIONS OF INTEREST.

None.

33 GAMBLING ACT 2005

Brian Leahy introduced the final policy statement to the meeting following a period of formal consultation with some 250 interested parties and persons. Twelve formal responses had been received including one from our own legal service. Most of the consultation responses were in the main observations. The points raised were considered and included where they could be legally endorsed. Some amounted to requests for preferential support for example from betting shops owners which could not be endorsed.

Members raised two specific questions relating to take away premises and their use of slot machines.

It was confirmed that it would be illegal to operate a slot machine on a take away premise without a premises license after August 2007. Officers would be monitoring the removal of slot machines and had available list of owners of slot machines within the local authority. Officers would be informing slot machine owners on the change in legislation.

A change in the wording to paragraph 26 section (1) was discussed and it was agreed to reword that section as: 'MP's, Ward Councillors, Town or Parish Councils and Town and Parish Councillors'.

It was re-confirmed that the Council will review, and after consultation, re-publish its Licensing Policy on Gambling at least once every three years.

RESOLVED that the West Berkshire Council Gambling Policy was approved unanimously by the Committee and that the policy document will now go forward to a full Council meeting on 14 December 2006 for approval.

Next meeting of the Licensing Committee will take place on Tuesday 13th February 2007, starting at 6.30 p.m. in the Council Chamber.

(The meeting commenced at 6.30 p.m. and closed at 6.55 p.m.)

CHAIRMAN

Date of Signature:

Title of Report: Annual Review of the Taxi Tariff and AGM

Item 3

Report to be considered by: Licensing Committee

Purpose of Report:

To set a maximum scale of fares for licensed hackney carriages operating in the district, for 2006/7.
To receive reports from Responsible Authorities and other Agencies, after 15 month application of the Licensing Act 2003.

Recommended Action:

To approve the recommended tariff.

List of other options considered:

To not set a tariff or to set a lesser tariff than that proposed.

Key background documentation:
(bulleted list format)

- Office of Fair Trading Report: The Regulation of Licensed Taxi and PHV Services in the UK.

Contact Officer Details

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Supporting Information

1. Background

- 1.1 Councils are not obliged to set a maximum taxi fare for their area but may do so if they wish. In the past, West Berkshire Council and its predecessor have set a maximum taxi fare structure. It is usually reviewed annually to commence as soon as possible at the start of the new financial year.
- 1.2 Although not a recommended action, Members have the option to not set a tariff at all, relying instead on market forces to establish the going rate and at the same time promoting competition. The taxi trade, through the West Berkshire Hackney Carriage and Private Hire Operators Association, are opposed to such a proposal citing potential threats from the public as the main reason, along with the possibility of unscrupulous drivers charging unreasonable fares. The local police are also not in favour of such a move for similar reasons.
- 1.3 The taxi trade representatives have also said in the past that having a maximum tariff set by the Council helps to deflect criticism of apparently high fares. Currently, the fare regime for the district is staged at 55 in a national council league table of 377 authorities. Reading are 15th in the table with Bracknell at 63, Windsor & Maidenhead 88 and Wokingham at 145
- 1.4 The national average Flag Fall (item1, on the 2005 tariff card attached as appendix 1) is currently £2.25, with West Berkshire standing at £2.00. Officers meet annually with the trade to discuss the tariff and the trade's formal response is attached as appendix 2. Members may wish to suspend standing orders and invite trade representatives to address the committee.

2. The Office of Fair Trading Report

The report does not recommend that Councils remove pricing restrictions for taxis. It recognises that whilst there are some good reasons for deregulating fares, on balance, those for applying controls are stronger. Overall, the OFT believes that fare deregulation will lead to higher charges. The report makes clear that when setting fares the Council should make it clear that the fare set, is the maximum that can be charged. This statement is shown on the tariff card issued to all vehicle proprietors.

- 2.2 A copy of the OFT report is available at the OFT web site at,
<http://www.of.gov/Market+Studies.taxis.htm>

3. Taxi Fares for 2007/8

- 3.1 The current taxi fares set by this authority are shown at appendix 1 to this report. The taxi trade, through the West Berkshire Hackney Carriage and Private Hire Operators Association have set out a proposed increase to these rates by letter, shown as appendix 2. The proposed increase equates to roughly 2%.

4. Annual General Meeting

During the Council's consultations and subsequent production of its Licensing Policy, Members agreed that the Licensing Committee should hear periodic reports from a number of responsible authorities and other parties interested in the licensing of persons and premises following the introduction of the Licensing Act 2003, in November 2005. The following bodies have been invited to speak;

Thames Valley Police
Royal Berkshire Fire & Rescue Service
Safeguarding Children's Board

Licensed Victuallers Association
Newbury Pubwatch Association
Thatcham Pubwatch
Pangbourne Pubwatch Association
West Berkshire Trading Standards
West Berkshire Environmental Health – Pollution & Health & Safety
West Berkshire Hackney Carriage & Private Hire Association

It is anticipated that each report should last no more than 5 - 10 minutes.

Appendices *(in list format)*

1. 2006/7 taxi tariff
2. Letter from trade association requesting increase in tariff

Policy:	There is no established policy on this subject except that the Council has opted in the past to set a maximum tariff. Legally it is not obliged to do so.
Financial:	None directly to the Council
Personnel:	None
Legal:	Any proposed changes in the tariff must be published in a local newspaper by the Council. There is an appeal mechanism through the Magistrate's Court for objections.
Environmental:	Licensed taxis are a valuable contribution to the provision of public transport.
Equalities:	None
Property:	None
Risk Management:	None
Community Safety:	By setting a tariff, the Council are reducing the potential for crime and disorder against taxi drivers.
Consultation Responses	Letter from the taxi trade association.

Local Stakeholders:	Taxi trade association members and independent taxi owners.
Officers Consulted:	John Priest
Trade Union:	Not appropriate for this report.

Hackney Carriages - Table of Fares effective from 1st April 2006

Customers should be aware that these charges are the MAXIMUM to be charged and any lesser fare negotiated prior to commencement of the journey.

1. Mileage

Initial distance not exceeding 500 meters or part thereof	
Initial waiting time 124 seconds or a combination of time and distance	£2.00
For each subsequent 90 meters completed or part thereof	10p

2. Waiting Time

For every period of 20 seconds or part thereof	10p
The meter may be engaged in the hired time mode at the agreed booking time	
Local Government (Miscellaneous Provisions) Act 1976 sec 67	

3. Extra Charges (only one of the following may be added to any fare)

a) For any journey with 5 or more passengers taking place between 06:00hrs and 22:00hrs	50% of the above rate of fare
b) For any hiring when the journey commences between 22:00hrs and 06:00hrs the next day	50% of the above rate of fare
c) All day Sunday	50% of the above rate of fare
d) For any hiring when the journey commences on Christmas Day until 06:00hrs Boxing Day	100% of the above rate of fare
e) For any hiring when the journey commences on a Bank or Public Holiday other than Christmas Day	50% of the above rate of fare
f) For any hiring when the journey commences between 19.00hrs and midnight on Christmas Eve or New Years Eve	50% of the above rate of fare

4. Booking fee

By prior arrangement

If a Hackney Carriage is booked by phone a booking fee may be charged but only by prior arrangement. Customers should be aware that these charges are the **maximum** to be charged and any lesser fare negotiated must be prior to the commencement of the journey.

5. Fouling will be charged for.

6. London Congestion charge will be applied for journeys within the charge zone

West Berkshire Hackney Carriage & Private Hire Operators Association

Appendix 2

15 Ashley Piece, Ramsbury, Wiltshire, SN8 2QE

Mr Brian Leahy
Senior Licensing Officer
West Berkshire Council
Council Offices
Faraday Road
Newbury
Berkshire
RG14 2AF

3rd January 2007

Dear Mr Leahy,

Revision of Hackney Carriage fares.

The members of the above mentioned association have instructed me to apply to you for an increase in charges.

Our application is as follows:

- 1) Initial distance not exceeding 490 meters or part thereof
Initial waiting time 120 seconds or a combination of time and distance £2.00
- 2) For each subsequent 88 metres completed or part thereof. £ 0.10p.

All other charges to remain the same.

In calculating our increase we have used the formula agreed and set out by the TGWU and the Public Carriage Office. Calculations are based on the following criteria,

1. The average cost of providing a vehicle. (In this case a Ford Mondeo and London Taxi). Calculations are based on 4 different methods.
 - a) Purchase new and run for 6 years.
 - b) Purchase new and run for 3 years.
 - c) Purchase at 3 years and run for 6 years.
 - d) Lease.
2. Vehicle Spares:
A basket of 15 components is taken into account, along with tyre costs from 3 manufactures.
3. Garaging and Servicing:
These are divided into property derived costs (rent, rates, heating, lighting), using the Hillier-Parker rent index for industrial premises and labour derived costs using the TGWU National Joint Council for the Motor Retail Repair Industry's Minimum rates of pay index.
4. Fuel costs:
The price of derv per gallon is taken from the Petroleum Times Energy Source, and assumes typical consumption of 25 miles to the gallon.

5. Insurance:

Three insurance companies provide quotes; this figure is then averaged out.

6. Miscellaneous costs:

- 1) Licence fees
- 2) Class 2 NI contributions
- 3) MOT

7. Earnings:

As taxi fares comprise taxi drivers main income the formula takes account of earnings as 45% Of the overall calculation for a fares increase. The earnings figure is derived from the average earnings index for the whole economy.

We would be obliged if you could consider the above and arrange for the appropriate Committee to consider our application at their earliest convenient meeting in order that the proposed increase can be implemented from the 1st April 2007.

Yours faithfully,



Mr R.Nemeth
Vice-Chairman