

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 17 July 2007

Councillors: Tony Linden (*Chairman*), Peter Argyle, Jeff Beck, Paul Bryant, Billy Drummond, Adrian Edwards , Geoff Findlay, Manohar Gopal, Owen Jeffery, Mollie Lock, Gwen Mason, Andrew Rowles, Quentin Webb, Keith Woodhams (Vice Chairman)

PART I

1. APOLOGIES.

Apologies for the inability to attend the meeting were received on behalf of Councillors Owen Jeffrey and Jeff Beck.

2. MINUTES.

The Minutes of the meeting held on 13 February 2007 was approved as true and correct record and signed by the Chairman.

Matters arising from the minutes:

Reference page 3 section 2 – A question was raised asking if there was any update on resolving the problem with the taxi call forward system installed in Market Place. Brian Leahy reported that the system still had an intermittent problem. The problem was being investigated and monitored by Reading Traffic Light Service.

3. DECLARATIONS OF INTEREST.

None.

Chairman's remarks – Councillor Tony Linden made the following statements.

- He had received an invitation from the Wasing Estate to attend the Glade Festival. As he sits on the licensing subcommittee he sought guidance from legal services and was advised to decline the offer which he had done. It became clear that most Members of the Licensing Committee had received similar invites and they were advised to decline.
- Training on gambling policy – the next training session was planned for 1 August at the Royal Borough of Windsor and Maidenhead. Ten Members were expected to attend.
- Dates for 'mock' licensing hearings were being planned for September.
- Chairman introduced an urgent item 8 onto the agenda to review the Council's Licensing Policy with the recommendation to set up a working party to review the policy and to report back to the Licensing Committee.

4 TO SET FEES FOR GAMBLING PREMISES LICENCES IN ACCORDANCE WITH REGULATION SI 2007/479 OF THE GAMBLING ACT 2005

Brian Leahy (Senior Licensing Officer) introduced the paper to set fees for Gambling Premises Licences in accordance with Regulation SI 2007 / 479 of the Gambling Act 2005. An updated paper was presented with modified recommendations as follows:

- 1 To recommend to Council that the Licensing Committee be delegated responsibility for setting fees in accordance with the Gambling Act 2005.
2. To recommend to Council that the level of fees be set at 75% of the statutory maximum (Appendix 1 refers).

The Gambling Act 2005 comes into force on the 1st September 2007.

The Licensing Committee approved the Council's Gambling Licensing Policy at the meeting held on 5 December 2006 and this was subsequently approved by full council at its meeting on 14 December 2006.

The Council's responsibilities were those of considering applications for gambling premises licences and where appropriate issuing licences. The Legislation requires that each application be accompanied by a fee and that fee has been set by central government as a maximum. The fees are in two parts with an initial fee being required with application and an annual fee to be paid each year both fees are set as a maximum.

The Government had indicated that although they have set a maximum fee, councils were advised that they will be audited at some point in the first year regarding the setting of such fees and their relationship to the actual cost to the service.

Full Council were responsible for setting fees however they could if wished delegate this responsibility to a committee (including the Licensing Committee), or to an officer, if desired.

The delegation for the setting of fees sat with the full Council in accordance with The Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2007.

The Department for Culture, Media and Sport have recommended that Councils delegate the power to set fees to Licensing Committees.

Due to the local elections it has not been possible to report to full Council regarding the delegation of power. Officers would recommend that the Licensing Committee be delegated the power to set fees for both the initial fee and the annual charge.

Should full Council be minded to delegate to the Licensing Committee the level of fees recommended by officers is 75% of the maximum permitted.

In order to assist members in understanding the criteria for costing licence fees, appendix 1 to this report provides DCMS guidance and a table of maximum fees.

The Chief Executive has the power to set fees for the interim period.

As the Council will be audited during its first year, officers have estimated that fees should be set at 75% of the maximum fee and this would cover the expected cost of the service. This setting could be reviewed in the next financial year once the true cost has been established.

Cllr Keith Woodhams – stated that he supported the recommendations and that they were appropriate.

Cllr Paul Bryant asked what was the likely fee for a high street betting shop – The initial fee would be £1225 and the annual charge of £450.

Cllr Andrew Rowles asked how would village hall 'race nights' be managed – These would be treated under the Lotteries Act and did not require a gambling license.

Cllr Adrian Edwards asked what fees were being set in other Local Authorities – Reading had set a 70% fee and Wokingham had set an 80% fee. The Council could raise or lower rates for the next year once true costs had been determined.

Cllr Geoff Findlay was concerned that fees set at 75% were too low and proposed an amendment for 80%. Brian Leahy confirmed that he expects costs would justify a 75% rate but a 5% increase was reasonable.

Cllr Peter Argyle asked was it Government policy not to make a profit – Yes.

The recommendations 1 and 2 were proposed and seconded

RESOLVED that to approve both recommendations.

Voting was unanimous

5 TO REVIEW AND UPDATE CONDITIONS FOR HACKNEY CARRIAGE VEHICLES

Brian Leahy (Senior Licensing Officer) introduced the paper.

The Local Government (Miscellaneous Provisions) Act 1976 allows a council to set conditions for taxi licences, as the Council may consider reasonably necessary.

The existing conditions were updated in 2005 and many local changes have occurred since then. West Berkshire Council has always applied conditions to these licences in order to regulate and maintain standards across the taxi fleet. Conditions have generally been reviewed at the point at which new legislation comes into force or when necessary to modernise and strengthen existing standards.

The Council have been forced to provide a new contractor for the inspection of taxis due to the "Biffa" contract coming to an end and officers felt this was an appropriate time to effect changes to the standard conditions. Not only have the revised conditions addressed the inspection contract but also the criteria for providing disabled access vehicles, vehicles with darkened windows, temporary suspension, confirmed ownership of the identification plate and changes to the door and roof signs required to be displayed on taxis.

To facilitate a better understanding of the changes proposed the paper had been colour coded to show changes in a condition were marked in red and deletions were marked in blue.

Consultation with the Taxi Association had taken place and with the Trade. There were no formal Trade or Taxi Association representatives present at the meeting, but the committee was advised they had supported the changes. An observer who was a member of the Trade was present at the meeting.

The Trade has requested some slight change to taxi signage for door stickers and roof signs. Samples of the revised signage, that was supported by officers, were circulated in the meeting for Members' information.

Clr Paul Bryant asked if the revised conditions dealt with the leasing/selling of plates – This was not an issue in West Berkshire because you can't transfer a plate on a protected vehicle. This was made clear in the new conditions. The Trade had accepted this point.

Clr Quentin Webb supported the change in signage which he thought was much clearer.

Clr Geoff Findlay asked what proportion of licensed trade were wheel chair accessible - 56%

Clr Adrian Edwards questioned 3 points:

Page 23 section 3 (e) 'Ensure that vehicles are not fitted with one or more blacked out windows nor shall they be so modified.' – This was included for Health and Safety reasons to protect both the taxi driver and passengers.

Page 24 Section 5 (c) 'The proprietor shall ensure that the number of his / her licence and the number of persons permitted to be carried, was displayed prominently, in a form approved by the Council. - This will be in a position within the vehicle, which all passengers can read easily. This notice must not be obscured. – Sign must be displayed such that it is visible both inside and from the outside of the vehicle.

P38 If an appeal by a taxi driver was successful would costs be awarded against the Council – Normally no, provided the Council was seen to have acted reasonably.

Clr Paul Bryant asked were officers expected to carry out inspections – No, this work was done by the contracted garage.

The recommendation was proposed and seconded

RESOLVED that to approve the revised conditions for hackney carriage vehicles.

Voting was unanimous

6 TO UPDATE MEMBERS ON THE PROPOSAL TO INTRODUCE DISABILITY AWARENESS TRAINING FOR DRIVERS OF TAXIS AND PRIVATE HIRE VEHICLES

To update Members on the proposal to introduce disability awareness training for drivers of taxis and private hire vehicles

Brian Leahy (Senior Licensing Officer) reported on the progress made with the training available on disability awareness for taxi drivers. An excellent 35 minute DVD tutorial had been found that was a good training tool. Officers approved the use of the tool for all new drivers. It was highly recommended, low cost tool which was acceptable to the Trade Association and could be included as part of a NV qualification.

Members requested to be able to view the DVD at the next meeting of the Licensing Committee.

Clr Keith Woodhams: Page 42 section 1.6. What were the costs involved in using the DVD – Cost to the Trade was nil. Licence cost to WBC was £103.

Clr Geoff Findlay: could officers confirm that the DVD covered all disabilities – Yes it covered a wide framework of disabilities.

The recommendation was proposed and seconded

RESOLVED that to approve the requirement for all new drivers to undertake a course of instruction on disability awareness from 18 July 2007.

Voting was unanimous

7 TO ADVISE MEMBERS ON THE OPPORTUNITIES AVAILABLE TO INTRODUCE DRIVING STANDARDS TEST FOR TAXI AND PRIVATE HIRE DRIVERS.

Brian Leahy (Senior Licensing Officer) reported that the Council currently licences taxi and private hire drivers who have a full UK or EU driving licence.

The Local Government (Miscellaneous Provisions) Act 1976 requires that a council cannot grant a licence unless they are satisfied that the applicant is a fit and proper person, or to any person who has not for at least the last twelve months been authorised to drive a motor car, or is not at the date of application for a driver's licence, so authorised.

There is currently no requirement for drivers to demonstrate to the Council that they are in fact competent to drive a taxi or private hire vehicle. Although it could be argued that any person holding a drivers licence issued by DVLA is a competent driver, many councils have introduced a practical driving test of driving skills for taxi and private hire drivers. This test has been developed by the Driving Standards Agency and is generally funded by the driver.

Brian Leahy recommended to Members that further research should be carried out by officers to determine what training options and tests were available and which would provide a practical solution for the Council in assessing the driving skills for taxi and private hire drivers.

Clr Adrian Edwards asked why was the EU driving licence accepted in the UK as opposed to insisting upon a British driving license. Trina McFarlane, solicitor to the Licensing Committee advised that under EU legislation we recognised the full driving licences of other EU Member Countries. Brian Leahy advised a test was given to drivers to ensure their standard of English was good enough to understand instructions and to reply to passengers.

The recommendation was proposed and seconded

RESOLVED that to approve that further research be conducted by officers with a view to introducing a scheme of driving standards tests for taxi and private hire drivers, in due course

Voting was 9 in favour with 1 abstention.

8 TO REVIEW AND UPDATE LICENSING ALCOHOL POLICY (Urgent Item)

Brian Leahy (Senior Licensing Officer) reported that Members were required to review the Licensing Alcohol policy every 3 years. The Council was required to complete that revision by Christmas 2007. The review had a formal process to follow and it would be necessary to consult on any recommended changes that were to be made. It was suggested that a Member working party should be formed that could carry out a review of the existing policy and call witnesses from the licensing consultees. Any changes would require a full consultation process to be followed. Any recommendations to change the policy would have to go to full Council in December 2007 for final approval.

Brian Leahy also commented that the existing policy had served the Council well so far. He also recommended that the review should take account of the revised guidance published by the Government on the matter.

Cllr Tony Linden proposed a recommendation that a working should be set consisting of a Membership of Cllrs Tony Linden, Geoff Findlay, Andrew Rowles and Keith Woodhams.

The recommendation was seconded

RESOLVED that to approve the recommendation to set up a working party to review the licensing alcohol policy.

Voting was unanimous

Next meeting of the Licensing Committee will take place in **Committee Room 1** on Monday 26th November 2007, starting at 6.30 p.m. Date of the next meeting to be confirmed to Members in writing.

(The meeting commenced at 6.30 p.m. and closed at 8.05 p.m.)

CHAIRMAN

Date of Signature: