

Notice of Meeting

Licensing Committee

Wednesday, 20 March, 2013 at 6.30pm
in Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Friday 8 March 2013

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Jenny Legge / Jason Teal on (01635) 503043 / 519102

e-mail: jlegge@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** 1 - 6
To approve as a correct record the Minutes of the meeting of this Committee held on 5 December 2012.
3. **Declarations of Interest**
To receive any Declarations of Interest from Members.
4. **Taxi Tariff 2013/14** 7 - 22
Purpose: To inform Members of a request from the taxi trade for an increase in the taxi tariff (Fare)
5. **Taxi Roof Signs** 23 - 32
Purpose: To report further to a decision taken by the Committee on the 5 December 2012
6. **Police Reform & Social Responsibility Act 2011 - Late Night Levy & Early Morning Restriction Order.** 33 - 56
Purpose: To update Members on the introduction of the provisions for the Late Night Levy (LNL) and the Early Morning Restriction Order (EMRO) as provided for in the Police Reform and Social Responsibility Act 2011, which amends the Licensing Act 2003.
7. **Police Reform & Social Responsibility Act 2011 - Change to Responsible Authority List.** 57 - 58
Purpose: To inform Members of a change to the List of Responsible Authorities under the Licensing Act 2003

Andy Day
Head of Strategic Support

Agenda - Licensing Committee to be held on Wednesday, 20 March 2013 *(continued)*

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

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LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 5 DECEMBER 2012

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

Also Present: Sarah Clarke (Team Leader - Solicitor), Julia O'Brien (Principal Licensing Officer), Jason Teal (Performance, Research & Consultation Manager) and Amanda Ward (Licensing Officer),

Apologies for inability to attend the meeting: Paul Anstey, Councillor Paul Bryant, Councillor David Holtby, Brian Leahy and Councillor Andrew Rowles

Councillor(s) Absent: Councillor Adrian Edwards

PART I

8. Minutes

The Minutes of the meeting held on 20 June 2012 were approved as a true and correct record and signed by the Chairman.

9. Declarations of Interest

There were no declarations of interest received.

10. Taxi Roof Signs

The Committee considered a report (Agenda Item 4) concerning a request from the trade to replace the current taxi roof signs with a new design.

It was noted that the current signs had been prescribed since January 2001. Feedback from the trade was that the current roof signs were starting to look tatty, but more importantly, were not as aerodynamic as newer designs. The request from the trade was therefore as a result of the new signs being better in terms of fuel economy and CO2 emissions.

The recommendations of the report were for the Committee to approve the new roof sign. Julia O'Brien drew the Committee's attention to the fact that in order to satisfy the Department of Transport's (DfT) guidance, a letter inviting feedback on the proposed new design was sent to all licence holders on 16 November. The consultation period would end on 28 December 2012. Since November there had been extensive discussions with taxi owners and with owners on the ranks; feedback had been positive and to date no objections had been received.

It was confirmed by Mr Lutter (Chair of the West Berkshire Hackney Carriage Association) that the signs were connected to the cars by magnets and there had been no instances of them falling off when vehicles were driven at speed. It was also confirmed that the signs were illuminated and that the red lights to the rear of the signs would not compromise the green West Berkshire livery.

LICENSING COMMITTEE - 5 DECEMBER 2012 - MINUTES

Councillor Lock queried whether there would be any economies of scale should the signs to be bought in bulk. Julia O'Brien commented that this had been raised at the last liaison meeting with the trade and that there was no reason why the taxi operators could not collectively purchase the signs should they wish to do so.

(In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow members of the trade to participate in the discussion and respond to questions committee members might have. This was seconded by Councillor Tony Linden and the Committee voted in favour of this proposal).

In response to a query made by Councillor Billy Drummond relating to paragraph 1.6 of the report on the estimated reduction in CO₂ emissions this proposal would likely yield, Andrew Lutter (Chair of the West Berkshire Hackney Carriage Association) said that there was a standard formula for working out the litre of fuel converted to tonnes of fuel. He confirmed that the design of the new signage would save around ½ tonne of CO₂ after 20,000 miles. More simply, he added that the old signage was estimated to add around 6% to a taxi's fuel bill; the new signage was thought to add only around 3%.

In response to a query made by Councillor Quentin Webb on the trade's view on the phasing of the introduction of the new signs; Mr Lutter suggested that it made sense to place the requirement to upgrade the signs upon renewal of the licence.

In response to a query made by Councillor Webb on the cost of the signs Mr Lutter responded that the design was standard and available from a number of suppliers. The livery was simply transfers that were historically done by local printers; this would not change given the new signs. By buying in bulk his association estimated that the price would be reduced to around £55 a unit. In essence, therefore, the costs would have been recouped within 4 months.

A query was raised made by Councillor Webb as to how it would be ensured that the outgoing signs did not end up being used by non-licensed individuals. It was noted that the signs were the property of the licensee and it was their responsibility to ensure all identification was removed before they were either sold on, or disposed of. It was also noted that the old signs needed to be disposed of in an environmentally friendly manner.

A query was raised by Councillor Laszlo Zverko as to whether this was the optimum aerodynamic design. Mr Lutter confirmed that it was, for this kind of sign. Some licensing areas did not require taxis to display a sign on the roof, for example, a sticker on the back of the car, or the licence plate itself were considered sufficient. However, it was noted that in these cases it was not always obvious that the vehicle was a taxi.

In response to a query made by Councillor Webb on the placing of signs at the rear of cars, it was noted that it was good practice to place the sign no further back than the door pillar. This was optimal in terms of wind resistance, but also in making sure the vehicle was identifiable as a taxi from the front.

Mr Lutter signalled he was content for the Committee to discuss the positioning of the signs, although noted that front positioning was not always possible on some vehicles, for example, those with glass roofs.

Mr Lutter further commented that his organisation wished to seek representation of the Committee at the trade liaison meetings between licensees and Licensing Officers. He commented that he would welcome an additional channel of communication between the trade members and the Committee.

(The Chairman reinstated standing orders, seconded by Councillor Linden)

Councillor Webb proposed the recommendation to accept the new sign design as proposed. He suggested that a condition be placed on the positioning of the sign forward

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of the door pillar (where possible). He noted that the proposal to complete implementation over a 12 month period, upon renewal of a license seemed appropriate.

Councillor Beck noted that the Council needed to safeguard that the old signage would not be available for usage. Sarah Clarke responded that it would be difficult to attach a condition on disposal due to its enforceability. She noted that should someone unlicensed operate as a hackney carriage they would be committing a criminal offence and therefore would be subject to criminal sanctions. It was noted that the sign was the property of the licensee and the livery was simply a sticker which could be peeled off, leaving a blank sign, which, should the licensee wish, could be sold on.

Sarah Clarke noted that an advisory notice could be placed on the renewal license suggesting how the old sign should be disposed of, i.e. removing any identifying features. She further suggested a rephrasing of the recommendation to:

'subject to the outcome of the consultation which concludes on the 28 December 2012, to approve that the new condition will apply to any new licence after 1 January 2013 and any existing licence on application for renewal and therefore all taxis would be compliant by the 31 December 2013.'

(In accordance with paragraph 7.12.14 of the Council's Constitution, the Chairman proposed suspension of standing orders to allow members of the trade to participate in the discussion and respond to questions committee Members might have. This was seconded by Councillor Drummond and the Committee voted in favour of this proposal).

In response to a query made by Councillor Webb whether there were any issues with the new signs being used immediately, Mr Lutter responded that his organisation had a number already purchased which could be sold to licensees immediately.

He noted that a recommendation would be welcomed as to which size of sign was required, as the magnets were placed differently depending on the length of the sign. He noted that the trade's preference was for the larger signs as they were more visible.

Amanda Ward noted that an advantage of the larger signs would be that it provided space for both the license number and a wheelchair sticker (if appropriate). If a wheelchair sticker was not applicable; the license number could be replicated on both sides.

Trade representatives advised they would prefer a set size for signs, rather than leaving it to licensee discretion, therefore would ask for paragraph 2.1 to be amended, removing Officer discretion.

(The Chairman reinstated standing orders, seconded by Councillor Lock)

Sarah Clarke advised the committee following discussions with Licensing Officers, the condition to fit the sign could not take place until after the consultation had closed. It would be sensible to push the start date back to allow Officers time to finalise the administration on the licenses without necessarily prejudging the outcome of the consultation.

Sarah Clarke proposed that the start date for compliance could be set for the 14 January 2013. The condition could be applied any time from that date, but had to be met by time of renewal. Sarah Clarke then clarified that the conditions would be applied from the 14 January 2013. Officers would draft a new condition that would apply to any new licences from that date and would allow existing licensees to change their signs from that date and no later than on renewal of licences. It was clarified that Members were opting for the larger sign, to be positioned forward of the door pillar (unless this were not possible due to a glass roof panel). This condition would be subject to the outcome of the consultation.

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Councillor Linden proposed the recommendation which was seconded by Councillor Laszlo. The committee voted unanimously in favour of the proposal.

RESOLVED that the motion to approve a condition for a new taxi roof sign from 14 January 2013 be carried.

11. Police Reform and Social Responsibility Act 2011

Julia O'Brien introduced the report updating Members on the Police Reform and Social Responsibility Act 2011. She noted that no action or decisions were required from the Committee at present, although a further report would be forthcoming in 2013 with some recommendations.

Julia O'Brien noted that the Act would give Members new powers to adopt Early Morning Restriction Orders (EMROs) and Late Night Levys. These new powers would allow the authority to work more closely with Thames Valley Police (TVP) in reducing crime and the fear of crime. It was noted that the Late Night Levy, if applied, would be applicable across the whole district. Of this revenue stream, 70% of the net amount would be allocated to TVP, with 30% retained by the Council.

It was noted by Councillor Jeff Beck that there were no conditions placed on how the police could utilise this money.

Councillor Beck, advised the Committee that this was a further update on the Act and that the Committee was being asked to note its content and offer any comment. He added that it was unfortunate that TVP had yet to indicate whether it supported this move, although he suggested that if they were not in support there was nothing stopping the Council acting anyway.

He further offered the view that the Act was flawed, in that there was no commitment to utilising the money locally, either on alleviating night-time anti-social behaviour, or in West Berkshire specifically. He added that he felt the use of EMROs was a useful tool for the authority in dealing with problem proprietors.

Councillor Beck explained that the Council was able to extract administration charges, so that the scheme would be cost-neutral in terms of administration. The remaining 30% could, therefore, usefully be spent on things such as street cleaning or taxi marshals.

It was observed by Councillor Beck that paragraph 5.9 of the report highlighted that the Business Improvement Districts (BIDs) could be excluded from a district-wide levy. However, it was concluded that in an area such as West Berkshire, such an exemption would make the scheme effectively redundant.

Sarah Clarke noted that the authority was still waiting on regulations to be released by Central Government. Once this had been published, a decision from the Committee would be sought, in principle, which would provide Officers with instruction to work up a potential local scheme in more detail.

In noting that TVP had yet to offer a view on the proposals, it was suggested that a formal letter could be written to the new Police Crime Commissioner from the Chair of the Licensing Committee alerting him to the proposals; enquiring whether he had formed any views which he wished to discuss with the Committee.

ACTION: Sarah Clarke / Julia O'Brien to draft a letter to be sent to the TVP Police Crime Commissioner on behalf of the Chair of the Licensing Committee.

RESOLVED that the report be noted.

(The meeting commenced at 6.30 pm and closed at 7.45 pm)

LICENSING COMMITTEE - 5 DECEMBER 2012 - MINUTES

CHAIRMAN

Date of Signature

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Agenda Item 4.

Title of Report:	TAXI TARIFF 2013/14
Report to be considered by:	Licensing
Date of Meeting:	20 March 2013.
Forward Plan Ref:	n/a

Purpose of Report: To inform Members of a request from the taxi trade for an increase in the taxi tariff (Fare)

Recommended Action: To Refuse the request

Reason for decision to be taken: Request from the Trade

Other options considered: To approve the request or amend the rate of tariff

Key background documentation: OfT Report on taxi services

The proposals contained in this report will help to achieve the following Council Strategy priority:

☒ **CSP4 – Protecting the environment**

The proposals contained in this report will help to achieve the above Council Strategy priority:

Ensuring that the tariff charged is set at a fair and reasonable level does not exceed the maximum agreed thus protecting the taxi using public from being overcharged.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	07 March 2013

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

Implications

Policy: Although not a mandatory requirement, the Council has set a maximum tariff for a number of years.

Financial: None

Personnel:	None
Legal/Procurement:	The Council has a duty to advertise any variation in fares and publish a date by which any objections must be received.
Property:	None
Risk Management:	None
Equalities Impact Assessment:	None

Executive Summary

1. Introduction

- 1.1 Local Government (Miscellaneous Provisions) Act 1976 section 65 allows a district council to fix the rate of fares, within the District in respect of hackney carriages. The Council is not obliged to set a 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 has been reviewed annually for a number of years.
- 1.2 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 and Private Hire Association and the CABCO Association, have always been opposed to such a proposal citing potential threats from the public as the main reason, along with the possibility of more mercenary drivers charging unreasonably high fares. If no tariff were set, this would not be illegal.

2. Proposals

- 2.1 To consider the trade's proposal shown as Appendix B.

3. Equalities Impact Assessment Outcomes

- 3.1 Consultation has taken place with the trade liaison representatives. The issue of increased taxi fares could be a source of financial difficulty for those who rely on taxis but have reduced or low incomes.

4. Conclusion

- 4.1 It is intended that if Members agree to the trade's request, any change in tariff will be implemented not sooner than 15th April 2013 unless an objection is received during the 14 day statutory notice period.
- 4.2 Where an objection is received within the 14 day period, the Council will set a date, no later than 2 months after the first specified period, on which the table of fares will come into force with or without modification as decided by them after having considered all objections.
- 4.3 If Members choose to reject the request the tariff will remain at that set in 2012.

Executive Report

1. Introduction

- 1.1 The Council are empowered to set a tariff for hackney carriages by virtue of the Local Government (Miscellaneous Provisions) Act 1976 section 65.
- 1.2 The Council has approved an increase in tariff at the request of the trade for at least the last 9 years. Records previous to this are archived but should Members wish, these can be produced.
- 1.3 In 2008 the tariff was increased twice, at the request of the trade. As a consequence of the additional increase in 2008, the trade did not submit an application for a further increase in 2009 but asked for the tariff to remain unchanged. Members agreed to this proposal.
- 1.4 Fees have always been set as the maximum to be charged.
- 1.5 In order to assist Members in considering these requests, Officers have provided information on current tariff charges agreed by other councils which are published in the trade publication, Private Hire & Taxi Monthly. The magazine shows an up to date monthly list of local authority tariffs and each Council's ranking in a price chart. The tables are sorted by the Tariff 1, 2 mile fare, as being the lowest common denominator. The data is taken from 361 authorities. Rankings shown for West Berkshire and neighbouring authorities in March 2013 were:

West Berks	16 up from 39 in 2012
Reading	13 down from 8 in 2012
Wokingham	34 up from 72 in 2012
Bracknell Forest	76 down from 53 in 2012
Slough	126 down from 101 in 2012
Vale o WH	73 down from 50 in 2012
Swindon	72 down from 49 in 2012
Windsor & Maidenhead	239 down from 213 in 2012
Basingstoke & Deane	44 down from 23 in 2012

- 1.6 The national average fare (tariff) and neighbouring councils fares in February 2013 were shown as;

Tariff 1(applies between 06:00hrs and 22:00hrs Monday to Saturday other than Bank or Public Holidays, Boxing Day and Christmas day, in West Berkshire.)

	At 1 mile	At 5 miles	Flag	Last known increase
National Average	£3.70	£10.99	£2.68	
West Berks	£4.20	£13.80	£2.80	Aug 12
Reading	£4.20	£14.00	£2.20	Oct 11
Wokingham	£4.20	£12.60	£3.00	May 12
Bracknell	£4.20	£11.20	£3.00	June 11
Slough	£5.00	£10.40	£3.00	July 10
Vale o WH	£4.10	£12.10	£3.50	Oct 08
Swindon	£4.30	£11.30	£2.90	Sept 08
Windsor & M	£3.57	£10.29	£2.73	Nov 11
Basingstoke & Deane	£4.80	£10.40	£3.00	Feb 12

Tariff 2 (applies between 22.00hrs and 06.00hrs and on Sundays & Bank Holidays, in West Berkshire.)

National Average	£4.88	£14.34	£3.56
West Berks	£6.40	£19.20	£3.80
Reading	£5.20	£15.00	£3.20
Wokingham	£6.30	£18.90	£4.50
Bracknell	£6.30	£16.80	£4.50
Slough	£6.80	£12.20	£4.80
Val OWH	£5.55	£17.55	£4.65
Swindon	£4.90	£11.90	£3.50
Windsor & M	£5.33	£15.25	£4.09
Basingstoke & Deane	£6.30	£14.70	£4.50

2. Annual Review 2012/13

- 2.1 The fare structure currently in place was set by Members in 2012 and showed an increase over the previous tariff (2011) of approximately 20p on the average West Berkshire taxi fare. (Trade assessment)

3. The Office of Fair Trading Report

- 3.1 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 notification issued to all vehicle proprietors.
- 3.2 A copy of the OFT report is available at the OFT web site at, <http://www.of.gov.uk/OFTwork/publications>

4. Request for Annual review 2012/13

- 4.1 4.1 The West Berkshire Hackney & Private Hire Association/Cabco Association letter and associated data, dated 1st March 2013 and shown as Appendix B, outlines their case for an increase of tariff for 2013/14. Their submission is that this proposed tariff change represents an increase of 15p on the average West Berkshire taxi fare and equates to roughly 2%.
- 4.2 The current taxi fare/tariff is shown at appendix C to this report.
- 4.3 When Members agreed the last increase in tariff (2012) the Consumer Price Indices (CPI) annual inflation for January 2012 stood at 3.6%, down from 4.2% in December 2011. (Published; 14th February 2012) and annual inflation, as recorded by the Retail Prices Index (RPI,) stood at 3.9% in January, down from 4.8% in December 2011. (Published; 14th February 2012).
- 4.4 At the date of writing this report (5 March 2013) the rate of inflation in the UK in January remains unchanged for the fourth consecutive month. The rate as measured by the Consumer Prices Indices stayed at 2.7%. The Retail Prices Index RPI rose to 3.3% in January from 3.1% in December 2012, according to the Office for National Statistics. (Source; BBC News Business Economy Tracker 5th March 2013).
- 4.5 It can therefore be seen that CPI is in fact 0.9% lower than last year in the same period and RPI is 0.6% lower.
- 4.6 In writing this report, officers have referred back to the minutes of the Licensing Committee meeting held on the 12th March 2012, when Members agreed to an increase in tariff.
- 4.7 At that meeting, the then, Chairman of the West Berkshire Hackney & Private Hire Association, Mr Lutter, declared that "1 litre of diesel at Savacentre, Calcot was £1.52p". (Source: Licensing Committee Meeting Minutes 12th March 2012)
- 4.8 On the 5th March 2013, at the same fuel station, diesel was £146.9 per litre.
- 4.9 At the same meeting, Mr Lutter responded to a question from Councillor Edwards, who queried his position on fare increases should the price of fuel decrease. Mr Lutter answered that if there was a decrease in fuel prices, this should be reflected in the next annual tariff revue. (Source: Licensing Committee Meeting Minutes 12th March 2012).

5. Shared Service Agreement

- 5.1 In January 2012, West Berkshire and Wokingham Councils entered into a shared service agreement for the provision of Environmental Health and Licensing functions. West Berkshire Council is the lead authority.
- 5.2 In taking into consideration the shared arrangements and the need to review service provision and therefore costs/fees etc, officers informed the trade liaison group in February that the Council had decided not to increase any taxi or private hire fees for 2013/14. It would appear that the trade has decided that a moratorium on fees is not sufficient for their operations and its representative's have made no mention of this fact in their request for an increase.
- 5.3 The number of hackney carriages on 1st March 2012 was 200, on the 5th March 2013 the number stood at 190.

- 5.4 Members may wish to suspend standing orders at this point and invite the trade to address the Committee to further explain their request.

6. Recommendations

- 6.1 Officers believe that the trade have provided insufficient clear evidence of justifying any increase in tariff for 2013/14 and recommend refusal of the request.

6.2

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B - Letter and associated data from West Berkshire Hackney & Private Hire Association & CABCO Association.

Appendix C – Current tariff card Tariff card for 2012/13.

Consultees

Local Stakeholders:	CABCO Association, West Berkshire Hackney & Private Hire Association, Independent Taxi/Private Hire drivers, operators and vehicle owners
Officers Consulted:	Paul Anstey Joint Service Delivery Manager, Julia Weymouth Principal Licensing Officer
Trade Union:	None

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Taxi Tariff 2013/14
Version and release date of item (if applicable):	Version 1
Owner of item being assessed:	Steve Broughton
Name of assessor:	Brian Leahy
Date of assessment:	5 th March 2013

1. What are the main aims of the item?
To inform Members of the request for an increase in taxi fares for 2012/13

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
The elderly, disabled and less wealthy members of the public.	Those members of society, of all ages and social groups, who are dependant upon travel by taxi, will be subject to an increase in the cost of travel should the requested increase in fare be approved.	Detail in the report.
Further comments relating to the item:		

3. Result (please tick by clicking on relevant box)
<input checked="" type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:
Stage Two not required:

Name: Brian Leahy

Date: 5 March 2013.

Appendix B

West Berkshire Hackney and Private Hire Association
(WBHPHA)
27 Harrington Close
Manor Park
Newbury
Berks
RG14 2 RQ

Mr Brian Leahy
Senior Licensing Officer
West Berkshire District Council
Council Offices
Market Street
Newbury
Berkshire
RG14 5LD

1st March 2013

Dear Mr Leahy,

Setting of the maximum chargeable fares for Hackney Carriages W.E.F the 1st April 2013

The members of the above mentioned association and the Cabco owners and drivers Association have instructed me to apply to you for an increase in charges.

Our application is as follows:

- 1) Initial distance not exceeding 377.1429 yards or part thereof unchanged
Initial waiting time 81 seconds or a combination of time and distance £ 2.80 unchanged
- 2) For each subsequent 123.2493 yards completed or part thereof 15p

The associations also propose a small change in the rate charged for tariff 2 and tariff 3, details of which are shown in the attached revised tariff card.

The above proposals represent an increase of 15p on the average West Berkshire taxi fare.

In calculating our increase we have used the formula agreed and set out by National Private Hire Association. The Rate of inflation is currently running at 2.7% for the period November 2011 to 2012. (From the Office of National Statistics) This Proposal gets as close as possible to an overall increase of 2% (two percent) on the running rate . The Science of setting these rates is somewhat imprecise as the mathematics is extremely complex. This is why the actual percentage rates varies between drops (the distance after which the meter pulse triggers the meter price to change)

UNITE the Union formerly known as the TGWU and the Public Carriage Office. Calculations are based on the following criteria, are based on 4 different methods.

- a) Purchase new and run for 6 years.
- b) Purchase new and run for 3 years.
- c) Purchase at 3 years and run for 6 years.
- d) Lease.

1. Vehicle Spares:

basket of 15 components is taken into account, along with tyre costs from 3 manufactures.

2. Garaging and Servicing:

These are divided into property derived costs (rent, rates, heating, lighting), using the rent index for industrial premises and labour derived costs using the National Joint Council for the Motor Retail Repair Industry's Minimum rates of pay index.

4. Fuel costs:

The price of derv per gallon is taken from the Automobile Association , and assumes typical consumption of 30 miles to the gallon.

5. Insurance:

Three insurance companies provide quotes; this figure is then averaged out.

6. Miscellaneous costs:

- 1) Licence fees
- 2) Class 2 NI contributions
- 3) MOT

7. Earnings:

As taxi fares comprise taxi drivers main income the formula takes account of earnings as 45% of the overall calculation for a fares increase. The earnings figure is derived from the average earnings index for the whole economy.

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 from the 1st April 2013 We will be pleased to have a representative at the committee meeting to answer any questions councillors might have.

Yours faithfully,

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a series of loops and a long horizontal stroke.

Mr A Vass Chairman of the WBHPHA on behalf of the West Berkshire Hackney and Private Hire Association

Mr Dave Oram on behalf of the Cabco Owners and Drivers Association.

Hackney Carriages – Table of Fares effective from 1 April 2013

Customers should be aware that these charges are the MAXIMUM to be charged and any lesser fare agreed prior to commencement of the journey. Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences his/her journey) (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

Tariff 1

Applies for any hiring when the journey commences between 06:00 and 22:00 Monday to Saturday, other than Bank Holidays, Public Holidays, Boxing Day or Christmas Day.

Initial distance not exceeding 377.1429 yards or part thereof

Initial waiting time 81 seconds or a combination of time and distance **£2.80**

For each subsequent 123.2493 yards completed or part thereof **15p**

Waiting time: for every period of 27 seconds or part thereof **15p**

Tariff 2

Applies for any hiring when the journey commences between 22:00 and 06:00 Monday to Saturday.

Applies for any hiring when the journey commences on Sundays, Bank Holidays or Public Holidays.

Applies for any hiring when the journey commences between 06:00 and midnight on Boxing Day.

Applies for any hiring when the journey commences between 19:00 and midnight on Christmas Eve or New Years Eve.

For any journey with 5 or more passengers which commences between 06:00 and 22:00 Monday to Saturday.

Initial distance not exceeding 377.1429 yards or part thereof

Initial waiting time 72 seconds or a combination of time and distance **£3.80**

For each subsequent 106.8431 yards completed or part thereof **20p**

Waiting time: for every period of 24 seconds or part thereof **20p**

Tariff 3

Applies for any hiring when the journey commences on Christmas Day until 0600hrs on Boxing Day.

Applies for any hiring when the journey commences between midnight and 06:00 on New Years Day.

Initial distance not exceeding 377.1429 yards or part thereof

Initial waiting time 81 seconds or a combination of time and distance **£4.80**

For each subsequent 123.2493 yards completed or part thereof **30p**

Waiting time: for every period of 27 seconds or part thereof **30p**

If a Hackney Carriage is booked by telephone, facsimile, e mail or other electronic means a booking fee may be charged by prior arrangement only.

London Congestion Charge (or similar in any other place), or any Tolls, will be applied for any journey where such charges or tolls are incurred.

Fouling will be charged.

2013 to 2014 HACKNEY PROPOSAL WEST BERKSHIRE COUNCIL

New Sheet

CURRENT TARIFF

Name : TARIFF 1 Date: 2012/13 Soiling charge: ALLOWED Wait: 27 (secs) Flag fall: £2.80 A Initial yardage: 377.1429 B Unit thereafter: 125.7143 C Price unit : 0.15 D Initial Waiting Time (secs): 81	Name : TARIFF 2 Date: 2012/13 Soiling charge: ALLOWED Wait: 24 (secs) Flag fall: £3.80 A Initial yardage: 377.1429 B Unit thereafter: 110 C Price unit : 0.2 D Initial Waiting Time (secs): 82	Name : TARIFF 3 Date: 2012/13 Soiling charge: ALLOWED Wait: 27 (secs) Flag fall: £4.80 A Initial yardage: 377.1429 B Unit thereafter: 125.713 C Price unit : 0.3 D Initial Waiting Time (secs): 81
RUNNING MILE 0.0210	RUNNING MILE 0.0320	RUNNING MILE 0.0420

PROPOSAL

Soiling charge: ALLOWED Name : TARIFF 1 Date: 2013/14 Wait: 27 (secs)	Soiling charge: ALLOWED Name : TARIFF 2 Date: 2013/14 Wait: 24 (secs)	Soiling charge: ALLOWED Name : TARIFF 3 Date: 2013/14 Wait: 27 (secs)
--	--	--

Flag fall: £2.80 A	Flag fall: £3.80 A	Flag fall: £4.80 A
Initial yardage: 377.1429 B	Initial yardage: 377.1429 B	Initial yardage: 377.1429 B
Unit thereafter: 123.2493 C	Unit thereafter: 106.8431 C	Unit thereafter: 123.2493 C
Price unit : 0.15 D	Price unit : 0.2 D	Price unit : 0.3 D
Initial Waiting Time (secs): 81	Initial Waiting Time (secs): 72	Initial Waiting Time (secs): 81

**RUNNING
MILE** 0.0214

**RUNNING
MILE** 0.0329

**RUNNING
MILE** 0.0428

Distance (miles)	TARIFF 1			TARIFF 2			TARIFF 3		
	Current	Proposed	% Change	Current	Proposed	% Change	Current	Proposed	% Change
Flag	£2.80	£2.80	0.00%	£3.80	£3.80	0.00%	£4.80	£4.80	0.00%
1	£4.45	£4.60	3.37%	£6.40	£6.40	0.00%	£8.10	£8.40	3.70%
2	£6.55	£6.70	2.29%	£9.60	£9.80	2.08%	£12.30	£12.60	2.44%
3	£8.65	£8.80	1.73%	£12.80	£13.00	1.56%	£16.50	£16.80	1.82%
4	£10.75	£11.05	2.79%	£16.00	£16.40	2.50%	£20.70	£21.30	2.90%
5	£12.85	£13.15	2.33%	£19.20	£19.60	2.08%	£24.90	£25.50	2.41%
6	£14.95	£15.25	2.01%	£22.40	£23.00	2.68%	£29.10	£29.70	2.06%
7	£17.05	£17.35	1.76%	£25.60	£26.20	2.34%	£33.30	£33.90	1.80%
8	£19.15	£19.60	2.35%	£28.80	£29.60	2.78%	£37.80	£38.40	1.59%
9	£21.25	£21.70	2.12%	£32.00	£32.80	2.50%	£42.00	£42.60	1.43%
10	£23.35	£23.80	1.93%	£35.20	£36.20	2.84%	£46.20	£46.80	1.30%

WEST BERKSHIRE APPROVED TAXI FARES

Tariff 1

Applies between 06:00 and 22:00 Monday to Saturday.

Initial distance not exceeding 377.1429 yards or part thereof and/or initial waiting time of 81 seconds or a combination of time and distance **£2.80**

For each subsequent 125.7143 yards completed or part thereof **15p**

Waiting time: for every period of 27 seconds or part thereof **15p**

Tariff 2

Applies for any hiring when the journey commences between 22:00 and 06:00

Monday to Saturday,

Sundays, Bank Holidays or Public Holidays, between 06:00 and midnight on Boxing Day and between 19:00 and midnight on Christmas Eve or New Years Eve or for any

journey with 5 or more passengers which commences between 06:00 and 22:00

Monday to Saturday.

Initial distance not exceeding 377.1429 yards or part thereof and/or initial waiting time of 72 seconds or a combination of time and distance **£3.80**

For each subsequent 110 yards completed or part thereof **20p**

Waiting time: for every period of 24 seconds or part thereof **20p**

Tariff 3

Applies for any hiring when the journey commences on Christmas Day until 0600hrs on Boxing Day or between midnight and 06:00 on New Years Day.

Initial distance not exceeding 377.1429 yards or part thereof and/or initial waiting time 81 seconds or a combination of time and distance **£4.80**

For each subsequent 125.7143 yards completed or part thereof **30p**

Waiting time: for every period of 27 seconds or part thereof **30p**

Average fare would be **approximately**, as follows, depending on time of day/night and traffic conditions:

	Tariff 1	Tariff 2	Tariff 3
Flag	£2.80	£3.80	£4.80
1	£4.45	£6.40	£8.10
2	£6.55	£9.60	£12.30
3	£8.65	£12.80	£16.50

4	£10.75	£16.00	£20.70
5	£12.85	£19.20	£24.90
6	£14.95	£22.40	£29.10
7	£17.05	£25.60	£33.30
8	£19.15	£28.80	£37.50
9	£21.25	£32.00	£41.70
10	£23.35	£35.20	£45.90

It is an offence for any taxi driver, at any rank, to refuse or neglect a fare without reasonable excuse.

Incidences of such behaviour should be reported to:

The Licensing Team

West Berkshire Council

Council Offices

Market Street

Newbury

Berkshire

RG14 5LD

licensing@westberks.gov.uk

01635 519184

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Agenda Item 5.

Title of Report:	Taxi Roof Signs
Report to be considered by:	Licensing Committee
Date of Meeting:	20 March 2013
Forward Plan Ref:	n/a

Purpose of Report: To report further to a decision taken by the Committee on the 5 December 2012

Recommended Action: To approve the content of the report

Reason for decision to be taken: Formal request from the trade

Other options considered: None

Key background documentation: Hackney Carriage Proprietor's (Vehicle) Licence Conditions

The proposals contained in this report will help to achieve the following Council Strategy priority:

☒ **CSP4 – Protecting the environment**

The proposals contained in this report will help to achieve the above Council Strategy priority by:

Reducing CO2 emissions from taxis

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	7 March 2013

Contact Officer Details	
Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519184
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy: The Council has had a policy for the use of taxi roof signs for many years

Financial: None

Personnel: None

Legal/Procurement:	If adopted, the condition relevant to roof signs will be changed to reflect the new design and signage.
Property:	None
Risk Management:	None
Equalities Impact Assessment:	Completed and attached as Appendix A

Executive Summary

1. Introduction

- 1.1 This report supplements a report on the same subject discussed by Members at the Licensing Committee meeting held on the 5th December 2012.
- 1.2 Whilst the subject of the report was in consultation an objection was received from two taxi proprietors,

2. Basis of Objection

- 2.1 One proprietor objected on the grounds that insufficient testing had been carried out on the new and current signs and that the fuel and emission savings were spurious, and the second objection related to the size of the dimensions of the sign being too small.
- 2.2 After taking legal advice and consulting with the Chairman of the Licensing Committee, it was decided to commission further independent testing to determine the exact scientific results for any fuel saving and reduction in CO2 emissions thus suspending the introduction of the condition. This involved a comparison between the current sign, which has been in use for some 12 years, and the sign approved by Members at the December 2012 meeting. This decision was in accord with the provisions provided for such an eventuality, in the report.

3. Equalities Impact Assessment Outcomes

- 3.1 The matter has been discussed with the taxi trade at all levels and the EIA has been completed.

4. Conclusion

- 4.1 The results of the testing have now been received.

1. Introduction

- 1.1 At the meeting on the 5th December 2012, Members resolved to approve a new roof sign with the condition being implemented after the 14th January 2013 or at the latest, on renewal of a licence. The decision was made whilst still in the consultative period with officers being reasonable assured that previous non formal consultation with the trade. Due to the objections received during consultation, it was decided not to implement the introduction of the sign until Members had had an opportunity to consider this supplementary report.
- 1.2 Officers commissioned an independent company to test the old and new signs for fuel consumption and emissions.
- 1.3 Test results have now been received and have been carried out on 2 types of vehicle which are deemed to be reasonably representative of those used in the fleet. The Ford Mondeo and the Fiat Doblo were both tested.
- 1.4 The data is both lengthy and complex. Appendix B shows a report synopsis from the consultant which demonstrates that by using the sign approved by Members at the meeting in December there is a small fuel saving over the use of the old sign. This would have a significant effect on CO2 emissions over the fleet of taxis which currently stands at 190 vehicles.

2. Recommendation

- 2.1 Officers recommend that the new design roof sign approved by Members in December be confirmed, with officer discretion to be the deciding factor where slight variations in size etc occur. This would only be where there are very slight differences in the dimensions, not the design itself. The design of the sign would be consistent with that shown to Members at the December meeting.
- 2.2 Officers would anticipate acceptable variations to be no more than ½ inch on any aspect of the signs length or width. This would allow vehicle owners to shop around for the best value sign. Further discussions with vehicle owners have indicated that there is strong support for the introduction of the new sign regardless of the outcome of the tests.
- 2.3 If Members decide to confirm the decision made previously, the condition would come into force from the 25th March 2013. This would allow for those who wish to display the new sign immediately, to do so, with all others having to comply no later than the next renewal of licence date.

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Report on fuel consumption of taxi roof signs by TRL

Consultees

Local Stakeholders: Taxi Trade Liaison meeting members and trade, in general.

Officers Consulted: Paul Anstey Joint Service Delivery Manager, Julia O'Brien Principal Officer Licensing, Phil Newton Senior Energy Efficiency Officer. Full consultation with Hackney Carriage Proprietor's Licence holders.

Trade Union: None

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Taxi Roof Signs
Version and release date of item (if applicable):	V1 12 th November 2012
Owner of item being assessed:	Steve Broughton
Name of assessor:	Brian Leahy
Date of assessment:	12 th November 2012

1. What are the main aims of the item?
To request a change in design for taxi roof signs.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
None	None	None
Further comments relating to the item:		
None		

3. Result (please tick by clicking on relevant box)	
<input type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two not required:	

Name: Brian Leahy

Date: 12 November 2012

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The evaluation of the effect on fuel consumption of taxi roof signs
Undertaken of behalf of West Berkshire and Wokingham
Environmental Health and Licensing Service
by Dr T Barlow, TRL, Crowthorne, 7 March 2013

1 Introduction

An analysis has been carried to evaluate the effect of signs fitted to the roofs of taxis to determine their effect on the vehicle's fuel consumption. For this work the PHEM emissions model (version 10.4.2) has been used. This input to this model is a vehicle specification file, containing vehicle details such as mass, power and frontal size etc. The model is run over one or more drive cycles – each cycle consisting of the second by second speed data. The PHEM model using vehicle dynamics to determine the load on the engine and the engine speed for each one second step, determines the emission and fuel consumption at each step then summates them over the cycle.

2 Input data

The PHEM model requires a number of inputs. This includes the vehicle specification and speed traces described in the section below.

Additional inputs include emission maps – for all of the analysis the maps for Euro 4 vehicles have been used (which cover, approximately, model years 2005 up to 2010). Other Euro classes may give slightly different absolute results, though relative changes are likely to be very similar.

2.1 Vehicle data

The evaluation was carried out on two car models popular in the taxi fleet:

- Ford Mondeo
- Fiat Doblo

The parameters used from these vehicles are shown in Table 1

Table 1. Vehicle specifications

Vehicle			Power (bhp)	Power (kW)	Width (mm)	Height (mm)	Kerb weight (kg)	A (m ²)
2.0 TDCi (115bhp)	Zetec Mondeo (10/10 on) 5d		138	102.9	2092	1500	1557	2.824
Allied Vehicles - Fiat Doblo taxi			105	78.3	1832	2100	1410	3.462

Sources:

Mondeo: <http://www.parkers.co.uk/cars/reviews/facts-and-figures/>

Doblo: <http://www.cabdirect.com/vehicles/freedom/>

The parameter "A" – the frontal cross sectional area – has been calculated as 0.9 of the product of height and width.

In both cases, the evaluation has been carried out with a load of 140kg, representing the weight of the driver and one passenger.

The sizes of the various taxis signs are shown in Table 2.

Table 2. Taxi sign sizes

Sign	Length (mm)	Height (mm)	Area (m ²)
Old sign	625	150	0.0938
New sign (large)	605	110	0.0666
New sign (small)	460	120	0.0552

For each vehicle, 4 scenarios were run:

1. Without any sign
2. With the old sign
3. With the new large sign
4. With the new small sign

For the 4 scenarios, the input data remain constants for each vehicle apart from the cross section area as shown in Table 3. Although the sign for the Doblo is actually fitted to the bulkhead, an increase in area has been assumed to evaluated the worst case.

Table 3. Vehicle frontal areas for the different options

Vehicle	Base area (m ²)	With old sign (m ²)	With new sign (large) (m ²)	With new sign (small) (m ²)
2.0 TDCi (115bhp) ZetecMondaeo (10/10 on) 5d	2.824	2.918	2.891	2.879
Allied Vehicles - Fiat Doblo taxi	3.462	3.556	3.529	3.518

2.2 Drive cycles

As the aerodynamics effects would vary with the speed of the vehicle, a large number of different test cycles were used in the evaluated. These cycles were from real data logged from cars in normal use. A total of 122 cycles were used, including urban, congested urban, suburban, rural and motorway driving. The average speed varied from 2.9 km/h to 118.7 km.h.

3 Results

The resulting fuel consumption rates in l/100km are shown plotted against the average speed of the input cycle (km/h) in Figure 1 and Figure 2 for the Fiat Doblo and the Ford

Mondeo respectively. Each graph shows the four scenarios. A trend line has been fitted to each set of data, although they lie on top of one another.

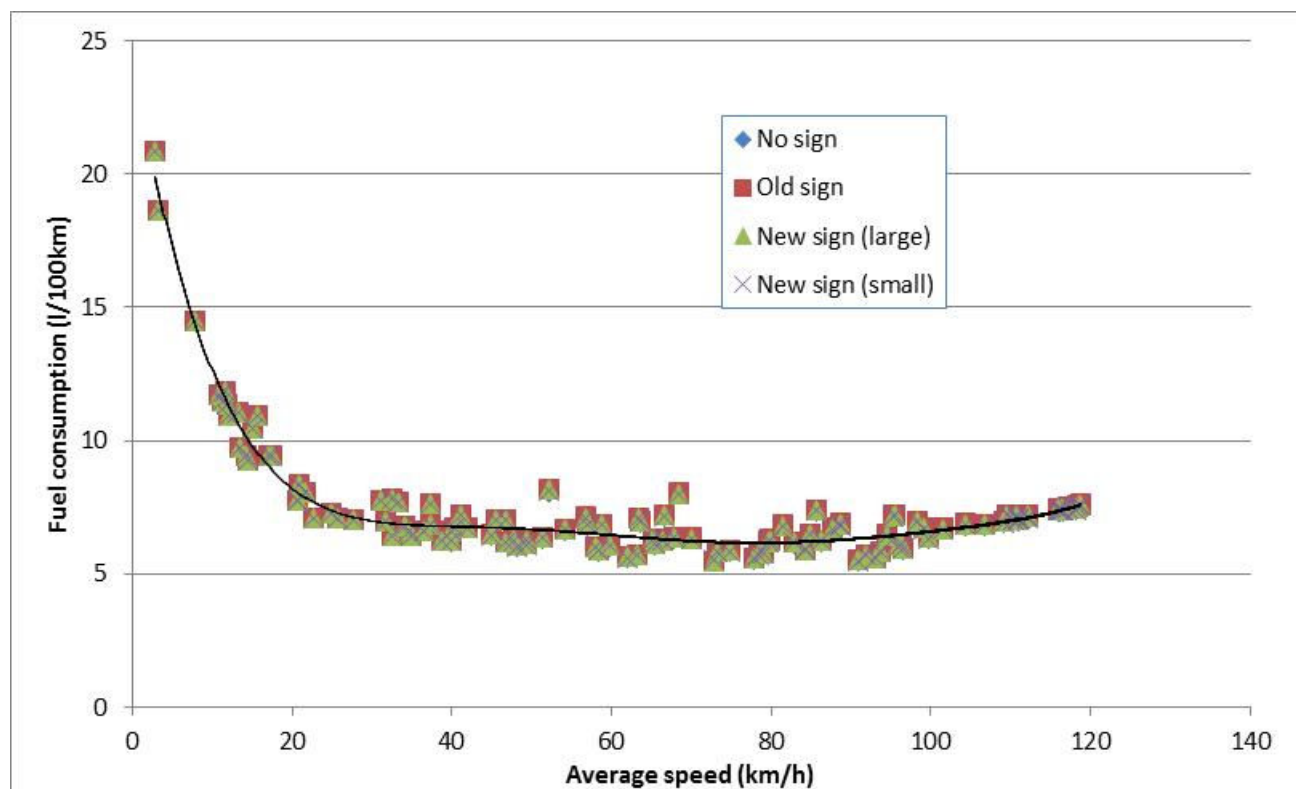


Figure 1. Fiat Doblo results

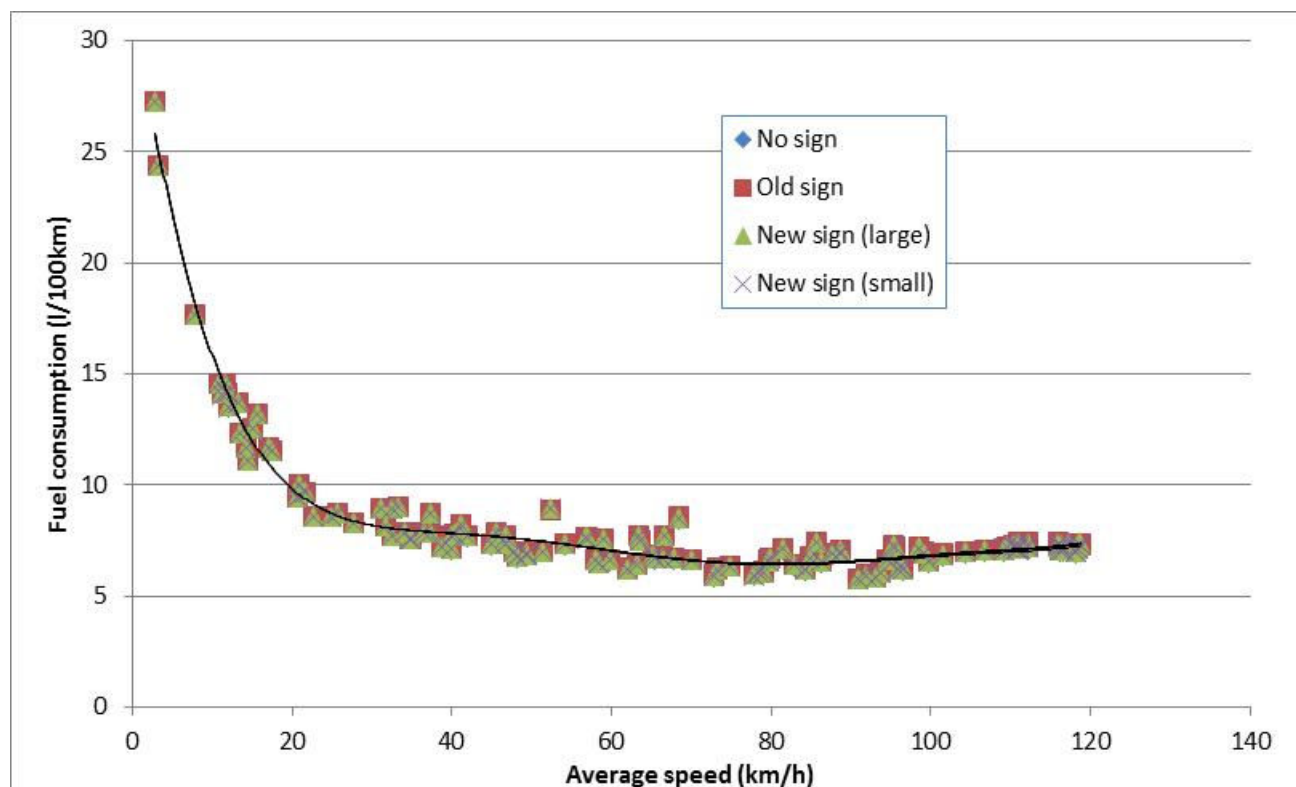


Figure 2. Ford Mondeo results

To show the change in fuel consumption, the results were grouped into speed bands. The results are shown in Table 4 and Table 5 for the Fiat Doblo and the Ford Mondeo respectively. In both cases, the addition of a sign to the vehicle has a tiny effect in typical urban driving conditions (i.e. up to 40 km/h). For motorway driving (over 100 km/h) there is a small effect due to the signs.

Table 4. Banded results for the Fiat Doblo

Speed range (km/h)	Average fuel consumption (l/100km)				Change relative to "No sign"		
	No sign	Old sign	New sign (large)	New sign (small)	Old sign	New sign (large)	New sign (small)
0 to 20	11.94	11.95	11.94	11.94	0.05%	0.03%	0.03%
20 to 40	7.12	7.14	7.14	7.14	0.27%	0.20%	0.18%
40 to 60	6.57	6.62	6.61	6.60	0.77%	0.59%	0.45%
60 to 80	6.21	6.26	6.25	6.24	0.86%	0.56%	0.50%
80 to 100	6.34	6.41	6.39	6.38	1.16%	0.83%	0.70%
100 to 120	7.16	7.25	7.22	7.21	1.22%	0.87%	0.73%

Table 5. Banded results for the Ford Mondeo

Speed range (km/h)	Average fuel consumption (l/100km)				Change relative to "No sign"		
	No sign	Old sign	New sign (large)	New sign (small)	Old sign	New sign (large)	New sign (small)
0 to 20	14.85	14.86	14.86	14.86	0.06%	0.05%	0.02%
20 to 40	8.41	8.43	8.42	8.42	0.21%	0.16%	0.12%
40 to 60	7.34	7.38	7.37	7.36	0.53%	0.41%	0.32%
60 to 80	6.68	6.73	6.72	6.71	0.84%	0.63%	0.55%
80 to 100	6.53	6.62	6.60	6.59	1.28%	1.00%	0.86%
100 to 120	7.10	7.23	7.19	7.18	1.82%	1.24%	1.11%

4 Notes

In the analysis, only the cross section area of the vehicle has been modified. The additional of the sign may also change the drag coefficient (C_d) of the vehicle. This could be further evaluated through the use of coast-down tests on a test track.

Agenda Item 6.

Title of Report:	Police Reform & Social Responsibility Act 2011
Report to be considered by:	Licensing Committee
Date of Meeting:	20 March 2013.
Forward Plan Ref:	N/A

Purpose of Report:

To update Members on the introduction of the provisions for the Late Night Levy (LNL) and the Early Morning Restriction Order (EMRO) as provided for in the Police Reform and Social Responsibility Act 2011, which amends the Licensing Act 2003.

Recommended Action:

To note the content of the report pending a further report in 2013.

Reason for decision to be taken:

The Act is now active and Members will shortly have the option of adopting the LNL and/or the EMRO, following consultation.

Other options considered:

None

Key background documentation:

The Police Reform & Social Responsibility Act 2011

The proposals contained in this report will help to achieve the following Council Strategy priority:

☒ **CSP1 – Caring for and protecting the vulnerable**

The proposals contained in this report will help to achieve the above Council Strategy priority:

Giving the Council, in conjunction with Thames Valley police, increased control over the night time economy thus reducing crime and the fear of crime.

Portfolio Member Details

Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	7 March 2013.

Contact Officer Details

Name:	Brian Leahy
Job Title:	Team Manager Licensing
Tel. No.:	01635 519184
E-mail Address:	bleahy@westberks.gov.uk

Implications

Policy:	The provisions
Financial:	If the Late Night Levy is adopted, licensing income will increase, however approximately 70% of the net income must be paid to the police in order to fund any increase in police support in controlling the late night economy that may be required. At the time of writing this report the full extent of any increased income is not known.
Personnel:	None
Legal/Procurement:	Adoption of the appropriate section of the Act will be required.
Property:	None
Risk Management:	The risk to the economy could be that premises which are subjected to the levy could choose to reduce their opening hours to before midnight thus being outside of the levy provisions. None to the Council.
Equalities Impact Assessment:	Completed

Executive Summary

1. Introduction

- 1.1 The Police Reform & Social Responsibility Act 2011 was given Royal Assent on the 20th September 2011.
- 1.2 Chapter 2 of the Act amends the Licensing Act 2003 and will make quite considerable differences to a number of sections of the Licensing Act. These will have implications for the way in which Licensing Authorities operate in the future.
- 1.3 A summary of the provisions of the appropriate sections of the Act together with potential income and other pro's and cons are contained in the main body of this report and its appendices.
- 1.4 Members are asked to consider whether to introduce an EMRO or a Late Night Levy, additionally to consider alternative voluntary schemes working with the licensed trade and such initiatives such as Best Bar None and Purple Flag accreditation.

2. Proposals

- 2.1 To consider the Council position in the matter of adopting either EMRO or LNL, or both.

3. Equalities Impact Assessment Outcomes

- 3.1 Consultation will be required dependent upon any potential decision to consider adopting the provisions for EMRO and LNL. Adoption could potentially have an impact of alcohol licensed premises currently opening after midnight.

4. Conclusion

- 4.1 The Police and Crime Commissioner and Thames Valley Police will have an important role to play in the decision to adopt or not adopt Chapter 2, and in the delivery of the adopted provisions by the Council of the legislation.
- 4.2 If a decision is taken to adopt these provisions, the matter must be approved by full Council following this report.

Executive Report

1. Introduction

- 1.1 This report follows on from a previous report presented to Members on the 5th December 2012.
- 1.2 Members agreed to note the contents of the report with a request that officers write to the newly appointed Police and Crime Commissioner (“PCC”) and converse with the local chief officer of police to solicit their views.
- 1.3 Additional guidance on the Late Night Levy was produced by the Home Office in December 2012.

2. Early Morning Alcohol Restriction Orders (EMRO’S)

- 2.1 An EMRO is a power which has been extended by the 2011 Act to enable licensing authorities to restrict the sale of alcohol where they deem that there are alcohol related crime and disorder issues in the whole or a part of their area between 12 midnight and 06.00am on all or some days. This restriction applies to premises licences, club premises certificates and temporary event notices. There are no exceptions to the type of premises that will be affected by an EMRO except for hotels who provide alcohol to residents through mini-bars and room service for residents to consume alcohol in their rooms. However hotels who serve alcohol in a bar, lounge or lobby will be affected by an EMRO.
- 2.2 A licensing authority can decide to make an EMRO if they have sufficient evidence that the order is appropriate for the promotion of the four licensing objectives. The Police and Crime Commissioner or the public may request the introduction of an EMRO. It falls to the licensing authority to decide the area, days and times in relation to which the EMRO would apply. However, in recognition on New Years Eve’s status as a night of national celebration, EMRO’S will not apply on this date.
- 2.3 Licensing authorities will be required to advertise their proposals on their website and in their local newspaper as well as notifying those licence holders within the proposed EMRO area (but not all licence holders within the borough). Any person wishing to make representations for, or against, the proposal will have 42 days in which to lodge their comments.
- 2.4 If representations are received then a hearing must be held to determine the outcome of the EMRO. If it is deemed appropriate that an EMRO be made, the licensing authority must be able to fully justify its decision or risk a possible judicial review. Full Council would need to approve the Order and decide on a start date for the Order, no less than two months after is made.
- 2.5 It is anticipated that the Government will provide further information to licensing authorities in revised statutory guidance issued under section 182 of the Licensing Act 2003 but this as yet has not been forthcoming.

3. Late Night Levy

- 3.1 The late night levy is a power for licensing authorities to introduce a charge for premises that have an alcohol licence with a terminal hour after 12 midnight. It allows licensing authorities to charge those businesses for the extra enforcement costs that the night-time economy generates for police and local authorities.
- 3.2 Prior to making a decision to implement the levy, the licensing authority should have discussions with the relevant chief officer of police, the PCC and local police to decide whether it is appropriate to introduce the levy in its area. If the licensing authority considers it appropriate, then it must formally consult the police, the Police and Crime Commissioner, licence holders and any other persons about its decision. This consultation should also ask whether the licensing authority needs to apply any exemptions or discounts to the levy and how it will apportion net levy revenue between the police and the licensing authority.
- 3.3 Nevertheless whether or not to implement the levy will be left entirely at the discretion of the licensing authority. If the levy is introduced it will apply to all premises within the borough that qualify (both in the on-trade and the off-trade) with the only exceptions being those categories set by Government, and the levy will be collected annually at the same time as the annual retainer fee. It will be up to the licensing authority to decide the time at which the levy applies in their area, although it will be restricted to applying it sometime between the hours of 12 midnight and 06.00am.
- 3.4 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered before implementation. Holders of relevant late night authorisations may make a free variation to their licence to reduce their hours to avoid operating in the late night supply period – this cost can be a deductible expense in the first year in which the levy is introduced.
- 3.5 Premises licence holders who choose to reduce the hours on their licence would still have the ability to apply for Temporary Events Notices for 21 days a year. This would lead to a large amount of extra work for the licensing team with very little income as these notices only cost £21 as well as additional workload for the Environmental Health Noise team.
- 3.6 The late night levy is said not to be targeted at individual premises because the costs caused by the night time economy are often not directly linked to particular businesses, but instead occur as a result of the night time economy as a whole. For example, a fight may take place between groups of individuals who have each visited a variety of different premises over the evening. It is said that application of the levy across the whole licensing authority area ensures that a meaningful amount is collected and is simple to adopt and administer.
- 3.7 If introduced, once the levy has been collected, the licensing authority will firstly deduct costs incurred in administering, collecting and enforcing the scheme. Following this deduction, at least 70% of the net amount must be passed to the Police. Whilst the licensing authority will have restrictions imposed on them regarding the types of services that they can fund with their 30% portion of the levy and which will mean that it must be spent on tackling alcohol-related crime and disorder and services connected to the management of the night time economy

there is no such restriction placed upon the Police. However should the Late Night Levy be approved the use of the police proportion of the levy is at the direction of the Police and Crime Commissioner rather than at local level.

- 3.8 Premises will be split into bands based upon their rateable value to determine how much they would pay under the levy. This system applies to the existing licence fee and annual retainer fee and means that larger businesses will make greater contributions to the levy than smaller ones.

The levy is as follows:

Rateable Value Bands (based on The existing Fee bands)	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,000 and above	D x 2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	E x 3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Levy Charges	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

- 3.9 Provision is being made for a number of discretionary exemptions and reduction in the levy. Exemptions to the levy could be offered to:

- Premises with overnight accommodation
- Theatres and cinemas
- Bingo halls
- Community Amateur Sports Clubs
- Community Premises
- Country village pubs
- Business Improvement Districts

- 3.10 Licensing authorities will also have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme (the scheme must fulfil specific criteria), or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000. Guidance on reductions will be published on the Home Office's website in October 2012.

4. Income and Expenditure

- 4.1 Disregarding the potential exemptions and reductions in the levy, the table shown in Appendix 2 shows the number of premises that would be affected by the Levy and the potential income generated. Figures are also given demonstrating the reduction in income should exemptions be given

- 4.2 Members should be aware that it is possible that a significant number of the premises with late licences may decide to reduce their sale of alcohol hours by submitting a minor variation application as the cost of the levy may not be worth the continued selling of alcohol after midnight. This would obviously result in a significant reduction in the amount levied (before any deductions or exemptions are considered).

5. Options

- 5.1 There are obviously 'pros' and 'cons' when deliberating whether EMRO'S or the Late Night Levy would be appropriate to adopt for West Berkshire District Council. Some of the arguments in this respect are shown as Appendix 3 and reflect both the views of council officers and the police.
- 5.2 Initial discussions with Thames Valley Police indicate that they view the option of an EMRO rather than adoption of the LNL to be the way forward as they feel that a blanket reduction of overall trading hours of licensed premises would damage an already struggling night time economy and would in fact only displace any crime and disorder issues. They wondered if a watching brief could be kept on any decision made.
- 5.3 In the meantime it is proposed by council officers and the police to explore alternative and voluntary ways, of working with the licensed trade to achieve the desired outcomes of a properly run and profitable night time economy. Initiatives such as Purple Flag accreditation will be amongst the schemes considered as will the establishment of the Newbury Business Improvement District (BID).

Appendices

Appendix A – Equality Impact Assessment – Stage 1

Appendix B – Late night levy – possible income

Appendix C – Early morning restriction orders: Pros & cons

Appendix D – 2012 Survey by Poppleston Allen

Consultees

Local Stakeholders: Members of the public. Holders of licences which allow the sale of alcohol between the hours of midnight and 6am.

Officers Consulted: Paul Anstey Joint Service Delivery Manager

Trade Union: None

APPENDIX A

Equality Impact Assessment – Stage One

Name of item being assessed:	Police Reform & Social Responsibility Act 2011
Version and release date of item (if applicable):	Version 1
Owner of item being assessed:	Steve Broughton
Name of assessor:	Brian Leahy
Date of assessment:	5 March 2013

1. What are the main aims of the item?
To consult members on whether to adopt LNL or EMRO's following new legislation.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
Group Affected	What might be the effect?	Information to support this.
Members of the Public engaging in the late night (alcohol) economy	A provision within the Act (Early morning Restriction Orders) could result in areas of the district closing earlier than at present, for the purposes of selling alcohol.	EMRO provision in the Police Reform & Social Responsibility Act 2011.
Premises selling alcohol in town and large village centres.	The Council may choose, where deemed necessary, to control late night/early morning crime and disorder, by causing alcohol premises to terminate their activities earlier than at present.	EMRO provision in the Police Reform & Social Responsibility Act 2011
Certain premises selling alcohol in the District currently open after midnight.	The Council will be able to charge a Late Night Levy against premises selling alcohol beyond midnight. The levy could impose an additional financial burden on these businesses.	Adoptive provisions of the Police Reform & Social Responsibility Act 2011. (Late Night Levy)
Further comments relating to the item:		
Certain provisions in the Act are adoptive and this report seeks to inform Members of their options prior to any decision being taken.		

3. Result (please tick by clicking on relevant box)	
<input checked="" type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Brian Leahy

Date: 5 March 2013.

APPENDIX B

LATE NIGHT LEVY – POSSIBLE INCOME

The Council will be able to deduct permitted administration, collection and enforcement costs from the gross levy revenue. This is not factored into the figures below as at this stage it is not possible to predict. Figures do not take into account any possible income that may be lost by permitted exemptions.

92 premises have licensed hours after midnight – of these the following applies

8 pubs/clubs/restaurants have a terminal hour of 00.30

39 pubs/clubs/restaurants have a terminal hour of 01.00

10 pubs/clubs/restaurants have a terminal hour of 01.30

1 pub has a terminal hour of 01.45

21 pubs/clubs/restaurants have a terminal hour of 02.00

2 Pubs/clubs/restaurants/other have a terminal hour of 02.30

6 pubs/clubs/restaurants/other have a terminal hour of 03.00

3 pubs/clubs/restaurant/have a terminal hour of 04.00

2 clubs have a terminal hour of after 04.30

Maximum Income Possible

No of Premises	Rateable Band	Levy	Total Possible Income
4	Band A	£299	£1,196
62	Band B	£768	£47,616
14	Band C	£1,259	£17,626
3	Band D	£1,365	£4,095
9	Band E	£1,493	£13,437
		Total	£83,970
		70% Police	£58,779
		30% Council	£25,191

Income if levy imposed at 01.00

No of Premises	Rateable Band	Levy	Total Possible Income
4	Band A	£299	£1,196
56	Band B	£768	£43,008
13	Band C	£1,259	£16,367
3	Band D	£1,365	£4,095
9	Band E	£1,493	£13,437
		Total	£78,103
		70% Police	£54,672
		30% Council	£23,430

Income if levy Imposed at 02.00

No of Premises	Rateable Band	Levy	Total Possible
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			Income
1	Band A	£299	£299
16	Band B	£768	£12,288
8	Band C	£1,259	£10,072
1	Band D	£1,365	£1,365
7	Band E	£1,493	£10,451
		Total	£34,475
		70% Police	£24,132
		30% Council	£10,342

Premises that may qualify as exempt premises (country pubs etc) – this amount would need to be subtracted from the expected income in the case of any levy introduced			
No of Premises	Rateable Band	Levy	Total Income Deducted
20	Band B	£768	£15,360
3	Band C	£1,259	£3,777
		Total	£19,137

APPENDIX C

Early Morning Restriction Orders		
Pros	Cons	Comments
Will ensure that any alcohol related crime that can be proven as coming from a certain area can be controlled	<p>Could increase the fear of crime by the public which could result in certain areas of the town wrongly becoming 'no go' areas and affecting licensees within the area who do run their premises properly.</p> <p>Introduction of an EMRO in one area could cause shifting of late night alcohol problems to another area within the borough</p> <p>Introduction of an EMRO without sufficient and robust evidence would leave West Berkshire Council at the risk of judicial review</p>	<p>This type of legislation is probably more appropriate to cities and large towns with a large crowds of clientele going from premises to premises being anti-social rather than Newbury town where an errant licensee could more properly be made accountable for his actions by the bringing of a review against his premises</p>
Will stop the sale of alcohol from a time to be decided by the Licensing Authority between midnight and 0600 hours thereby controlling when the NTE finishes, with the subsequent effect on police resources.	<p>An EMRO stops the sale or supply of alcohol. It does not close the premises</p> <p>EMROs will have the effect of zoning ie the sale of alcohol will stop in a particular specific zone or area of a council, possibly pushing any issues into another area of the council. Premises that are</p>	<p>Premises may decide to continue entertainment after alcohol sales finish in an attempt to Increase business.</p> <p>Careful thought will have to given as to where an EMRO is brought into effect as it could simply move problems to other areas.</p>

	<p>not effected and outside of the EMRO may try and take advantage and open later.</p> <p>Politically this could be seen as anti business, in a climate where the promotion of business and associated jobs is an important part of council's policies.</p> <p>If neighbouring councils do not impose an EMRO, people will travel to premises that open later in neighbouring towns, rather than use local businesses.</p>	<p>The imposition of an EMRO may well have the effect of closing businesses with associated loss of jobs. Many licensed premises are running on tight margins and this could be perceived as anti business. Councillors may be unwilling to impose an EMRO because of this.</p> <p>As with the last comment councillors may see an EMRO as a negative due to the possible loss of business. This argument (along with many others) will be used by local licensed premises to argue against an EMRO</p>
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Late Night Levy		
Pros	Cons	Comments
<p>Premises reduce their hours for the sale of alcohol</p> <p>Licensees could join BBN Scheme/BID in order to pay a reduced levy</p>	<p>Licensees could reduce the amount of door supervisors they employ if they reduce their hours</p> <p>Licensees could decide to cease being members of BBN/BID – to save money or because they may perceive there would be less need</p>	<p>This will involve more work for the licensing section without any income being generated</p>
<p>Licensees could apply for more Temporary Events Notices if they reduce their standard hours resulting in</p>	<p>An increase in TENs will result in an increase in administration for police. Conditions that are on a</p>	<p>This will inevitably lead to more work for the licensing section and could also result in more</p>

more income for the Council	premises licence can only be put onto a TEN if the police put in representations to the council.	<p>Licensing Panel hearings if the Police or Environmental Quality Team object to a TEN</p> <p>TEN income would not cover the cost of the income generated by the Late Night Levy as TEN's cost £21</p>
	Those licensees who pay the levy could decide that to make it worthwhile they will open longer.	<p>This could lead to more anti-social behaviour and nuisance as revellers make their way home especially as a lot of off-licences open at 06.00am.</p> <p>If licensees did wish to stay open longer then they would need to submit a variation application in the normal way which would be a source of income to the Council</p>
	There could be an expectation by licensees and the public alike that more police officers would be readily available	<p>A levy will be council wide, not just in a town centre. While there is an exemption for some rural business, this will not exclude many pubs etc. and certainly those in larger villages will still have to pay. There will be an expectation from premises that believe they have paid for extra policing (which is how the levy is being promoted by the Government) and for that policing to be present and available. This expectation will also be held by town centre premises. Thames Valley Police will not be able to fulfil these expectations, especially as the amount collected will be relatively small. How will we manage these expectations?</p>

	There could be bad publicity for the Council from businesses who could accuse the Council of not helping them to create a vibrant night-time economy and of causing them economic difficulties	As with the EMRO above this is seen by the trade as a 'tax', and councillors may be reluctant to be seen to be 'anti-business'.
	There could be increased problems in obtaining payment for both the annual retainer fee as well as the levy	The licensing authority do now have the ability to suspend licences for non-payment but this could impact severely on the work of the licensing team in having to deal with a lot more suspensions and reinstatement notices
Give Thames Valley Police an additional funding stream to address issues of alcohol related crime and disorder in the NTE.		Even a relatively small amount of money could fund either a reduced hours dedicated NTE officer or targeted operations
	It is unclear how much money will actually be raised by this measure	While this measure will be enforced council wide it is still very unclear how much money will be collected from it. Not only are there exemptions, but there are discounts available and premises will also be allowed to remove themselves free of charge (this point is important to councils as it has a cost implication, and they will have to do this free) from any levy that is imposed.
	Councils may not feel it is financially worth their while collecting a levy that does not benefit them to any great extent.	Councils will be able to take from the levy their costs incurred in calculating, collecting and enforcing the collection. In addition they can then take 30% of what is left, leaving the remaining 70% for the police. It is proscribed in the regulations what this can be spent on, giving councils very little options

		on how to spend the money. How much of an incentive is there to impose the levy in order to collect money for another organisation ie the police?
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APPENDIX D 2012 Survey – Poppleston Allen

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The Poppleston Allen Late Night Licensing Survey 2012: The Late Night Levy and Early Morning Restriction Orders

Executive summary

Between April and July 2012 Poppleston Allen contacted by telephone almost every Licensing Authority in England and Wales in order to assess Licensing Authorities' current proposals for the Late Night Levy (the Levy) and Early Morning Restriction Orders (EMROs). The survey is an update on our previous survey published in November last year, "The Poppleston Allen Late Night Survey 2011".

The Levy is a power, soon to be introduced, by which Licensing Authorities (LAs) may introduce a charge for premises that have a licence permitting it to sell alcohol for consumption between midnight and 6am. EMROs, to be introduced at the same time as the Levy, will allow Licensing Authorities to restrict sales of alcohol in the whole or part of their areas from any specified period between midnight and 6am.

The Home Office published a Consultation on these measures in January 2012 and in early July 2012 issued its response. Both the Levy and EMROs are scheduled for introduction on 31 October 2012.

Over 345 licensing officers in licensing authorities across England & Wales responded to the Survey

Approximately **99% of licensing authorities contacted submitted a response** to the research conducted, the vast majority through telephone conversations and, where this was not practicable, by email. The research includes responses from over 345 licensing officers on the Levy and EMROs in licensing authorities across England & Wales. All quotes are from licensing officers to whom we spoke. The data collected are summarised below and in places have been compared to our findings from the Survey in 2011.

The Survey essentially asked licensing officers at LAs whether, in respect of the Levy and EMROs, implementation of the measure was likely; unlikely; not yet fully considered/ no indication either way; or there was no comment on the matter.

Key Findings & Trends

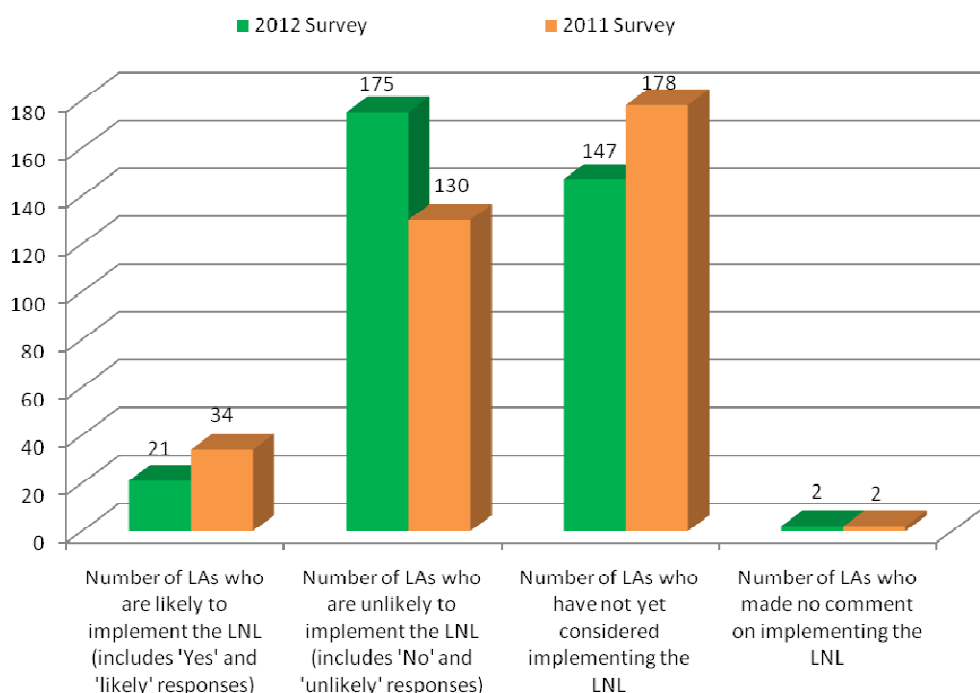
"It's like using a sledgehammer to crack a nut... neither of these measures are proportionate"

"These measures will give us more tools to promote the licensing objectives and reduce crime and disorder [in our area]"

"Conscious of the Levy and EMROs adversely affecting the trade."

The Late Night Levy

"The Levy is a stealth Tax"



The number of LAs who considered they were likely to implement the Levy decreased by more than a third in comparison to the 2011 Survey

6.1% of LAs considered they were likely to implement the Levy, a substantial decrease from the **9.9%** of LAs who were considering this in the 2011 Survey. This is a **decrease of over 38% since 2011**; more than one third of the 34 Licensing Authorities who considered they were likely to implement the Levy.

"Likely to implement the Levy a lot of police backing for it"
"Levy more appealing as high cost of policing in area."

50.7 % of LAs said they were unlikely to implement the Levy, a **rise of 13%** in the number of LAs, 45 more than the 2011 Survey.

An increase in the number of LAs who are unlikely to implement the Levy, 45 more than the 2011 Survey

“ Having a better understanding of the measure through the consultation early indication is the levy would not be financially viable, considering administrative burden and fact that certain operators may be exempt”

42.6% LAs had not yet considered it and **0.6%** made no comment.

The findings indicate a clear change of LAs attitude towards implementing the Late Night Levy over the past six months and a **general lack of appetite for the implementation of the measure. Almost nine times as many LAs said they were unlikely to implement the Levy than those likely to.** Justifications for the negative attitude towards the Levy included that the Levy would neither be fair nor proportionate if covering all premises in a LAs jurisdiction, not being a financially viable option when balanced with the administrative burden and the exemptions and discounts for operators that may apply.

“The Levy not likely as will kill the late night economy. It is not a financially viable option as council will only receive 30%.”

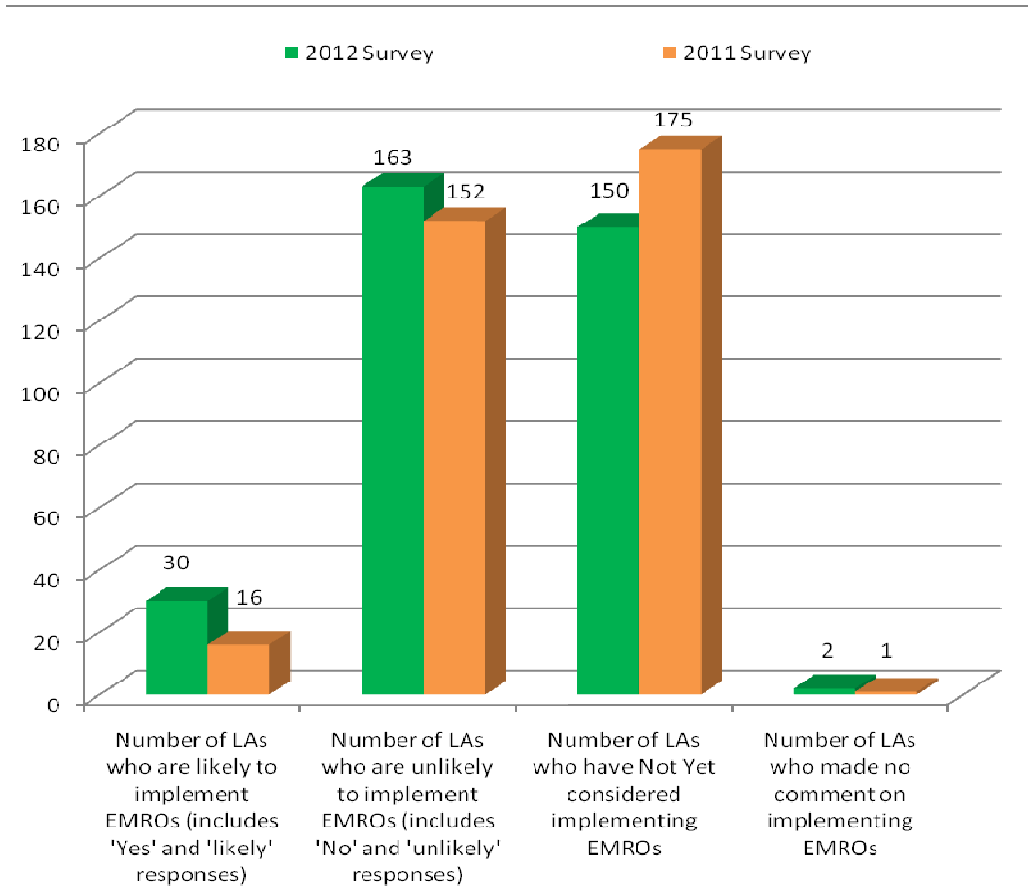
Also there were concerns about the lack of accountability and control on how the majority of the levy funds would be used, which many LAs had raised in their response to the Home Office Consultation.

“Concerned how rest of 70% Levy will be used by police... in response to recent consultation [we] suggested guidance should be created on how levy should be spent by police “

“No guarantee money will be spent on policing late night economy - cannot be ring fenced”

Early Morning Restriction Orders

The amount of LAs considering implementing EMROs has almost doubled since 2011



“EMROs more viable option than Levy which is more impractical as over whole jurisdiction.”

“[EMRO] more discrete and can concentrate on certain premises and areas.”

8.7% of LAs considered they were likely to implement Early Morning Restriction Orders. **The number of LAs considering implementing EMROs has almost doubled** since our findings in 2011.

47.2 % of LAs said they were unlikely to implement EMROs. This is a rise of over 3% in comparison to 2011.

“There is a relocation issue.. if an EMRO prohibits operators in one area, there is nothing to stop businesses popping up somewhere outside this zone”

“EMRO - not necessary as can address issues as LA now responsible authority”

43.5% had not yet considered it and **0.6%** made no comment.

The statistics represent an early indication of LAs' attitude towards Early Morning Restriction Orders. The findings suggest a shift towards implementing EMRO. Almost twice as many LAs are now considering implementing EMROs since the 2011 Survey.

Yet, almost five times as many LAs said they were unlikely to implement EMROs than those likely to. Licensing Officers gave various reasons for not implementing the measure, which ranged from the negative perception an area may receive to the lack of necessity for EMROs in their specific area. Other LAs stated there are already sufficient powers and tools available to effectively deal with any issues. Interestingly one LA stated it was more concerned with tackling late night refreshment premises- which EMROs do not apply to.

*"EMROs are a bit like the old Alcohol Disorder Zones, we do not want [our area] with a tag as a place of disorder".
"It is a shame that there is not a section within the Early Morning Restriction Order section of the legislation that specifically targets non-alcohol based late night premises such as kebab shops, takeaways etc. It is these types of venues that are causing more issues"*

Although the number of LAs who have indicated they are unlikely to implement EMROs has increased slightly since 2011, the findings still suggest there is a shift of opinion towards EMROs. Overall the statistics show that more LAs are more likely to consider implementing EMROs than the Levy.

Greater London

Results indicate a decrease of 6% of Greater London LAs considering implementing the Levy since the 2011 Survey.

Within Greater London, just over 14.3% of LAs said they were likely to consider the Levy. This is a decrease of almost 6% from 2011 of Greater London LAs considering implementing the Levy.

14.3 % of Greater London LAs stated they were likely to consider EMROs. Of the 35 Greater London LAs contacted, 5 of these stated they were considering implementing EMROs, whereas in the last Survey in 2011 no Greater London LAs stated they were likely to implement the measure.

Overall the percentage of Greater London LAs considering implementing either measure is higher than the average across all LAs in England and Wales.

14% of Greater London LAs considering implementing EMROs

Just under half of the Greater London LAs had not yet fully considered either measure. Generally responses from licensing officers from Greater London LAs indicated they were more occupied with the effects of recent changes to licensing legislation and preparation in relation to the upcoming Olympics.

*"After Olympics we will look into [the Levy and EMROs] in more detail and consider it"
"I am concerned about the amount of administration involved with the implementation of either the Levy or the EMRO... there is also no guarantee that the 70% of the proposed share of the income that is to be distributed to the Police will actually be spent on relevant matters within the area."*

Major cities

Upon contacting the 10 LAs which cover the city centre for the largest populations (outside of London), half of them had yet to consider in detail the implementation of either the Levy or EMROs. 20% of these LAs stated that both the Levy and EMRO were likely to be implemented once the regulations came into effect. This is the same percentage of these LAs that stated they were likely to consider implementing the LNL in Survey 2011. Whereas the findings show an increase of 10% on the number of these LAs that are likely to consider implementing the EMROs since the 2011 Survey.

*"Undecided one way or the other as yet, will await regulations."
"Interested in both measures, the EMRO is quite useful to narrow in on specific problem areas.. The Levy may provide extra funds for [Local Authority] to assist in policing the area."
"The Levy administration may be burdensome and including whether premises exemptions apply, this could lead to less effective administration of licensing service."
"Measures may not be politically viable option due to economic climate."*

The percentage of these LAs considering implementing either measure is higher than the average across all LAs in England and Wales. The findings suggest that LAs which cover the city centre of the major cities are more likely to consider these measures than other LAs.

Conclusion

In comparison with the last Survey in 2011, more LAs have further considered implementation of both measures. LAs are less likely to consider implementing either measure but a large percentage stated they would fully consider the measures closer to when the regulations come into effect.

“We will consider the measures in more detail once further guidance has been issued”

“At this moment it is finely balanced, we will await further Government information before any further consideration is given [to the Levy and EMROs]”

From those LAs where the proposals have been initially discussed with their committee members, both the Levy and the EMROs have not been looked on favourably in the majority of cases. In particular many responses mention the costs of administering the process outweighing the estimated income. There have also been concerns expressed regarding the financial impact on the local economy.

“ Levy would not produce enough funds, as we have a Pubwatch, BID and many operators may be exempt- therefore it is not worth the effort for such a minimal gain”

It should be noted that the responses were provided before the Government published its Response to the Consultation on the introduction of the Levy and EMROs.

Yet the findings do highlight a change of attitude of LAs in relation to the two measures over the last 6 months. Notwithstanding many LAs have yet to fully consider the measures, the general trend at this early stage indicates a move away from the Levy, with an increasing number of LAs moving a step closer to EMROs. It is worth noting that these are the views of LAs and not the police, yet many responses suggest the police have expressed interest in EMROs. If local police do request this measure, this may further increase the likelihood of LAs implementing EMROs.

Notes

Licensing law relating to the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment in England and Wales is regulated by the Licensing Act 2003 and run by a single Licensing Authority (LA) in each area (mainly local authorities). The 2003 Act came into force on 24th November 2005.

Under the new Police Reform and Social Responsibility Act 2011 (PRSRA) which received Royal Assent on 15 September 2011. The PRSRA has created additional licensing tools in the form of the Late Night Levy (LNL) and Early Morning Restriction Orders (EMROs), although the regulations and consultations for these are still pending. When in force LAs will have the powers to implement these measures. The LNL is a fee which would be payable by all licensed premises which authorise the supply of alcohol between midnight and 6am. EMRO, if adopted by licensing authorities, would apply to all licensed premises in a specific area which would be required to stop selling alcohol at a time stipulated by the licensing authority between midnight and 6am.

Research methodology

This data has been collected between 17 April 2012 and 13 July 2012 from telephone conversations with principal licensing officers, where possible, of licensing authorities in England & Wales. The vast majority of responses have been received by telephone and where that has not been possible a response has been given by email. The Home Office's Response to Consultation document was published after most of the responses from licensing authorities were received.

Reporting methodology

Within the commentary percentages in the tables and figures have been rounded to one decimal place. All figures, tables, graphs and statistics are based on the 99 % of licensing authorities which responded to the data collection, i.e. when the research quotes 40% of licensing authorities responded a certain way, this relates to 40% of the 99% of licensing authorities which responded to our data collection not 40% of all licensing authorities. To eradicate errors various validation checks have been made on the data collected from the research before presenting the statistics and findings.

If you have any queries regarding this Research Survey please contact:

Suraj Desor Tel: 0115 9349183 or Lee Johnson Tel: 0115 9349174; or
Email: 2012surveyenquiries@popall.co.uk

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Title of Report:	Police Reform & Social Responsibility Act 2011
Report to be considered by:	Licensing Committee
Date of Meeting:	20 March 2013
Forward Plan Ref:	n/a

Purpose of Report: To inform Members of a change to the List of Responsible Authorities under the Licensing Act 2003

Recommended Action: To note the contents of the report

Reason for decision to be taken: Advisory

Other options considered: None

Key background documentation: Licensing Act 2003
Police Reform & Social Responsibility Act 2011

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole - Tel (01635) 248542
E-mail Address:	hcole@westberks.gov.uk
Date Portfolio Member agreed report:	07 March 2013

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

Implications

Policy: The Council is obliged by statute to publish a statement of licensing policy

Financial: None

Personnel: None

Legal/Procurement: The Responsible Authority details will be published in the Statement of Licensing Policy

Property: None

Risk Management: None

Equalities Impact None

Assessment:

Corporate Board's Recommendation: None

Executive Summary

1. Introduction

- 1.1 The Police Reform & Social Responsibility Act 2011 has included in the list of Responsible Authorities, the Licensing Authority.
- 1.2 Guidance to the Act makes it clear that it is important for the Licensing Authority to achieve a separation of responsibility within the authority to ensure procedural fairness and eliminate conflicts of interest.
- 1.3 In order to achieve such separation the post of Team Manager Licensing has been delegated under the Council's Scheme of Delegation to act on behalf of the Council as the Responsible Authority.

2. Proposals

- 2.1 To note the above delegated authority.
- 2.2 There is no decision to be made and therefore no Equality Impact Assessment has been undertaken.

3. Conclusion

- 3.1 The post holder of Team Leader Licensing will play no active part in the general administration or enforcement of the Licensing Act 2003.

Local Stakeholders: None

Officers Consulted: Paul Anstey Joint Service Delivery Manager, Sarah Clarke Team Leader Legal

Trade Union: None