

Notice of Meeting

Licensing Committee

Thursday, 14 May 2009 at 6.30pm

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

Date of despatch of Agenda: 6 May 2009

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jason Teal, Performance, Research & Consultation Manager – Tel: (01635) 519102. E-mail: jteal@westberks.gov.uk

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



West Berkshire
C O U N C I L

Agenda - Licensing committee to be held on 14 May 2009 (continued)

To: Councillors - Members to be confirmed following annual Council.

Substitutes: Councillors - Members to be confirmed following annual Council.

Agenda

Part I

	Page No.
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 this Committee held on 23 rd February 2009 and 12 th May 2009 (to follow).	3
3. Declarations of Interest To receive any Declarations of Interest from Members.	
4. Licensing Annual General Meeting <i>Purpose: To invite responsible authorities, trade partners and other interested bodies to address the Licensing Committee regarding the 2008/9 licensing year.</i>	7

Andy Day
Head of Policy and Communication

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If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on telephone (01635) 519045, who will be able to help.



DRAFT

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

LICENSING COMMITTEE

**(DRAFT) MINUTES OF THE MEETING HELD ON
23 FEBRUARY 2009**

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

PART I**1. APOLOGIES**

Apologies for inability to attend the meeting were received on behalf of Councillors Andrew Rowles, Keith Woodhams, Owen Jeffery and Adrian Edwards.

2. MINUTES

The minutes of the meeting held on 19 January 2009 were approved as a true and correct record. One amendment was noted on page 5: . . . 'Mr Cook *provided started* his evidence . . .' changed to 'Mr Cook *provided* his evidence . . . '.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received.

4. PRIVATE HIRE VEHICLE LICENSING

Brian Leahy (Senior Licensing Officer) summarised the report which had been circulated to decide whether to agree to licence tuk-tuks as private hire vehicles. The report had previously been presented to the Committee although it was requested that officers undertook more research into the vehicles in order to inform the decision whether to agree a licence.

It was noted that tuk-tuks have to comply with the same safety criteria of any other licensed vehicle and that officers had no concerns on the safety aspect of the vehicles. It was noted that the issue to consider was that if a licence was granted then the vehicle could be used by the company for any private hire use within the restrictions of the licence, if any were imposed. It was noted that there had been a lot of bad press about tuk-tuks in the various media – although in reality this was actually referring to bajaj – which are a smaller, slower vehicles than tuk-tuks.

It should be noted however that if proved to be safe, a licence could be granted but with conditions applied. It was recommended that officers could investigate likely conditions that the Committee would like to see applied to a licence and to bring back to a small working party of the Committee to agree.

Standing orders was suspended whilst the Committee went to the front of the buildings to look at the tuk-tuk for which the licence was being requested and to allow committee members to question the applicant.

- *If the vehicle can carry 6 adults, what is the weight limit?* Members could set any weight limit they wished as part of the conditions of licence.
- *Could distances from (e.g.) central Newbury be restricted as part of the conditions?* A licence means the vehicle can travel anywhere in the UK although – for example a restriction on travelling outside of West Berkshire could be set as part of the conditions.
- *How does this affect access for disabled passengers?* There is no legal requirement for a private hire vehicle to have disabled access.

LICENSING COMMITTEE – 23/02/09 – DRAFT MINUTES

- *Could the tuk-tuk ply for trade at a taxi rank?* The vehicle would not be licensed as a hackney carriage and therefore could only accept passengers who had pre-booked.
- *What was the speed of the tuk-tuk?* The vehicle could do 60 mph comfortably.
- *Is 'tuk-tuk' a generic term so a licence could therefore incorporate a bajaj?* The conditions on the licence could specify the safety standards to which the vehicle must conform to. The licence could also specify the manufacturer of the vehicle.

Representatives of the 'trade' – i.e. West Berkshire Hackney Carriage and Private Hire Operators' Association – raised no objections to the application.

The applicant asked that no restrictions be placed on taking the vehicle outside of West Berkshire. They lived in Great Shefford – i.e. on the border of the district – and felt this would curtail their business.

Standing orders were resumed.

Resolved that the recommendation to agree to licence tuk-tuks as private hire vehicles subject to special conditions was agreed unanimously. It was agreed not to restrict the use of the vehicle to West Berkshire. Brian Leahy would write the Council's conditions and would consult with the Chairman, Vice-Chairman and the Executive member for Licensing for their delegated approval.

5. HACKNEY CARRIAGE TARIFF 2008/9

Brian Leahy (Senior Licensing Officer) outlined the paper asking the Committee to consider a request from the trade for a further increase in fares for licensed hackney carriages operating in the district for the financial year 09/10 or to allow the 50 pence fuel supplement to remain.

There had been a special request from the trade in July 08 to allow a 50 pence increase in fares because of the cost of fuel. There was a general acceptance from the trade at that time that if the 50 pence remained then there would be no application for a percentage increase at the start of the new year.

Cabco's view (attached in appendix A) that the 50 pence surcharge should remain, rather than requesting a percentage increase. The West Berkshire Hackney Carriage and Private Hire Operators' Association held the same view (Appendix B). If the Committee were minded to remove the 50 pence surcharge and opt for a percentage increase then appendix B offered a view as to how this could be set.

Standing orders were suspended to allow the trade to contribute to the discussion and answer any queries members may have.

- *Did the Committee agree to put in place a sliding scale to accommodate subsequent changes in fuel prices?* This option had not been followed through because of the complexity of the formulae to calculate it. Also, it was noted that any changes in the fare structure presented a real cost to the Council of at least £500 to print revised tariff cards and to advertise the fare changes – as the Council is statutorily obliged to do.

Rodney Nemeth (representing both Cabco and the West Berkshire Hackney Carriage and Private Hire Operators' Association) noted that it was the view of the trade to keep the 50 pence surcharge that had already been applied. This was because (a) customers were now used to the tariff, (b) the £2.50 flag compares favourably with neighbouring districts, (c) as does the 1 mile rate. He noted that not one complaint had been received after the 50 pence increase last year and that the increase had allowed radio companies to reduce fares by abolishing the booking fee (referred to in appendix A). A change in the fare structure would cost the trade approximately £3,000 as a result of new chips needing to be fitted into the cars.

Standing orders were resumed.

Resolved that the 50 pence surcharge remain rather than ask for a percentage increase in 09/10 fares. This was agreed unanimously.

6. DISABLED TAXI GROUP

The Parliamentary Under Secretary for Transport has announced that a consultation document has been published on the Disability Discrimination Act and Taxis.

Interested parties, to include local authorities and taxi owners are asked to forward comments on the document by 24th April 2009.

Brian Leahy explained to members that a paper outlining proposals for change in disabled access conditions for taxis had been shelved in the light of the consultation. Members were urged to forward comments / proposals to Brian Leahy for inclusion into a formal response to the document on behalf of the Council's Licensing Committee / team. It is understood that the Council's Access Officer will also be commenting, albeit outside of the Council's licensing remit.

Brian Leahy is to provide further information to members.

7. PROPOSED CHANGES TO THE CONSTITUTION

The Chair outlined the paper to discuss proposed changes to the Council's constitution to allow applications for review of premises licences under s52(2) / club premises certificates under s88(2) of the Licensing Act 2003 to be delegated to Licensing Sub-committees to determine.

Resolved that the recommendation that licensing officers take forward a recommendation to the Council's Governance and Audit Committee and then to full Council that the constitution be amended.

(The meeting commenced at 6.30 p.m. and closed at 7:30 p.m.)

CHAIRMAN

Date of Signature:

Title of Report:	Licensing Annual General Meeting	Item 4
Report to be considered by:	Licensing	
Date of Meeting:	14 May 2009	
Forward Plan Ref:	n/a	

Purpose of Report: To invite responsible authorities, trade partners and other interested bodies to address the Licensing Committee regarding the 2008/9 licensing year

Recommended Action: To hear annual reports from partner agencies and interested parties

Reason for decision to be taken: N/A

Other options considered: N/A

Key background documentation: N/A

The proposals contained in this report will help to achieve the following Council Plan Priority(ies):

- CPP1 – Support our communities through the economic recession** – to alleviate the impact on different communities and individuals who find themselves out of work and/or disadvantaged
- CPP2 – Raise levels of educational achievement** – improving school performance levels
- CPP3 – Reduce West Berkshire’s carbon footprint** – to reduce CO₂ emissions in West Berkshire and contribute to waste management, green travel, transportation and energy efficiency

The proposals will also help achieve the following Council Plan Theme(s):

- CPT1 - Better Roads and Transport**
- CPT2 - Thriving Town Centres**
- CPT3 - Affordable Housing**
- CPT4 - High Quality Planning**
- CPT5 - Cleaner and Greener**
- CPT6 - Vibrant Villages**
- CPT7 - Safer and Stronger Communities**
- CPT8 - A Healthier Life**
- CPT9 - Successful Schools and Learning**
- CPT10 - Promoting Independence**
- CPT11 - Protecting Vulnerable People**
- CPT12 - Including Everyone**
- CPT13 - Value for Money**
- CPT14 - Effective People**
- CPT15 - Putting Customers First**

CPT16 - Excellent Performance Management

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by bringing together multiple agencies.

Portfolio Member Details

Name & Telephone No.:	Portfolio Member responsible for Environment & Public Protection
E-mail Address:	TBC
Date Portfolio Member agreed report:	n/a

Contact Officer Details

Name:	Brian Leahy
Job Title:	Senior Licensing Officer
Tel. No.:	01635 519494
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy:	It is the Council's policy to hold an Annual General Meeting in accordance with the Council's Licensing Policy Statement.
Financial:	none
Personnel:	none
Legal/Procurement:	The Council has no legal duty to hold an AGM other than its commitment in the Policy Statement
Property:	None
Risk Management:	None
Equalities Impact Assessment:	None

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 In 2005 the Licensing Act 2003 was introduced by the Government as a total reform of alcohol and entertainment licensing with the duty of its administration and enforcement falling to the Local Authority.
- 1.2 Under the previous licensing regime, the Licensing Act 1964, the duty of issuing alcohol licences lay with the Licensing Justices', sitting at the Magistrates' Court, and for entertainment, with the Local Authority.
- 1.3 Up until licensing reform the Licensing Justices held what was commonly known as the "Brewsters" during which they heard annual reports from primarily the Police and the Fire and Rescue Service.
- 1.4 At the end of the first year of reform it was decided that the Licensing Committee would benefit from a meeting similar to the Brewsters, held as an Annual General Meeting.

2. 2009 Annual General Meeting

- 2.1 Officers have written to a number of partner agencies and trade representative bodies to invite them to give a short address of the 2008/09 licensing year. Those written to are as follows:

West Berkshire Hackney Carriage & Private Hire Operator's Association
West Berkshire Executive Hire Association
Thames Valley Police
Royal Berkshire Fire & Rescue Service
West Berkshire Council Environmental Health (Health & Safety)
West Berkshire Council Environmental Health (Pollution)
West Berkshire Council Trading Standards
West Berkshire Council Protection of Children from Harm
West Berkshire Council Planning Service
West Berkshire Disability Alliance
Newbury Pubwatch
Thatcham Pubwatch
Newbury Licensed Victuallers Association

- 2.2 A list of speakers will be distributed at the meeting.