

DRAFT

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 30 NOVEMBER 2020

Councillors Present: 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: Paul Anstey (Head of Public Protection and Culture), Sean Murphy (Public Protection Manager), Julia O'Brien (Principal Licensing Officer), Anna Smy (Strategic Manager - Response) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Adrian Abbs and Councillor Andrew Williamson

PART I

3. Minutes

The Minutes of the meeting held on 27 January 2020 were approved as a true and correct record and signed by the Chairman. Councillors Phil Barnett, Rick Jones and Claire Rowles abstained from voting on this item as they were not present at the January meeting.

The Minutes of the meeting held on 14 May 2020 were approved as a true and correct record and signed by the Chairman. Councillors Billy Drummond and David Marsh abstained from voting on this item as they were not present at the May meeting.

4. Declarations of Interest

There were no declarations of interest received.

5. 2021/22 Fees and Charges

The Committee considered a report (Agenda Item 4) which set out the fees and charges within the licensing field which had been proposed by the Joint Public Protection Committee on 28 September 2020 for the Committee to consider ahead of consideration by the 11 February 2021 Executive meeting and Full Council on 02 March 2021.

Paul Anstey in introducing the item stated that the report also included information pertaining to the methodology adopted when setting the fees and any legislative requirements associated with fee setting. It was hoped that these explanations would assist residents and stakeholders, including fee payers, in understanding why the fees were set at the level they were. He noted that this additional transparency had been favourably received. Officers recognised that there were some areas where this work had not as yet been completed and it was recognised that some fees would have to be reviewed in the future in light of this ongoing programme of review.

Councillor James Cole noted the comment in the report that 'It is not the role of this Committee to set the fees for 2021/22' and he asked Officers to explain what the role of the Committee was. Paul Anstey explained that the Licensing Committee was tasked with setting the policies associated with licensing. These policies would set out what activities the team were required to undertake. Officers would then calculate the costs

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associated with the execution of the policy and use that to derive the fees and charges which would have to be agreed by Full Council.

Councillor Graham Bridgman noted the percentage splits between the three authorities covered by the Public Protection Partnership (PPP) as set out in table 1.2 and queried if these were the same as in the previous year. Paul Anstey explained that marginal changes had been made to take cognisance of differences in pension contributions arising from the demand level in each of the authorities.

Councillor Bridgman noted that one of the stated aims of the PPP was to improve consistency across the three authorities when it came to fee setting and he queried if this was being achieved. Officers explained that the balance was improving and greater consistency was being achieved albeit that Officers recognised that Members sought to influence specific areas of fee setting within their authority. The only major difference was around street trading where Bracknell exercised a two tiered approach that was not replicated in West Berkshire and Bracknell. Members were pleased that a more consistent approach was being adopted.

The Chairman noted that the fees associated with animal welfare were likely to decrease in West Berkshire. Sean Murphy explained that the methodology used to set the fees had been revised. What this meant was that the base fee would cover initial administrative costs and the first visit. Additional visits would be charged on top of the base fee. In other words those facilities that were non-compliant would pay more and those that were compliant would not be burdened with those costs. Two members of staff were being trained to undertake this work. The training had started in September and was likely to take around eighteen months to complete. The Council would continue to seek the most cost effective way to provide services including inspections. Where it was cheaper to outsource the work this practice would continue provided that the quality of the work was at the right level so as to keep the costs as low as possible for fee payers.

Councillor Phil Barnett was concerned about the perceived proliferation of unlicensed dog walkers. Sean Murphy reassured Members that the team did follow up on allegations of unlicensed trading.

The Committee acknowledged that the impact of Covid would have an impact both on licence holders and also the resourcing requirements of the PPP. Paul Anstey reassured Members that this was something that was being monitored by the management Team. In response to a query from Councillor Claire Rowles, Paul Anstey explained that there had not been any dedicated grants from Central Government to fund licensing. There were however two pots of money that local authorities could apply for funding from to support local businesses. **Do we have the names of those funds???**

Julia O' Brien reported that the Council was working with stakeholders to see how they could best be supported. The Council was trying to provide advice and support in recognition of the difficulties being experienced by its customers. A number of initiatives were being implemented and these included suspension of taxi licences, allowing some fees to be paid monthly rather than upfront and using webinars to speak directly with the trade to answer their questions.

Members noted that the discussion on cab fares that was due to take place with the taxi trade in January 2020 had not happened due to the onset of the Covid pandemic but they requested that this discussion be rescheduled as soon as it was feasible to do so **(Sean Murphy to Action)**.

RESOLVED that:

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- 1. The proposals in the report be noted and it be agreed that the fees set out at Appendix C go forward for consideration as part of the Council's fee setting process.**
- 2. The fees for Taxi and Private Hire Vehicles and Private Hire Operators be put forward for statutory consultation.**
- 3. The methodology at Appendix B for calculating fees for home animal boarding establishments licensed under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be applied to 2020/21.**

6. Licensing Annual Report

The Committee considered a report (Agenda Item 5) which set out the work of the Licensing Committee in 2019/20 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.

Anna Smy outlined the activity as set out **in** the report and noted that one of the areas that had been considerably improved was around communication with both the trade and with residents. The Chairman welcomed this work which he felt had been dramatically improved.

Councillor David Marsh queried if the Council was obliged to only include three Members on Licensing Sub-Committees. Officers explained that in respect of the Licensing Act the number of Members permitted to sit on a sub-committee was set out in the regulations. Officers would need to consider if the same restrictions were in place in respect of the Gambling Act. It was also necessary to consider the practicalities around setting up these meetings and Officers were of the view that operationally it was better to consider these applications by means of Sub-Committees as set out in the Scheme of Delegation. It was likely that once business was back to a more normal level more hearings would be held and this would give Members more opportunity to sit on these panels and gain experience. It was noted that wherever possible less experienced Members would be asked to act as the substitutes for the Committees in order to give them more experience.

RESOLVED that the report be noted.

7. Statutory Taxi and Private Hire Vehicle Standards Report

The Committee considered a report (Agenda Item 6) which sought to inform Members of the recently published 'Statutory Taxi & Private Hire Vehicle Standards' issued by the Department for Transport (DfT). The report also set out the basis of work required to be completed in regards the Hackney Carriage and Private Hire Policy and School and Community Services Policy in line with recommendations made by the Statutory Taxi and Private Hire Vehicle Standards to be then considered by the Licensing Committee.

Julia O' Brien explained that the guidance which had been published on 21 July 2020 was designed to safeguard children and vulnerable individuals who were over 18 years of age from harm when using these services. The Council had already previously implemented a number of the recommendations on its own volition but the guidance provided the opportunity to further tighten the current licensing scheme. It was proposed that Officers would undertake the additional work and then ask the Committee to sign off the revised policies.

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Councillor Rick Jones queried if there would be **any** resource implications for the Council. Officers explained that they would be employing a solicitor to draw together the policies for the three authorities after undertaking the necessary consultation work. It was not envisaged that once these had been drafted that there would be any significant resource implications for the Council when implementing the policies.

(Billy Drummond left the meeting at 5.43pm)

RESOLVED that:

- 1. the content of the statutory standards be noted.**
- 2. further reports detailing changes to existing terms and conditions of Hackney Carriage, Private Hire and Private Hire Operators licences and associated requirements of these licences be amalgamated into a policy that encompassed the statutory standards.**

8. Forward Plan

Members considered the forward plan and requested that the following amendments be made to it:

- The date of the February meeting be revisited to ensure that any changes to fees and charges arising from the consultation could be discussed at that meeting and a recommendation be made to the Executive and Full Council in accordance with the deadlines for those meetings.
- Draft and Post Consultation Hackney Carriage and Private Hire Policy and School and Community Services Policy to be included on the forward plan
- Post consultation Fees for Taxi and Private Hire Vehicles and Private Hire Operators to be added to the next meeting
- A first iteration of the Statement of Gambling Policies to be added to the June 2021 meeting

(The meeting commenced at 4.30 pm and closed at 5.54 pm)

CHAIRMAN

Date of Signature