

# LICENSING COMMITTEE

## MINUTES OF THE MEETING HELD ON MONDAY, 8 FEBRUARY 2021

**Councillors Present:** Adrian Abbs, Phil Barnett (Vice-Chairman), Jeff Beck, Graham Bridgman, James Cole (Chairman), Billy Drummond, Rick Jones, Tony Linden, David Marsh, Claire Rowles and Martha Vickers

**Also Present:** Joseph Holmes (Executive Director - Resources), Gabrielle Mancini (Economic Development Officer), Sean Murphy (Public Protection Manager), Julia O'Brien (Principal Licensing Officer), Anna Smy (Strategic Manager - Response), Hilary Cole, Christine Elsasser (Democratic Services Officer) and Moira Fraser (Democratic and Electoral Services Manager)

**Apologies for inability to attend the meeting:** Councillor Andrew Williamson

### PART I

#### 9. Minutes

*(Councillor Martha Vickers joined the meeting at 4.34pm)*

The Minutes of the meeting held on 30 November 2020 were approved as a true and correct record and signed by the Chairman subject to the removal of the text in red writing on page six of the pack.

#### 10. Declarations of Interest

Lobbying letters were received by all Members from the taxi community in relation to Item 4 and in regards to the fireworks motion (Agenda Item 5).

*(Councillor David Marsh joined the meeting at 4.41pm)*

#### 11. Hackney Carriage and Private Hire Licence Fees Consultation Responses Report

Sean Murphy introduced the report to Committee which allowed Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing. Mr Murphy outlined the process followed in respect of fee setting and explained that if any additional comments were received before the consultation closed they would be dealt with via the delegation process proposed.

Sean Murphy explained that the responses showed a strong weight of feeling from the trade who had been impacted very significantly (by up to 80% decrease in income) by the Covid-pandemic. Due to the impact on the trade they felt that it was inappropriate to raise their fees, they noted that some authorities had opted to subsidise their fees and some respondents felt that fees should be removed entirely. Members would have to take a view on what they felt was the most appropriate course of action. He noted though that there was a licensing regime which had to be funded and that this should be borne in mind when coming to a decision about what the Committee would recommend to the Executive and then Full Council. Officers noted that between 47 and 50 vehicles had already been lost when compared to the previous year. Officers were conscious of the valuable service provided by the trade and he urged Members to carefully consider the responses received. Officers were of the view that, based on the level of increase proposed and the number of vehicles in the fleet, that should Members be minded to

## LICENSING COMMITTEE - 8 FEBRUARY 2021 - MINUTES

freeze the fees for the forthcoming year that the loss of additional income could be met from within existing budgets. Officers were therefore recommending that the fees be frozen and that the Council enter into a dialogue with the trade about what the trade might look like going forward.

Councillor Phil Barnett said that the Covid pandemic had decimated the hospitality industry and this had had a knock on effect on support services including the taxi trade. He noted that taxi drivers, operators and owners provided a vital service to residents and especially to vulnerable residents and it would be irresponsible not to take action to prevent the loss of more taxis to the area. Councillor Barnett recommended that any increases to fees be frozen and that they could be re-examined in the future once the effects of the pandemic could be properly assessed.

Councillor Graham Bridgman stated that there were two aspects to the licensing regime in West Berkshire Council (WBC) that needed to be considered namely the fees they paid for whatever they were licensed to do and then a question of the business support they could or would have received during the pandemic. He noted that the Committee had spent a considerable time in order to arrive at a five year set of fees that were of a sound and logical basis and he would not like to lose sight of that. Having said that he was, however, in favour of not raising the fees during the 2021/22 financial year. He did however suggest that it would be useful for the s151 Officer to set out what support there was available to the trade should they wish to access it. He noted that any decisions around this support would be made at 'Gold' meetings which was where all the decisions around the Covid pandemic were made.

Councillor Adrian Abbs agreed with Councillor Bridgman and further stated that what needed to be done was two-fold. The restructure of fees should be considered and then what could be done to help the taxis trade to ensure its survival. He stated that he would like to know if the Council was able to subsidise the fees for the forthcoming year. He also asked that consideration be given to the taxis that had left the trade this year only being liable for a renewal fee even if they had not been in possession of a licence for the year to help them come back into the trade.

Councillor Claire Rowles stated that she would also like to hear about the help that could be offered to the taxi community.

Councillor Jeff Beck asked what funding had been made available at Gold meetings to assist the trade. Councillor Bridgman stated that Gold were anticipating that a discussion would take place at this meeting. The outcome would be fed back to Gold and they would then make a decision on how to take any assistance forward.

Councillor Tony Linden stated that he was supportive of the previous comments but felt that it was important to note that there was always fluidity in the trade and people did leave for a variety of reasons outside of the pandemic. The Chairman commented that he would hope that once the hospitality trade opened up again that some of the people would come back into the trade. He noted that West Berkshire was not as severely affected as some neighbouring authorities.

Joseph Holmes and Gabrielle Mancini outlined the measures that had been put in place by the Government and the Council to provide support. There were currently round ten business grant schemes that the Council was administering. He noted that many of these grants related to businesses with premises. He noted that there was however an

## LICENSING COMMITTEE - 8 FEBRUARY 2021 - MINUTES

Additional Restrictions Grant (ARG) which provided more flexibility. There was additional information and forms available on the Council's website about the grant. Section d which dealt with additional hardship was likely to be the most applicable to the taxi trade.

Gabrielle Mancini added that it was worth noting that taxi companies would still have been able to operate during lockdown and therefore in order to access these grants they would need to demonstrate that the hardship had occurred before the funding could be issued because not all taxi companies had experienced the same level of hardship and the grant was meant to reach those who had been impacted the most. Officers explained that even though it was the Business Rates Team that were administering the scheme applicants that were not liable for business rates could still apply. She also noted that it was worth reflecting that the person would not have had to go out of business before applying for a grant they would just need to demonstrate the loss of income they had experienced. Officers also noted that the policies around grants were updated on an ongoing basis as new information came to light. In the event that the grant funding did run out the Council could approach the local MPs to ask them to lobby for additional funding from Central Government.

Councillor Beck suggested that it might be worth writing to the trade to notify them about the ARG grant and explaining how they could go about applying for it and where the application should be sent to.

Councillor Abbs asked for clarity on the costs associated with Licensing and whether or not there was sufficient funding in the grant to meet all of these costs. Officers stated that they did not have that information to hand but that it could be provided if necessary. Sean Murphy highlighted that the fees and the grants were however separate issues. Councillor Abbs accepted that this was the case but noted that he was suggesting proposing that the fees be met from the grant and that he therefore needed to know if this could be achieved. Officers explained that the application for the grant would not be to cover the fee but to offset some of the financial hardship experienced by the applicants. Gabrielle Mancini explained that the ARG grant was expected to cover all applications up until March 2022 and there were a large number of businesses in the District that might need to draw on this grant. Councillor Abbs stated that he would therefore like to recommend that no fees should be raised this year. Officers explained that the original recommendation from Councillor Barnett, which had now been seconded by Councillor Bridgman, needed to be voted on first.

Councillor Martha Vickers said she supported the suspension in fees bearing in mind that the hardship fund seemed limited and that it might not have reach everyone and could be complicated to apply for.

Councillor Rick Jones stated that he supported the idea of a proactive approach and letting the trade know that the ARG fund was available but that this could be done via publicity rather than writing to individuals as that could be very time consuming. He agreed that the decision around the fees and the availability of grant funding should be dealt with separately. Sean Murphy noted that the information about this grant was already on the website but that letters could be sent should the Committee be minded to instruct officers to do so. It was agreed that this should be undertaken to be as helpful as possible to the trade.

**RESOLVED that:**

## LICENSING COMMITTEE - 8 FEBRUARY 2021 - MINUTES

2.1 The consultation responses as set out in the agenda and any raised verbally at the meeting be taken into account prior to the Licensing Committee making a recommendation to the Executive and Full Council as part of the annual fee setting process. The recommendation to Full Council to confirm that the fees be set at the existing rates and that they be reviewed later in the year when the medium and longer term impact Covid has had on the trade can be ascertained.

2.2 Authority be delegated to the Head of Public Protection and Culture, in consultation with the Chairman and Vice Chairman of the Licensing Committee, to make any other minor amendments to the fees arising from comments made after the meeting and before the closing date for the consultation on the 11 February 2021.

2.3 In the event that any consultation responses are received that would have a significant impact on the fee setting process a special Licensing Committee meeting would be convened before a final determination on the fees is made at full Council on the 02 March 2021.

2.4 A meeting of the Taxi and Private Hire West Berkshire Council Liaison Group be set up as soon as practical to consider the impact Covid has had on the trade.

### **12. Response to the Fireworks Motion (C3972)**

Anna Smy introduced the report which set out a response to a motion presented to Full Council on 10th September 2020. The Public Protection Partnership was requested to inform the Licensing Committee which aspects of the motion, if any, could be supported by the Council. The report outlined some information for the Committee concerning the legal powers the PPP had with respect to fireworks such as storage, point of sale, intelligence led promotional campaigns and the use of appropriate licensing conditions and noise management plans to minimise the impact. The motion was contained on page 52 of the agenda and the response would be provided at the 02 March 2021 Council meeting.

Following discussions with colleagues Officers were proposing that the recommendations be amended as set out in the supplementary document.

Ms Smy explained that the motion's purpose was to require advance advertising for public fireworks displays and its aim was to protect animals as well as vulnerable people. The motion also sought to promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people and to include precautions to mitigate risks. The motion also sought to lobby to introduce legislation to limit the noise of fireworks sold to the public to 90 decibels for private displays and to encourage local suppliers of fireworks to stock quieter fireworks for public displays. The motion arose from an RSCPA report. The report set out what activity was already being undertaken by the PPP in relation to fireworks. Ms Smy noted that there were currently 18 premises currently licensed to sell fireworks in the district. There were 20 complaints about fireworks dealt with in 2019/20 and 33 in 2020/21.

The report also set out a response to the motion and those elements that could not be supported. The ability to enforce any recommendations around the 90 decibel element was not deemed to be enforceable for a number of reasons as set out in the report. In addition there were existing legislative measures in place to deal with some elements of

## LICENSING COMMITTEE - 8 FEBRUARY 2021 - MINUTES

noise control. Officers were proposing the drafting of a fireworks policy which would be brought back to the June meeting for approval. An Initial draft was attached to the report.

Discussion took place regarding enforcement and Councillor Bridgman asked what part of this was enforceable and how would someone advertising a firework display have broken the law? Ms Smy stated that there was not currently any legislation in place that could be broken. She suspected that this was an attempt to lobby to get regulations put in place. Event organisers could be encouraged to advertise but they could not be compelled to do so.

Councillor Bridgman stated that although he had sympathy for what the RSPA were trying to achieve with the motion it was poorly worded and drafted and he therefore could not support it.

Councillor David Marsh added that the Committee was getting too bogged down in the technical details of the motion and that they were not being asked to enforce this; the Council were only being asked to support what the RSPA had asked for. He said that it simply sent out the message that the Council did not like loud fireworks because of the distress it caused to animals in the district and it was a good message to send out.

It was also noted that WBC residents would appreciate that stance on this because lots of correspondence had been received regarding this issue and that the distress reported was often due to the volume of private display fireworks over an increasingly prolonged period. He supported well run public fireworks display events.

In response to a query from Councillor Linden, Anna Smy explained the timings and time periods in which private fireworks displays could take place and noted that the enforcement around these regulations were largely a matter for the police.

Councillor Claire Rowles thanked Officers for all the work they had done in providing the response. She had been supportive of the motion when it had been presented to Council on a number of levels due to the impact not just on domestic animals but because of the impact on vulnerable people and the farming community as well. She accepted that the powers of the local authority were limited but she appreciated the sentiment and the message behind the motion. She supported lobbying parliament on the matters raised in the motion and the issue more widely and welcomed the proposals put forward by Officers.

Councillor Jeff Beck noted than on page 52 he would like to see a change made to encourage licensed premises to sell quieter fireworks to the general public and not just to those selling them for public events. He could see no harm in writing to Central Government to support the general aims of the RSPA motion.

Councillor Barnett stated that there had been a number of views expressed by Members and Officers had suggested an acceptable way forward. Councillor Bridgman proposed that the amended recommendations be taken forward as a practical solution that could be enforced. Councillor James Cole stated that it would be useful if the Fireworks Policy could be adopted by all three authorities covered by the PPP.

**RESOLVED that:**

**LICENSING COMMITTEE - 8 FEBRUARY 2021 - MINUTES**

- 2.1. the Licensing Committee agree the proposed response of the Public Protection Service to the motion submitted at Full Council on 10th September 2020 concerning the impact of fireworks;
- 2.2. the response be submitted to the Council meeting on the 02 March 2021;
- 2.3. the final policy be brought to the June meeting of Licensing for final consideration and approval.

**13. Date of Next Meeting and Forward Plan**

The next meeting would take place on the 21 June 2021

Sean Murphy proposed that an update on the discussions with the trade would come to the June 2021 meeting.

The Fireworks Policy would also be brought to the June 2021 meeting.

*(The meeting commenced at 4.30 pm and closed at 5.50 pm)*

**CHAIRMAN** .....

**Date of Signature** .....