

These Minutes have been amended. Please see Minutes of 31 January 2022 for amendments.

## **LICENSING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON MONDAY, 21 JUNE 2021**

**Councillors Present:** Adrian Abbs, Phil Barnett (Vice-Chairman), Jeff Beck, Graham Bridgman, Rick Jones (Chairman), Tony Linden, David Marsh, Graham Pask and Claire Rowles

**Also Present:** Moira Fraser (Principal Officer - Policy & Governance), Julia O'Brien (Principal Licensing Officer) and Beth Varcoe (Solicitor), Stephen Chard (Principal Policy Officer) and Jack Karimi (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Peter Argyle, Councillor Billy Drummond and Councillor Martha Vickers

**Councillor(s) Absent:**

#### **PART I**

*(Councillor Graham Bridgman presented a non-notice procedural motion to allow all those not present to speak, and allow them to make indicative votes so that they could express their preference.*

*The Chairman seconded, and the procedural motion was approved.*

*Councillors Adrian Abbs, Jeff Beck and David Marsh were confirmed to be present remotely.)*

#### **3. Minutes**

Councillor Adrian Abbs raised that his contribution on the Hackney Carriage and Private Hire Licence Fees Consultation (Agenda Item 11), proposing that no licence fees be raised this year, was not noted. Councillor Graham Bridgman pointed him towards Page 9, where it is noted, and Councillor Abbs withdrew his amendment.

Without amendment, the Minutes of the meetings held on 8 February 2021 and 4 May 2021 were approved as true and correct records and signed by the Chairman.

#### **4. Declarations of Interest**

There were no declarations of interest received.

#### **5. Forward Plan**

No comments or amendments to the Forward Plan were received.

#### **6. Draft Statement of Gambling Principles (LC4095)**

Councillor Tony Linden noted that there are no substantial changes to the draft document. Flo Churchill confirmed this, but asked that standing orders be suspended so that David Lucas could attend and explain the changes that have been made. Councillor Jeff Beck agreed, and congratulated the officers on their work.

*(Suspension of standing orders, in order to allow David Lucas to attend the meeting and speak, were approved.)*

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David Lucas presented the report (Agenda Item 5), seeking comments from the Licensing Committee on the Draft Statement of Gambling prior to be consulted on. Lucas noted that a lot of changes that have been made to the draft are to tidy it up.

Sections 1.1-1.5 were tidied up to clearly match the obligations of the document in the Gambling Act 2005. Section 1.5 and 1.6 presents a clearer definition of business interests and interested parties, noting that those who are recognised as a business interest are done so on a case by case basis. In terms of risk assessments (1.9), the report has been cleared to make sure that it is clear to parties what their obligations are. If local authorities wish to have a Local Area Profile, the document clarifies that they should make it a new document for the licencing authorities.

On licence conditions (2.5) there are clear conditions for applying for licences. Sections 2.6-2.12 deal with different types of premises from licensed establishments to casinos, to make it clear what the requirements for each type are. On casinos, the only casinos that can legally exist either precede or are under the 2005 Act, of which only 16 exist, with West Berkshire not being an area in which new ones can exist. On tracks (2.11) any ground in which sports can be held are counted, and are under restrictions such as where children can access, gaming machines, and planning restrictions, information on what is allowed has been provided. Travelling fairs (2.12) are additionally covered.

Concluding, Lucas noted that license reviews have been updated, alcohol licensing has been updated, and updating of the sections on permits. The only section that has been added is on small society lotteries.

Councillor Graham Bridgman noted that the contents section jumps from Part A to Appendix C, the mix of full and ragged justification, and that the footer to the draft policy notes that it has been adopted in 2021, when it has not and will not until 2022. On the dates of adoption, Councillor Bridgman additionally noted that under the Gambling Act 2005, policies run for three years from January 31<sup>st</sup> up to January 30<sup>th</sup> and asked that that be the same for this policy. Councillor Bridgman asked that this and other consistency issues be tidied up.

Councillor Bridgman proposed that Recommendation 1 be amended to read as follows:

*“That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report, and as amended prior to consultation to deal with any minor typographical or formatting changes, which must be agreed by the Chairman and the Monitoring Officer, be approved for consultation.”*

Additionally, Councillor Bridgman noted that the policy contains lists of delegations and delegated functions, which are not covered by policies, but by the Constitution, and that it be extracted and made part of the Constitution if necessary.

David Lucas is supportive of the proposed typographical changes, and asks Councillor Bridgman on his thoughts on consistency with delegations under the Licensing Act 2003. Moira Fraser notes that internal consultation processes are used in regards to changes to the Constitution, and that changes to the scheme of delegation be put through this internal process, and to the Governance and Ethics Committee. Councillor Bridgman reiterates his point, asking that both Licensing and Gambling delegations be extracted for this process, leaving the rest of the policy for consultation.

Councillor Claire Rowles notes that an internal process to make changes to the Constitution will be potentially longer than the process of changing and implementing the policy, and asks whether this process is tenable. Councillor Bridgman responded that the scheme of delegation in the draft Statement may be correct, and would simply need to be approved by the Governance and Ethics Committee.

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Councillor Adrian Abbs noted that the definition of travelling fairs may affect the Christmas fair at the racecourse, and asks what the specific arrangement of 'amusement' is. David Lucas specified that travelling fairs fall under a specific regulation and they are able to hold gambling, so long as it is situated in one location for fewer than 27 days. Councillor Abbs responded that Lucas' explanation was much clearer than the draft Statement, and ask that it be tidied to reflect that.

*(The Committee approved a return to standing orders, and David Lucas left the meeting.)*

The amendment to Recommendation 1 as proposed by Councillor Bridgman is approved.

Councillor Bridgman additionally questioned why a twelve week consultation period was proposed by the report when there was the option of a six week consultation. Moira Fraser responded that it was sector best practice, but that the option of a six week consultation remained for the consideration of the Committee.

### **RESOLVED that:**

1. That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report, and as amended prior to consultation to deal with any minor typographical or formatting changes, which must be agreed by the Chairman and the Monitoring Officer, is approved for consultation.
2. The Public Protection Manager is authorised to proceed with formal consultation for a 12 week period between the 05 July 2021 and the 27 September 2021.
3. Decided that the parties as set out in paragraph 5.10 of the report would be consulted.
4. Decided that any comments on the revised Statement would be brought to the 08 November 2021 Licensing Committee meeting for discussion prior to the report being formally presented for adoption at the 02 December 2021 Council meeting.

## **7. Review of Hackney Carriage Tariffs**

The Chairman noted that the process had gone on for some time and through numerous iterations, asked that the new tariffs be simpler, and thanked the work of officers.

Councillor Graham Bridgman presented a report (Agenda Item 6) seeking to review the current Hackney Carriage fare scale, agree options and outline the consultation process that will be undertaken on these options if Members were minded to amend them. Councillor Bridgman noted that in 2016, the trade asked for an increase in taxi fares, and when the Committee looked at the tariffs it became apparent that Tariff 2 consisted of different distances and times than the other two for inexplicable reasons. Councillor Bridgman proposed that tariffs be based off one tenth of a mile, instead of the existing one twelfth, which found favour with the trade. It was additionally discussed whether three tariffs were necessary or whether there could be two, and the trade agreed to two (normal days and other). Additionally, that the tariffs be linked by a proportionate formula.

An interactive spreadsheet was distributed to canvass responses from the taxi trade, and three proposals were received for Tariff 1 and 2, with virtually 0%, 5% and 10% increases, of which the trade preferred 5% as the increase was necessary due to the Covid-19 pandemic. Councillor Bridgman proposed consulting on the latter two. The response was for a different distance rate, and much higher tariff increases, which Councillor Bridgman does not support. Councillor Bridgman suggested presenting the two tariffs with an explanation that it was to their understanding what the taxi trade wanted considering the Covid-19 pandemic.

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Beth Varcoe noted that the consultation with the taxi trade was not publicly available, to which Councillor Bridgman responded that as the proposal from the consultation is to be effectively rejected, that this be made clear.

Councillor Graham Pask agreed with the need for simplicity, and asks why representatives of the taxi trade are not making proposals, and asks for them to be consistent rather than allow any driver to make suggestions. Councillor Phil Barnett additionally agreed with Councillor Bridgman's clear and simple approach, and understands his frustration with the additional suggestions that have been made, and that he will support his approach. Councillor Tony Linden noted in response that the licensing trade used to be more representative, but has become more fragmented and that achieving consensus will be difficult.

Councillor Bridgman amended his proposal, and proposed that rather than take both proposals to public consultation that the taxi trade are asked whether they would want a 5% or 10% increase, and that proposal be taken to formal consultation.

Councillor Claire Rowles noted that the two week consultation period is rather tight. Moira Fraser responds that this was set out in statute, and Councillor Bridgman notes that the trade consultation and public consultation are different things.

Councillor Rowles additionally asked whether Recommendation 8 would mean that the maximum would come into effect before consultation. Moira Fraser raised to the Chairman that those dates would need to be amended to reflect the addition of a consultation with the trade.

The Chairman noted that, due to the different levels of engagement and difference of opinion among the trade, any proposal brought forward to them in a consultation would need to have a comprehensive explanation behind it.

Councillor Bridgman proposes amending the decision to add another clause after Recommendation 1, setting out the proposed 5% and 10% increase options, and depending on their response, the Chairman decides which proposal to send to public consultation.

In an indicative vote, Councillors Adrian Abbs, Jeff Beck and David Marsh responded in support of the proposal.

Moira Fraser raised the move of unsociable hours in Tariff 1 from 10 PM to 11 PM. Councillor Graham Bridgman proposes rolling that into the consultation with the taxi trade, which is approved.

### **RESOLVED:**

1. That the Committee NOTED the existing tariffs.
2. That the Committee CONSIDERED the options as set out in paragraph 4.12 and Appendix B and agreed which, if any, of the proposals should be consulted on.
3. That the Committee CONSIDERED whether the timings associated with Tariff 1, which were currently set at 06:00 to 22:00 Monday to Saturday other than bank holidays, public holidays, Christmas and Boxing Days, should be amended to 06:00 to 23:00 Monday to Saturday other than bank holidays, public holidays, Christmas and Boxing Days.
4. That the Committee CONSIDERED how many tariffs were needed and whether or not it would be appropriate to remove tariff 3.

Members were minded to consult on any changes:

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- 5. That the Committee AGREED that a copy of the notice should be placed in the Newbury Weekly News, the Reading Chronicle, on the Council’s website and on display at the Market Street Council Offices.
- 6. That the Committee AGREED that a copy of the notice should be emailed to the trade.
- 7. That the Committee AGREED that the consultation should run from the 1 July 2021 to 15 July 2021.
- 8. That the Committee AGREED that if no objections to the changes were received the revised maximum fares would come into effect from 1 August 2021. Page 67
- 9. That the Committee AGREED that if objections were received and not withdrawn a Special Licensing Committee meeting would be convened to consider the objections and agree a way forward.

**8. Update following discussions at the Taxi and Private Hire West Berkshire Council Liaison Group (LC4096)**

Moira Fraser presented the report, providing the Committee with an update on any issues emanating from the Liaison Group meetings.

**RESOLVED that:**

- 1. The Committee noted the report.

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

**CHAIRMAN** .....

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