

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 29 JUNE 2011

Note: These Minutes have been amended. See Minutes of 13 December 2012.

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Manohar Gopal, Tony Linden, Geoff Mayes, Ieuan Tuck, Quentin Webb and Laszlo Zverko

Also Present: Paul Anstey (Environmental Health & Licensing Manager), Alison Beynon (Solicitor) and Brian Leahy (Senior Licensing Officer), Jessica Broom

Apologies for inability to attend the meeting: Councillor Paul Bryant, Councillor Adrian Edwards, Councillor David Holtby, Councillor Mollie Lock and Councillor Andrew Rowles

Councillor(s) Absent: Councillor Billy Drummond

PART I

4. Minutes

The Minutes of the meeting held on 15th March and 17th May 2011 were approved as a true and correct record and signed by the Chairman.

5. Declarations of Interest

There were no declarations of interest received.

6. Hackney Carriage Licensing

Brian Leahy introduced the report (Agenda Item 4) on the recommendations regarding the outcome of the demand survey that was undertaken following a request from the Taxi Trade to cap numbers of taxi licenses in West Berkshire. Section 16 of the Transport Act recommended that a survey be carried out approximately every 3 years in order that the Council had good evidence upon which to make its decisions. The paper that Brian Leahy had presented to the Committee was based on the independent demand survey – which was a lengthy report – the recommendations of which were included as Appendix A. The survey had indicated that there was no unmet demand in West Berkshire, however it should be noted that the government provided guidance that if market forces prevailed, then councils should not enforce a cap on numbers.

Brian Leahy had set out the options that Members were advised to consider in the report and added that the Committee could set a cap at higher level than the limit of 200 that had previously been put forward. At the time of submitting the report, the number of vehicle licenses had been 189. There were now 191 licenses with 6 awaiting processing which would take the total to 197 – 3 below the suggested limit.

In response to a question from Councillor Quentin Webb, Brian Leahy confirmed that the capping was being considered for vehicle licences not drivers. A business could have 10 cars and employ 15 drivers – there were far more drivers than there were vehicle licenses and the Council could not cap driver licences.

Councillor Jeff Beck stated for the record, that Members of the Committee had been lobbied by way of an email from Matt Castle of Dolphin Taxis with 2 attachments. However, this could not be taken into consideration at the meeting, as it was not submitted within the required timeframe. Several members of the Committee had not yet seen the email.

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In response to questioning from Councillors Linden, Zverko, Argyle and Webb, Brian Leahy made the following points:

- 2 of the 6 Berkshire Authorities had or were considering capping taxi numbers, however the choice was independent to an area;
- The number of licences fluctuates, but 191 was the maximum number of licences he had witnessed in 15 years. This was around 14 more than ten years ago;
- The Department for Transport (DfT) recommended that a survey be undertaken every 3 years if capping was adopted. In 3 years time the situation could be re-evaluated and capping be removed or reconfirmed, but firm independent evidence would be required;
- Taxis could operate anywhere in the District despite being licensed in a certain area, therefore there was no way to know the volume of demand in different areas of operation.

In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman suspended standing orders to allow members of the trade to participate in the discussion.

Two representatives of the Trade, Mr Rodney Nemeth of CABCO and Mr Richard Brown of West Berkshire Taxi and Private Hire Association addressed the Committee. Mr Nemeth stated that the survey had told them what they had expected - that there was no unmet demand. Mr Brown stated that although there were 191 taxis available from Taxi ranks there were also private hire vehicles, so there was also another option available in order to meet demand. The new development at Parkway would help to ease any queues at the ranks. They would like the Committee to proceed with the capping.

In response to questions from Councillors Zverko, and Tuck, Mr Nemeth and Mr Brown made the following points:

- Restricting vehicle numbers would help to give a better quality of life to drivers, so that they could then share working hours.
- Restriction of numbers would also mean that quality would be better guaranteed in the business – Mr Brown gave an example of a poor quality car that had been bought for £800 and was given 'disabled access' which he did not believe it provided.
- With both of the associations they represented, they accounted for around 180-190 Members as well as private hire operators.
- They would be happy to go ahead with another survey in 2 years time if it was required and were prepared to take on the costs this would involve.
- It was difficult to predict how many licences would be applied for in the next 6-12 months if there was no capping. However, their concern was a situation such as a company coming in and applying for 30 licences, taking their own existing drivers for example, which would result in longer hours for their drivers and risk of fatigue.
- This was the second survey that West Berkshire had undertaken and it told them what they already knew and had asked for – meaning that there could be a legitimate cap.

The Chairman reinstated standing orders.

In response to a question from Councillor Quentin Webb, Brian Leahy stated that the delay at the ranks was only a matter of minutes – there were very short waiting times. In October there would also be 17 more spaces with the Parkway development. Footfall patterns in the town once Parkway opened were as yet unknown. Councillor Webb

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commented that if a cap was set, then there might be an issue with people registering as many vehicles as possible.

Councillor Tony Linden stated that he believed the Trade should not be restricted, as advised by the DfT and Office of Fair Trading. Slow growth was expected now in the economy. Councillor Linden proposed that no capping be enforced.

Councillor Lazlo Zverko stated that while he was very sympathetic towards the issues that the Trade were facing, he was also concerned about helping the economic recovery in the area. He queried whether there were figures for drivers handing in their licenses. Brian Leahy responded that since 26th November 2009, 19 licences had been surrendered, but these had been subsequently replaced. This was due to retirements, vehicles becoming unusable or just leaving the Trade. Councillor Jeff Beck stated that it was not known if any of these were due to bankruptcy and Brian Leahy confirmed most had been due to retirement.

Brian Leahy stated that in 12 months this survey would no longer be valid in order to make a decision to cap, so they would need to re-survey. Councillor Jeff Beck highlighted this point to Members – if the decision was not to cap at the Committee meeting, another survey would be required in order to cap in the future.

Councillor Quentin Webb stated that the Parkway shops might have a negative effect therefore a survey would be needed. Brian Leahy explained that this would then be a further financial burden on the Trade as a survey costs a minimum of £15,000. It had taken 10 years for West Berkshire to undertake a further survey and this was at a cost to the Trade of £10,000 over 187 vehicles. If a survey was done again in 12 month's time then that would be an additional cost. If the 3 year cycle was adhered to, the next survey would be undertaken in May 2014. In response to a further question from Councillor Webb, Brian Leahy confirmed that any survey had to be independent and could not be carried out by Council Officers.

Paul Anstey explained to the Committee that the survey was a defining piece of evidence for decisions on policy matters. Members would not be advised to consider the possible future economic climate as the survey was a snapshot in time and was appropriate for the circumstances as they were at the current time. It was a very uncertain period of time and other financial considerations might not be the same at a future date – such as the Council budget to undertake another survey. There may be a situation in 12 months time when a new decision needed to be taken.

Councillor Jeff Beck stated that if Members decided to place a cap and in 2 year's time the situation had changed, the Trade had indicated that they would be willing to contribute to a further survey. If Members decided to let the status quo continue and in 12 month's time the Trade wanted to revisit the capping decisions, there would also have to be another survey.

Councillor Quentin Webb proposed a cap be introduced with a limit of 220, therefore giving some level of control over taxi numbers, which could be re-visited at a later date.

Councillor Jeff Beck confirmed with the Committee Members that there were no seconders for Councillor Linden's proposal not to enforce a cap. Councillor Ieuan Tuck seconded Councillor Webb's proposal.

The Committee voted in favour (5 Members in favour, 1 against and 1 abstention) of the proposal to enforce a cap on Taxi licences at 220, effective from the date of this meeting.

RESOLVED that: A cap on Taxi License numbers be enforced at limit of 220 effective from 29th July 2011.

7. **Air Quality Management in Thatcham**

Councillor Jeff Beck stated that this item was for information only.

Paul Anstey introduced the report (Agenda Item 5) concerning air quality management in Thatcham. The Transport Policy Task Group were the responsible group that considered these matters and the report had come through that group. He stated that tests had lead to declaring an air quality management area in Thatcham, within the blue line indicated on the map. This covered a section of the A4 from Chapel Street to Harts Hill Road. There would now be a period of consultation and engagement exercises. This was an officer based decision taken in consultation with the Portfolio Holder, Councillor Hilary Cole. The report had come to the Licensing Committee in order to inform Members that this piece of work was being carried out.

Councillor Jeff Beck stated that he was also a member of the Transport Policy Task Group who had received a presentation from Suzanne McLaughlin, Senior Environmental Health Officer. The group had been asked to agree the area that the blue line covered and had requested to know how the parameters had been determined. She had not known at the time and was to forward the information on to the Licensing Committee as had been minuted at the Task Group. Councillor Beck requested that the information be supplied to Members of the Licensing Committee and the Transport Policy Task Group.

Councillor Quentin Webb commented on the lack of figures in the report.

In response to a question from Councillor Ieuan Tuck, Paul Anstey stated that they would now be looking at how best to protect human health in the designated area; at the levels of exposure people living as well as working in the area were exposed to, and what they needed to do to ameliorate this. This was partly the purpose of the consultation activities that were to follow. They would also look at measures put in place in other areas to see if these would be appropriate. There was also a wider Air Quality Policy which helped to protect the wider population.

In response to a questions from Councillors Geoff Mayes and Quentin Webb, Paul Anstey confirmed that Nitrous Dioxide was purely traffic related, which was why it was the Transport Policy Task Group who dealt with air quality matters. Councillor Mayes thought that the number of traffic lights in this particular area would be a major contributor to the problem. Paul Anstey stated that the testing instruments were located at fixed positions – these would make the initial assessments and then further detailed assessments would be undertaken.

RESOLVED that: Suzanne McLaughlin send information regarding the parameters for the Air Quality Management zone in Thatcham, to Members of the Licensing Committee and the Transport Policy Task Group.

(The meeting commenced at 6.30 pm and closed at 7.35 pm)

CHAIRMAN

Date of Signature