

Notice of Meeting



Licensing Committee

Monday, 9th June 2008 at 6.30pm

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

Date of despatch of Agenda: 11th April 2008

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 9 June 2008 (continued)

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

Agenda

Part I

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| 1. Apologies
<i>To receive apologies for inability to attend the meeting (if any).</i> | |
| 2. Minutes
<i>To approve as a correct record the Minutes of two meetings of the Licensing Committee held on 21 April 2008 and 8 May 2008..</i> | 1 - 5 |
| 3. Declarations of Interest
<i>To receive any Declarations of Interest from Members.</i> | |
| 4. Hackney Carriage Tariff 2008/09
<i>Purpose: To review a maximum scale of fares for licensed hackney carriages operating in the district, for 2008/9, in light of recent fuel increases.</i> | 6 - |

David Baker
Policy Manager

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 21 APRIL 2008

Present councillors: Tony Linden (*Chairman*)(P), Jeff Beck(P), Billy Drummond(A), Andrew Rowles(P), Adrian Edwards (P), Geoff Findlay(P), Manohar Gopal(A), Gwen Mason (P), Owen Jeffrey (P), Quentin Webb (P), Keith Woodhams (Vice Chairman) (P).

PART I

5. APOLOGIES.

No apologies for absence were received.

6. MINUTES.

The minutes of the meeting held on 21st January 2008 were approved as true and correct record and signed by the Chairman.

7. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

8. ANNUAL REPORT FROM RESPONSIBLE AUTHORITIES

Brian Leahy attended the meeting to provide a general overview of the work the Council's Licensing team undertook, in co-operation with the Council Partners', over the last year. Members were informed that there had been 216 daytime visits and 80 night visits to premises licensed to sell alcohol. Some of these visits were in conjunction with police support. In response to a question from Councillor Jeffrey Members were informed that there were over 480 licensed premises within the district. The visits were primarily made to ensure that changes to license conditions and variations to conditions were being adhered to, and to licensees where there were suspected risks. It was noted that Government policy advised that premises were not to be inspected unless there was suspicion of risk. As well as responding to information from the police the licensing team were also pro-active and tried to facilitate a close working relationship with licensees.

Brian informed the Committee of other inspections that the Council's Licensing Team had conducted which included 438 taxi inspections, 56 private hire inspection that equated to 100% of firms in operation within the district, 21 cat and dog boarding inspections, 19 gambling inspections, 20 gaming centres inspected, 8 massage premises inspected, 3 registered scrap metal dealers inspected, 8 riding schools, 2 zoo inspections and 21 street trading inspections including 2 prosecutions. These were an insight into a part of the inspections that the licensing team undertook.

Apart from inspections Members were also informed that the Council's Licensing Team had issued 303 taxi and private hire licences, 555 temporary licenses had been signed off and 110 alcohol premises licenses agreed.

The Chairman thanked Brian Leahy for his presentation and introduced Michael Hutchins who was representing the West Berkshire Disability Alliance.

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Michael Hutchins informed Members that he would be focusing his presentation on his experience of using taxis within west Berkshire as a wheelchair user. Michael also said he would be referring to the experiences of other disabled users of taxis.

Members heard how the Disability Alliance in conjunction with West Berkshire Council had been working towards a 50/50 split of taxis that were enabled to cater for disabled passengers. Although operators of taxis who were equipped for disabled passengers were often busy during the day the main problem with accessibility remained during the evenings. Michael also raised concern that there seemed to be little information regarding which firms were tailored for disabled users, how to book them and what type of disability that they were equipped to cater for. There were regular operators that relationships could be established with, but they had to operate within their own working routine.

Another issue of concern raised by Mr Hutchins was the equipment used by taxi drivers and the training given to users. Members were informed that taxi drivers were willing to aid disabled users but that they were not always able to operate the equipment to a satisfactory standard and the clients therefore did not often feel safe. Mr Hutchins suggested that a working group be established to scrutinise how effective taxi access was for the disabled and what could be done to improve the service provided.

Councillor Findlay as Portfolio Holder responsible for Licensing thanked Mr Hutchins for his observations and agreed that should the Committee be supportive he would welcome a Task Group to investigate the issues raised. Brian Leahy also welcomed the establishment of a Task Group but reminded Members that they would need to investigate compliance with policy as when dealing with these issues the Council relied on subjective information passed to them from users. Officers had already discussed establishing a database of taxi providers who could cater for disabled users and the type of vehicle they could provide and this was something any working group should consider.

After discussing the establishment of a working party it was agreed that the following Members would form a Task Group in consultation with Mr Hutchins; Councillors Woodhams, Findlay, Mason, Jeffery and Linden.

The Chairman thanked Michael Hutchins for his presentation and introduced Chief Inspector Geoff Smith and WPC Baryman.

Members were informed that that the police had a responsibility for over 500 licensed premises and over the last 12 months 53 new licenses had been considered and that there had been 359 incident reports. Thames Valley Police were pleased to note that a number of the incidents had come either from reports from within premises or CCTV which was a good example of joint working that they were trying to establish. Part of the partnership working that Members were informed about was the 87 visits made to establishments with other bodies, Chief Inspector Smith told the Committee how successful partnership working had been over the past year especially the success of PIMMS and other groups such as the Alcohol Awareness Group. The Chairman thanked the Chief Inspector and hoped that such a positive message was fed down to NAGS, Parish Councils and Members. Councillor Findlay also thanked Thames Valley Police and was pleased to see the benefits of agencies working together towards a common aim.

Councillor Bryant asked the Chief Inspector if he felt that the new licensing laws had impacted on performance. Members were informed that the major impact over

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the last 12 months on how the police were able to operate had been the success of partnership working.

Councillor Jeffrey asked if the CCTV in Thatcham had been successful. The Committee were informed that the CCTV in Thatcham had aided in a number of serious assaults and contributed to the success of PIMMS.

Councillor Mason informed the committee how informative she had found an evening with Thames Valley Police whilst they worked within the district. It was agreed that any Member wishing to take part in such a visit should contact relevant Officers to aid with the arrangements.

The Chairman thanked Thames Valley Police for their presentation and introduced Theresa Bashford and Kevin Thompson from Trading Standards, West Berkshire Council.

Theresa Bashford informed Members that that the Council had been working closely with schools to inform and teach children about the dangers of illicit produce as well as training teachers. Kevin Thompson explained that the Council had conducted a number of test purchases that had resulted in prosecutions, as listed:

- Aerosols. 5 test purchases 1 sale.
- Fireworks. 0 sales from 12 attempts.
- Knives. 4 sales from 14 attempts.
- Tobacco. 5 sales from 45 attempts
- Alcohol from off sales. 10 sales from 87 attempts
- Alcohol from pubs. 3 sales from 8 attempts
- In addition surveillance was carried out in 19 pubs to check for underage drinking none was found.

In response to Members questions Kevin Thompson explained how underage test purchases were conducted and informed Members that the welfare of volunteers was paramount.

Councillor Jeffrey raised concern about the high percentage of test purchases that had resulted in a sale. During discussions Councillor Jeffrey stated that he felt more resources should be made available to increase the number of test purchases as the number of sales of not only alcohol and cigarettes but also the sale of knives was a concern. In response to Councillor Findlay's statement that the results should be viewed in context to wider statistics for this region, Councillor Jeffery reiterated that he felt more resource should be given to test purchases. In response Councillor Findlay said that the high percentage of sales associated with test purchases was expected when considering that Officers targeted premises after concern had been raised by the police and public. It was noted, although not agreed, that the Council had to operate within agreed resources.

The Chairman thanked the Council's representatives from Trading Standards and introduced Paul Anstey from Environmental Health, West Berkshire Council.

Paul Anstey informed Members that although there had been 92 service requests a number of these would relate to multiple complaints about the larger events. Of the 92 requests only 4 progressed to formal notices being issued with no prosecutions.

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The Council did provide an out of hours service that had not seen a dramatic increase in calls due to the new licensing regime; this was largely down to close working with partners. Members were also informed that the Glade Festival had received a five year licence that would be subject to limited monitoring and that Officers were unable to gain access to the last festival due to the recent floods.

9. EXCLUSION OF PRESS AND PUBLIC.

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 9.10.4 of the Constitution also refers.

10. LICENSING FEES AND CHARGES

Members considered an urgent confidential report regarding a change to the Council's fees and charges.

RESOLVED that the Licensing Committee request that the S151 Officer alter the level of licensing fees and charges as set out in the confidential report.

(The meeting commenced at 6.30 p.m. and closed at 8.35 p.m.)

CHAIRMAN

Date of Signature:

LICENSING COMMITTEE
MINUTES OF THE MEETING HELD ON
THURSDAY 8 MAY 2008

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

Substitute:

PART I

1. ELECTION OF CHAIRMAN.

RESOLVED that Councillor Tony Linden be elected Chairman of the Licensing Committee for the 2008/09 Municipal Year.

Tony Linden in the Chair.

2. APOLOGIES.

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

3. APPOINTMENT OF VICE-CHAIRMAN.

RESOLVED that Councillor Keith Woodhams be appointed Vice-Chairman of the Licensing Committee for the 2008/09 Municipal Year.

CHAIRMAN

Date of Signature:

Title of Report:	Hackney Carriage Tariff 2008/9	Item 4
Report to be considered by:	Licensing Committee	
Forward Plan Ref:	N/A	

Purpose of Report: To consider a request from the trade for a further increase in fares for licensed hackney carriages operating in the district, for the remainder of 2007/8.

Recommended Action: To consider the report.

Reason for decision to be taken: Formal request from the trade in the light of the recent increases in fuel prices

Key background documentation: Office of Fair trading Report: The Regulation of Licensed Taxis and Private Hire Vehicle services in the UK

The proposals contained in this report will help to achieve the following Council Plan Theme(s):
CPT1 - Safer Communities – reducing crime and anti-social behaviour
CPO2 – Thriving Town Centres
 The proposals contained in this report will help to achieve the above Council Plan Themes and Outcomes by:
 Maintaining a set tariff for taxis in West Berkshire thus preventing members of the public being unfairly charged and the trade being subject to undue pressure through unfair competition.

Portfolio Member:	Councillor Findlay
Tel. No.:	01635 872992
E-mail Address:	gfindlay@westberks.gov.uk

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519209
E-mail Address:	bleahy@westberks.gov.uk

Executive Summary

1. Introduction

- 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 This year Members agreed to set a tariff of approximately 2.5% to become effective from the 1st April 2008 until 31 March 2009, or thereabouts.
- 1.3 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.
- 1.4 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 86 in a national council league table of 378 authorities. The national average fare at one mile is currently £3.13 with West Berkshire standing at £3.30. The flag tariff is currently, nationally £2.33 and locally £2.00.
- 1.5 Neighbouring councils fares are as follows:

	At one mile	at flag
Reading	£3.60	£2.00
Wokingham	£4.00	£3.00
Bracknell	£3.60	£2.80
Slough	£4.00	£3.00
Vale oWH	£3.70	£3.10
Swindon	£3.30	£1.90
Windsor & M	£3.40	£2.60

- 1.6 Officers have received a letter from the trade association outlining their reasons for requesting a review of the current tariff, this is attached as Appendix A. Members may wish to suspend standing orders and invite trade representatives to address the committee to further explain their request.

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.

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

3. Taxi Fares for 2008/9

- 3.1 The current taxi fares set by this authority are shown at Appendix B to this report.

4. Proposals

- 4.1 To set a maximum taxi tariff either as already agreed or at a new rate to be decided by Members.

Appendices

Appendix A – Letter from the trade association requesting an increase in fares

Appendix B – 2008/9 tariff card

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. There are no legal barriers to reviewing a tariff change more than once per year
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.
Local Stakeholders:	West Berkshire Hackney Carriage & Private Hire Operators Association
Officers Consulted:	John Priest
Trade Union:	None

West Berkshire Hackney Carriage & Private Hire Operators Association

15 Ashley Piece, Ramsbury, Wiltshire, SN8 2QE

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

13th May 2008

Dear Mr Leahy,

Fuel Surcharge

Further to our recent conversation and email 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 478 meters or part thereof
- 2) Initial waiting time 120 seconds or a combination of time and distance £2.50

All other charges to remain the same, including the enhanced rates. This equates to an increase of 50p per fare on the Monday to Sunday daytime running rate only.

As you are aware when we met last October to discuss fees and increases etc., Diesel was approximately 88-90p per litre as of today the average price around Newbury is £ 1.21. An increase of £ 1.30 a gallon +. On top of this oil, tyres, servicing anything oil based have seen 20% increases. The association has been monitoring the situation but there is no sign of the price situation improving. Our members are no longer able to continue to absorb these costs. West Berkshire Taxis provide a valuable rural service and like the buses we are now having to consider the viability of providing taxis for some journeys. The surcharge added to the start rate will go some way to helping us with these increased costs. Members are able to absorb the costs on the enhanced taxi rates and we are not seeking an increase on these.

It is unfortunate that we should come back to committee so soon after our April increase but we were hoping that the fuel/oil price rise would be a short term blip, and were doing our best to hold down fares. The situation however appears to have no end. Should there be a huge improvement however, this can be taken into account for the next annual increase due in April 2009.

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 as soon as possible

Yours faithfully,

Mr R.Nemeth
Vice-Chairman

Hackney Carriages - Table of Fares effective from 1st April 2008

In accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, this notice sets out a variation in fares.

1. Mileage

Initial distance not exceeding 478 meters or part thereof.

Initial waiting time 120 seconds or a combination of time and distance

£2.00

For each subsequent 86 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 only)

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.

Vehicle Plate No.

Any complaints should be made to:

**West Berkshire
District Council,
Council Offices,
Faraday Road,
Newbury, Berks,
RG14 2AF,**

Quoting the above vehicle plate number.