

Notice of Meeting

Licensing Committee

Wednesday, 29th June, 2011 at 6.30 pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Tuesday, 21 June 2011

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jessica Broom / Jason Teal on (01635) 519591 / 519102

e-mail: jbroom@westberks.gov.uk / jteal@westberks.gov.uk

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



To: Councillors Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Billy Drummond, Adrian Edwards, Manohar Gopal, David Holtby, Tony Linden, Mollie Lock (Vice-Chairman), Geoff Mayes, Andrew Rowles, Ieuan Tuck, Quentin Webb and Laszlo Zverko

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 15 th March 2011 and on 17 th May 2011.	1 - 8
3. Declarations of Interest To receive any Declarations of Interest from Members.	
4. Hackney Carriage Licensing <i>Purpose: To consider a request from the Hackney Carriage (taxi) trade to regulate the numbers of taxi vehicle licences issued by the Council</i>	9 - 16
5. Air Quality Management in Thatcham <i>Purpose: To inform the Licensing Committee of the progress made with air quality management in Thatcham.</i>	17 - 24

Andy Day
Head of Policy and Communication

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

LICENSING COMMITTEE**MINUTES OF THE MEETING HELD ON
TUESDAY, 15 MARCH 2011**

Councillors Present: Peter Argyle, Jeff Beck (Chairman), Paul Bryant, Adrian Edwards, Manohar Gopal, Roger Hunneman, Tony Linden, Mollie Lock, Gwen Mason (Vice-Chairman), Ieuan Tuck and Quentin Webb

Also Present: ,

Apologies for inability to attend the meeting: Councillor Geoff Findlay and Councillor Andrew Rowles

Councillor(s) Absent: Councillor Billy Drummond

PART I**18. Minutes**

The Minutes of the meeting held on 21st December 2010 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

- **Page 3; Item 13, 2nd resolution**:- Should read 'All taxi drivers' instead of 'All new taxi drivers'.
- **Page 3; Item 13, 2nd resolution**:- Deletion of the second 'of' in the last sentence.

19. Declarations of Interest

There were no declarations of interest received.

Prior to the considering the reports as set out in the Agenda, Sarah Clarke addressed the Committee regarding an item of procedure. Two written submissions had been made: A memo from Mr Andrew Lutter (Chairman of West Berkshire Hackney and Private Hire Association) dated 14th March and a letter from Kevin Archibald (Representing CABCO) dated 9th March 2011. As these submissions were not received within five clear working days of the meeting, they could not be considered by the Committee. Members were asked that if they had received or seen these items that they disregard them. This was standard policy for Planning and Licensing Committees and was set out in the Council's Constitution.

20. Taxi Tariff 2010/11

Brian Leahy presented the report on the request from the Taxi Trade to increase tariffs. Councils are not obliged to set a maximum taxi fare (tariff) 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. The Office of Fair Trading also advises that it is good practise to set a maximum tariff. The report included information on the Consumer Price Index, London Black Cabs as well as neighbouring and similar local authority areas. Brian Leahy highlighted that Members might want to consider the affects of the recent rise in fuel and associated costs. The 15.5% rise that was stated in the report had been

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contested by the Trade and it was suggested that Standing Orders be suspended to allow the Trade to speak on this issue.

Councillor Jeff Beck clarified the statement on p10 paragraph 1.2, regarding consulting Thames Valley Police about the effects of setting or not setting a maximum tariff and their views being made known at the meeting. Despite chasing, no response had been received from Thames Valley Police.

It was confirmed, following a query from Councillor Roger Hunneman, that the Committee would be setting a maximum tariff but the taxis must always charge what the meter was showing.

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.

A representative of the Trade, Mr Rodney Nemeth, Director of CABCO, addressed the Committee. His representation was made on behalf of CABCO and also the West Berkshire Hackney and Private Hire Association. He was therefore representing over 200 owners and drivers. They were asking for a 20 pence increase on a journey over 1.5 miles. With the fuel increase, increasing insurance, servicing and tyre costs, their running costs were increasing. However, 7 out of 10 West Berkshire customers were still paying less for their taxi fares than they were 3 years ago. Three years ago there was a 50pence emergency increase in fares due to the fuel crisis. This was put in effect as a booking fee. A lot of members of the association believe it is once again, a crisis. They did not necessarily need a 'booking fee' to be implemented, just a fair average increase in fares. Mr Nemeth stated that a local shopping trip to Tesco would be a similar price to taking the bus. In response to questioning from Members, Mr Nemeth made the following points:

- Some taxi drivers charge less than the average rate – accurate quotes can be given to customers;
- 20 pence would be the average increase on the daytime tariff. An average taxi journey was 1.5 miles.
- The previous 50 pence increase was only applied to daytime tariffs, they now requested that the increase apply to night time tariffs as well. The night time increase would therefore equate to 75 pence. However there were no booking fees at night.
- A Newbury to Chieveley journey would increase by an estimated 50 pence. It currently would cost around £12.00. At night this would increase by approximately £1.25;
- 80% of their day time trade were the elderly or disabled and they always tried to look after the interests of their customers;
- Customers can negotiate prices at the rank – ask for quotes and obtain the best fare.
- The minimum charge was £2.50 and each mile after this would be an increase from £1.86 to £1.95 which was a 4% rise.

Rodney Nemeth also raised an issue from the Survey, where people had stated that fares were too high. He believed that everyone would state prices are too high when asked.

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Brian Leahy clarified that the Tariff card was standardised and used across the country. A member of the Trade, Richard Brown (Vice chairman of Hackney Carriage and Private Hire Association explained the metering to the Committee; the meter would increase by 10 pence not 20 pence. If someone was taking a journey from Hermitage to Chieveley they could phone to make a booking and negotiate a price.

The Chairman reinstated standing orders.

Councillor Peter Argyle stated that considering the rising costs of fuel he thought that a 4% increase was very reasonable and he proposed that this increase in tariffs be accepted by the Committee.

Councillor Paul Bryant queried how Windsor and Maidenhead had arrived at the £3.90 figure and Brian Leahy stated that this would have been agreed by Members at that Authority. Not all Local Authorities set tariffs each year.

The Committee voted unanimously in favour of adopting the Trade's request.

RESOLVED that the proposal for an increase in taxi tariffs be accepted.

21. **Hackney and Private Hire Conditions**

Brian Leahy presented the report regarding the request from Thames Valley Police that all of the Thames Valley Unitary Authorities consider including the following condition on drivers licences:

"A driver may not initiate any dialogue of a sexual nature or become involved sexually, or have sexual contact with, any customers in a licensed vehicle even if they consent".

The question was whether or not this issue was covered by other legislation and Brian Leahy believed that existing legislation was sufficient. What this new condition did do was to make it very clear to drivers that any kind of sexual contact in a taxi was not acceptable and removed any ambiguity.

As Chairman of the Safer Select Committee, Councillor Quentin Webb proposed that the Committee accept the condition.

In response to a question from Councillor Peter Argyle, Brian Leahy stated that this would be enforced in the same manner as other conditions, in that evidence would need to be presented. He believed that enforcement was secondary to the purpose of the condition.

Councillor Roger Hunneman stated that he was in favour of this condition but there needed to be absolute clarity with the wording – would it be acceptable for drivers to have a monologue with themselves for example.

Councillor Adrian Edwards pointed out the results of the Taxi Demand Survey which highlighted that people generally felt safe when using a taxi in the District.

Councillor Gwen Mason thought that adopting the condition would bring stability to the Thames Valley region and would also help with new taxi drivers in being clear about how they should conduct themselves.

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Councillor Paul Bryant was not in favour as he thought that this was a step further towards a nanny state and that this should be an issue for the Police to deal with.

The Committee voted in favour of adopting the condition with two abstentions.

Resolved that the condition regarding sexual conduct of taxi drivers be adopted.

22. Regulation of the Cosmetic and Skin Colouring Business

Brian Leahy presented the report which advised Members that the Local Government Act 1982 had been amended. This amendment enabled local authorities to adopt byelaws which are intended to increase health protection and reduce the risk of transmission of blood-borne virus (BBV) infections such as HIV, Hepatitis B and C and other infections in relation to Cosmetic Piercing and Skin-Colouring Businesses as well as for tattooing, ear piercing, electrolysis and acupuncture.

Brian Leahy explained that this was a widening of the current legislation to include the rest of the body and included semi-permanent tattoos. His recommendation was to accept the model byelaws presented.

In response to questions from Members of the Committee, Brian Leahy explained that he would not anticipate this added extra work for officers as those establishments that were already registered were those carrying out this work. Face painting was not included in the legislation but semi-permanent tattooing was. This was a registration for life for the premises and the person undertaking the practise away from the premises. The fee was £380 per year for either the premise or the person.

The Committee voted unanimously to adopt the by-law.

Resolved that the byelaw be adopted.

23. Taxi Demand Survey

The Licensing Committee commissioned a taxi demand survey to be carried out by Halcrow Group Ltd in the latter part of 2010. The report was intended to survey the current position with regard to taxi provision within West Berkshire District. A draft of the report had now been published and had been sent to Members of the Committee and the Chairmen of the two recognised taxi associations.

Brian Leahy stated that some errors had been found and fed back to the company. It was suggested that Members and the Trade read the report and discuss it's findings at a Trade Liaison meeting, giving the Trade chance to make representations to the Committee, when the item would be discussed in full and recommendations from the Trade and Officers could be made.

In response to a question from Councillor Webb, Brian Leahy stated that there were comparisons with other areas made within the report – the company had looked at other similar authority areas.

Resolved that:

- 1) The final report on the survey be discussed at a Trade Liaison meeting
- 2) Recommendations from this meeting be brought back to the Licensing Committee in June.

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(The meeting commenced at 6.30 pm and closed at 7.30 pm)

CHAIRMAN

Date of Signature

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 17 MAY 2011

Councillors Present: Peter Argyle, Jeff Beck, Paul Bryant, Billy Drummond, Adrian Edwards, David Holtby, Tony Linden, Mollie Lock, Geoff Mayes, Andrew Rowles, Ieuan Tuck, Quentin Webb and Laszlo Zverko

Apologies for inability to attend the meeting: Councillor Manohar Gopal

PART I

1. Election of Chairman

RESOLVED that Councillor Jeff Beck be elected Chairman of the Licensing Committee for the 2011/12 Municipal Year.

2. Apologies for Absence

An apology for inability to attend the meeting was received on behalf of Councillor Manohar Gopal.

3. Appointment of Vice-Chairman

RESOLVED that Councillor Mollie Lock be appointed Vice-Chairman of the Licensing Committee for the 2011/12 Municipal Year.

(The meeting commenced at 8.24 pm and closed at 8.25 pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.

Title of Report:	Hackney Carriage Licensing
Report to be considered by:	Licensing
Date of Meeting:	29 th June 2011
Forward Plan Ref:	

Purpose of Report: To consider a request from the Hackney Carriage (taxi) trade to regulate the numbers of taxi vehicle licences issued by the Council

Recommended Action: To consider the options provided

Reason for decision to be taken: Demand Survey outcomes and request from the trade

Other options considered: None

Key background documentation: West Berkshire Hackney Carriage and Private Hire Survey.

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

- CPP1 – Support our communities through the economic downturn** – 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 crime and the fear of crime**

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:
Restricting the numbers of hackney carriage vehicle licences issued by the Council thus contributing to a reduction in carbon emissions

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	15 th June 2011

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

Implications

Policy:	The current policy is for the Council to issue taxi vehicle licences to any person providing a vehicle which meets the Council's standards.
Financial:	Restricting the number of licences could have some impact on income. However, the current 2011/12 budget will be unaffected. If there are any financial implications contained within this report this section must be signed off by a West Berkshire Finance Manager. Please note that the report cannot be accepted by Policy and Communication unless this action has been undertaken.
Personnel:	None
Legal/Procurement:	A restriction on numbers of vehicle licences is legal following the recent outcomes of the demand survey carried out by Halcrow, on behalf of the Council.
Property:	None
Risk Management:	None
Equalities Impact Assessment:	EIA carried out Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.
Corporate Board's Recommendation:	N/A

NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.

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

Executive Summary

1. Introduction

- 1.1 The Council may issue taxi vehicle licences to applicants who provide a vehicle which meets the Council's standards. This duty is discretionary, not mandatory, and accordingly the local authority can exercise its discretion in relation to both the vehicle and the applicant personally. The only situation in which a licence specifically cannot be refused (assuming that the applicant and vehicle are acceptable) is if there is a significant demand which remains unmet.
- 1.2 Until the introduction of the Transport Act 1985, local authorities had an unrestricted discretion to limit the number of hackney carriages which they would licence. The Transport Act 1985 removed this discretion.
- 1.3 In order to determine whether or not there was significant unmet demand in West Berkshire, a survey was undertaken by an independent consultant. The results of this survey are that there is no significant unmet demand in the district.

2. Proposals

- 2.1 To consider the trades request to limit the number of hackney carriage proprietors (vehicle) licences issued by this authority.

3. Conclusion

- 3.1 Any decision taken by Members to limit taxi numbers could take immediate effect and would be at a level which slightly exceeds the current number. However, should Members decide to allow market forces to determine the demand and provision of taxis then the current policy would continue.

Executive Report

1. Introduction

- 1.1 At the Licensing Committee meeting held on the 8th September 2009 a report was presented which addressed the trade's request for limiting the number of taxi licences issued by the Council.
- 1.2 The trade's view was that there were too many taxis available for hire in the district, particularly in Newbury and Thatcham, and as a consequence the income derived from operating a taxi had been eroded to a level whereby it was becoming difficult to earn a decent living. That position has not changed, and a further request for Members to consider regulation, has been submitted.
- 1.3 Members were advised in a report presented to the Committee on the 8th September 2009, that regulating the number of licences in West Berkshire had ceased in 2000 and that the current policy was one of issuing a licence to anyone who met the legal criteria of proprietor and vehicle.

2. Limitation of Numbers (Capping)

- 2.1 Until the introduction of the Transport Act 1985, local authorities had an unrestricted discretion to limit the number of hackney carriages which they would licence. Section 16 of the Act removed that discretion by amending the wording of section 37 of the Town Police Clauses Act 1847. Section 16 states:

“Taxi Licensing: control of numbers

16. The provisions of the Town Police Clauses Act 1847 with respect to hackney carriages, as incorporated in any enactment (whenever passed), shall have effect –

- a) as if in section 37, the words “such numbers of” and “as they think fit” were omitted; and
- b) as if they provided that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant unmet demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.

- 2.2 As a result of this, the local authority can only refuse to grant a hackney carriage proprietor's licence if they are satisfied that there is no significant unmet demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet. This has led to two distinct situations: those authorities that do limit the number of hackney carriages and those that do not.
- 2.3 West Berkshire District Council is currently in the category of not limiting the numbers of licences issued, by virtue of the decision taken by committee in 2000 which took full effect in April 2004.

- 2.4 In order to determine whether or not demand for taxis in West Berkshire was being met, Members agreed that officers commission a survey to be carried out by an independent company during the latter part of 2010.
- 2.5 The survey report is lengthy and whilst of interest to the trade and to the Authority, it is the conclusions/recommendations that are most important in the context of this report. The report recommendations are attached at Appendix A.
- 2.6 At a trade liaison meeting held on the 26th April 2011, after a brief discussion on the survey, the associations asked for a cap on taxi numbers to be set at 200, if Members were minded to agree to regulate. This figure, is of course, only appropriate if the number of taxis as of the date of this meeting is 200 or less. It was suggested that wherever the number of licensed taxis stands as of this meeting, a cap could be set at 5 above that number. Vehicle licence numbers as at the time of submission of this report are 189.
- 2.7 It will be of interest to Members to note that the annual average number of vehicle licences issued or renewed by the Council over the last 3 years is 188.

3. Department for Transport and Office of Fair Trading Reports

- 3.1 Both the DfT and the OFT have published reports which give their individual views on quantity restriction.

- 3.2 Section 47 of the DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010 states;

Most local authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in reconsideration is whether the restrictions should continue at all.

- 3.3 The OFT report November 2003, The Regulation of Licensed Taxi Services in the UK covers the subject of regulation extensively but summarises its views as “limiting the number of taxis reduces availability and lowers the quality of service to the public. These restrictions should therefore be lifted. OFT advice to Government in 2004/5 as part of a consultation exercise asks government to “repeal regulation allowing local authorities to restrict the numbers of taxis in their area.”
- 3.4 The above reports/guidance, are purely that, and are not mandatory requirements of law. It will be for Members to decide, having considered all ramifications of setting a limit, if they wish to do so or not.

4. Options

- 4.1 a) Set a limit at 200.
- b) Set a limit at a figure determined by Members.
- c) Leave the current situation of un-regulated numbers of licences in place.

5. Conclusion

- 5.1 There is no legal reason why Members cannot set a maximum limit on the number of taxi vehicles licences it issues each year for the next 3 years.
- 5.2 It is strongly recommended by DfT /OFT that where a council regulate the number of taxi licences, the matter is reconsidered no later than 3 years after setting a limit, or sooner

Appendices

Appendix A – Halcrow survey - recommendations

Consultees

Local Stakeholders: Cabco, West Berkshire Hackney & Private Hire Association, Taxi Liaison attendees

Officers Consulted: Paul Anstey

Trade Union: None

Appendix A

Halcrow survey - recommendations

The 2010 study has identified that there is NO evidence of significant unmet demand for hackney carriages in West Berkshire. This conclusion covers both patent and latent/suppressed demand and is based on an assessment of the implications of case law that has emerged since 2000, and the results of Halcrow's analysis.

On this basis the authority has discretion in its hackney licensing policy and may either:

- continue to allow market forces to dictate the number of hackney carriage licences;
- issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
- introduce a limit on the number of vehicles at 195 or higher.

The vast majority of evidence collected during this study indicates a high level of service to consumers of hackney carriage services in West Berkshire as a result of the current policy of free entry to the market. The re-introduction of a fixed limit would be very unlikely to have any deleterious effect on this level of performance in the short term (one to three years). In the medium term, however, as demand for transport continues to grow, it is possible that consumers may be inconvenienced by a limit of 195 vehicles. When considering re-introducing a limit the Council therefore needs to balance this possible dis-benefit to the consumers of hackney carriage services with the likely benefit to the suppliers of the service. In its most recent guidance to local authorities, the Department for Transport is very clear on this point - it believes councils should allow free entry. One consequence of this view is that the evidence required in practice to defend and maintain a policy of limitation is becoming more stringent. The council should expect to have to re-visit its evidence at least every three years.

If the Council wishes to depart from the current policy of free entry, one approach might be to restrict future growth rather than to stifle it completely. This would have the benefit of protecting consumers whilst at the same time providing greater certainty to members of the hackney trade. This can be achieved in one of two ways:

- by retaining a free entry policy but introducing more demanding conditions on the type of vehicle (e.g. requiring much newer wheelchair accessible vehicles); or
- by introducing a policy of continuing to issue licences but only up to an annual limit. Limiting the growth to between five to ten licences per year would be reasonable, allowing for a six to twelve percent increase in the fleet over a three year period.

Both of these approaches have been successfully applied by licensing authorities elsewhere, with the first being possibly the most straightforward to administer.

It is also recommended that the authority look to promote and publicise the range of wheelchair accessible vehicles available for pre booking together with information regarding the type of vehicle.

Agenda Item 5.

Title of Report:	Air Quality Management in Thatcham
Report to be considered by:	Licensing
Date of Meeting:	29 June 2011
Forward Plan Ref:	

Purpose of Report: To inform the Licensing Committee of the progress made with air quality management in Thatcham.

Recommended Action: The Licensing Committee note for information the principle to the Declaration of an Air Quality Management Area in relation to the exceedence of the annual mean of Nitrogen Dioxide (NO₂) levels on a section of the A4 in Thatcham from the Harts Hill Road Junction to the Junction with The Broadway (as shown in Appendix B) as already agreed by Transport Policy Task Group on 27 May 2011.

Reason for decision to be taken: There is a legal duty on the Local Authority to declare an Air Quality Management Area where the Government and EU Air Quality objectives are likely to be exceeded. Measurements in Thatcham currently indicate this is the case at the above location.

Other options considered: When exceedences are determined there is a Statutory duty to declare an AQMA therefore no other options are available.

Key background documentation: Further Assessment 2010 (Newbury and Thatcham)
- Detailed Assessment 2009 (Thatcham)
- Local Air Quality Management Technical Guidance (2003), LAQM TG. (03), DEFRA (2006 Update)
- The Air Quality Standards Regulations (2007), Statutory Instrument 2007 No 64

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

- CPP1 – Support our communities through the economic downturn** – 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 crime and the fear of crime**

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:

Working towards the Governments air quality objectives and ensuring compliance with our Air Quality Policy with the aim of reducing pollution levels in West Berkshire Council

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	

Contact Officer Details	
Name:	Suzanne McLaughlin
Job Title:	Senior Environmental Health Officer
Tel. No.:	01635 503242
E-mail Address:	smclaughlin@westberks.gov.uk

Implications

Policy: These documents are required as part of the national air quality strategy and are in line with our Air Quality Policy.

Local Air Quality Strategy (future planning of Air Quality work in West Berkshire), Local Development Framework (Air Quality as a consideration in proposals) and the Local Transport Plan 3.

Financial: The declaration itself has no direct financial implications other than officer time in coordinating the declaration. Future work, however, following declaration of the AQMA, will have both direct and indirect costs. We have used DEFRA Capital Grant to cover part of the costs of the monitoring equipment installed in Thatcham. Although the Grant Programme has been changed for 2011/12 we will still look to seek additional external funding towards maintaining the continuous monitoring unit and diffusion tubes in Thatcham (approx £12,000). If we are unsuccessful in the grant application there will be a financial pressure. If there are any financial implications contained within this report this section **must** be signed off by a West Berkshire Finance Manager. Please note that the report cannot be accepted by Policy and Communication unless this action

has been undertaken.

- Personnel:** Currently work relating to Air Quality is undertaken by a Senior Environmental Health Officer. The declaration itself will not require additional resources; however, as with Finance, the work following the declaration will have a direct impact on officer resources to work on the action plan. This will require diverting officer time from other areas of the Environmental Health Service
Current officer workloads will be prioritised and communicated through routine performance management.
- Legal/Procurement:** As indicated above there is a legal duty on the Local Authority to declare an Air Quality Management Area where the Government and EU Air Quality objectives are likely to be exceeded. Our current monitoring indicates that air quality objectives have been exceeded. This has now been reported to DEFRA in both the Detailed and Further Assessment reports, we are awaiting confirmation of their acceptance of the need for an AQMA to be created.
In discussion with the relevant Portfolio Holder it has been agreed that initial scrutiny provided by the Transport Policy Task Group followed by delegated officer authority is a suitable method to make this decision and the matter will then be referred to the Licensing Committee for information.
The declaration of an Air Quality Management Area will require some support from Legal Services
- Property:** There may be implications should West Berkshire own any properties which fall within the proposed Air Quality Management Area
To the best of our knowledge there are no West Berkshire Council owned properties, which will be impacted by this declaration. Members should be aware for the potential for blight on those private dwellings and businesses which fall within the AQMA
- Risk Management:** There is a statutory duty on the Local Authority to declare an AQMA within 4 months of the acceptance of the need for the declaration. Failure may result in West Berkshire Council's inadequacies being highlighted
- Equalities Impact Assessment:** There may be blight to some of the properties within the declared area.
An assessment will need to be carried out for the options within the action plan as proposals such as Road Charging could have a negative impact on those on a low income, whereas improved public transport links will provide a positive impact.
Where a decision is required, Policy and Communication are not able to accept your report without an EIA being completed. These should be sent to P&C along with your report and should be copied to the Principal Policy Officer (Equality & Diversity). For advice please contact Principal Policy Officer (Equality & Diversity) on Ext. 2441.

NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" 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 Management Commission or associated Task Groups within preceding six months		<input checked="" type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

Executive Summary

1. Background

- 1.1 Under the Local Choice Functions in Part 3 of the Constitution, the Licensing Committee are the appropriate body to be notified when officers exercise their delegated powers in relation to air quality management.
- 1.2 The Transport Policy Task Group and Executive Member have been consulted throughout this process.

2. Decision to Declare

- 2.1 Consultants have been employed to analyse the data relevant to Thatcham and they conclude that an Air Quality Management Area (AQMA) should be declared.

3. Conclusion

- 3.1 Officers agree with the Consultants report and are proceeding with the declaration.

Executive Report

4. Introduction

- 4.1 The Transport Policy Task Group (TPTG) is the nominated group to examine issues relating to air quality for West Berkshire Council.
- 4.2 On 27th May 2011 a report was submitted to the Group for scrutiny and outline agreement with progress being made on Thatcham's air quality management.
- 4.3 This report is specifically designed to update the Licensing Committee on current air quality issues in Thatcham following this scrutiny and liaison with the Executive Member.
- 4.4 The aim of the Government's air quality standards is to improve local air quality and thus improve the standard of living and well being of those people living in areas of poor air quality. Part IV of the Environment Act 1995 and subsequent relevant regulations require West Berkshire Council to monitor and review air quality throughout the District.
- 4.5 AEA Technology Ltd was contracted to undertake a Detailed Assessment of Tidmarsh and Thatcham, and the Further Assessment of Thatcham and Newbury in relation to Nitrogen Dioxide (NO₂) levels.

5. Conclusions from Consultants Reports

- 5.1 Detailed Assessment - The monitoring and dispersion modelling demonstrate that an AQMA is required in Thatcham and that the declaration of an AQMA should proceed in this area. The AQMA boundary for Thatcham should include all specified receptors where the NO₂ annual mean objective is exceeded.
- 5.2 Further Assessment – Confirmed the earlier detailed assessment conclusion for an AQMA to be declared and also stated that the primary source of emissions were derived from heavy vehicles, local traffic, queuing vehicles near junctions and traffic lights.

6. Action following an AQMA Declaration

- 6.1 The report will be taken to the Executive and once agreed we need to provide DEFRA with a copy of the Order. The Order will be held by Legal but will be available on our website and residents and business will be notified in writing once it has been declared.
- 6.2 Local Ward Members and Thatcham Town Council will be notified at this stage.
- 6.3 There will inevitably be some concerns from residents and businesses with regard to any health implications and the effect that an AQMA could have on their homes. To date, there have only been positive messages to authorities that have declared such areas, with an AQMA demonstrating a commitment to minimising the impact.
- 6.4 Once the declaration is made the Council must submit an Action Plan within 12-18 months of declaring the AQMA to DEFRA, which outlines how it proposes to work

towards reducing the levels of NO₂ within the AQMA. This additional work will require both finance and staff resource. It will also involve both internal and external consultation and partnership working.

7. Conclusion

- 7.1 The Licensing Committee note the Declaration of an Air Quality Management Area in relation to the exceedence of the annual mean of Nitrogen Dioxide (NO₂) levels on a section of the A4 in Thatcham from the Harts Hill Road Junction to the Junction with The Broadway (as shown in Appendix B).

Appendices

Appendix A – Detailed Assessment for Thatcham, 2010 and Further Assessment for Thatcham and Newbury (large document so available on request)

Appendix B – Map of area to be declared

Consultees

Local Stakeholders: N/A

Officers Consulted: Anna Smy, Paul Anstey

Trade Union: N/A

Appendix B

