

Please note that amendments were made to these minutes at the 26 January 2022 meeting.

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 20 OCTOBER 2021 FROM 7.00 PM TO 8.25 PM**

Committee Members Present

Councillors: Chris Bowring, Parry Batth, Rachel Burgess, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, Sarah Kerr, Barrie Patman (Chairman), Jackie Rance, Ian Shenton, Rachelle Shepherd-DuBey, Bill Soane and Shahid Younis (Vice-Chairman)

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Stephen Brown, Interim Assistant Director Place Services
Moira Fraser, Policy and Governance Officer
Sean Murphy, Public Protection Partnership Manager
Julia O'Brien, Principal Officer, Compliance and Enforcement
David Thrale, Interim Public Protection Consultant

Others Present

David Lucas, Licensing Consultant

9. APOLOGIES

An apology for absence was submitted from Councillor Abdul Loyes.

10. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 23 June 2021 were confirmed as a correct record and signed by the Chairman.

Matters arising

In relation to the resolution on Item 7, Councillor Kerr asked if the drivers that had already paid the fees had been refunded.

Stephen Brown, Interim Assistant Director for Place Services stated that refunds had not taken place.

Members were interested to know when a decision was taken by the Executive not to subsidize the fees and not to refund those that had already paid the fee.

Sean Murphy, Public Protection Partnership Manager confirmed that the Licensing and Appeals Committee had made a recommendation to freeze the fees at the previous year's levels. However, he pointed out that it was not within the Licensing and Appeals Committee gift to make a decision on fees, decisions relating to subsidising fees sat as Executive function of the Council.

Stephen Brown confirmed that no formal decision had yet been made.

Members expressed serious concerns that the Executive had not been formally asked to consider a recommendation put forward by the Licensing and Appeals Committee, and questioned the legality of it.

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The Chairman asked Officers to investigate this issue and make sure that the proper governance arrangements be put in place in relation to this recommendation. He asked that the outcome be reported back to the next meeting.

11. DECLARATION OF INTEREST

There were no declarations of interest.

12. PUBLIC QUESTION TIME

There were no public questions.

13. MEMBER QUESTION TIME

There were no Member questions.

14. ADOPTION OF THE STATEMENT OF GAMBLING PRINCIPLES

David Lucas, Licensing Consultant presented the report, outlining the proposed Statement of Gambling Principles.

David Lucas informed that the draft document, including the amendments suggested at the last meeting, had gone out to consultation. The comments which were received were included in the appendix, including responses to those comments.

During the discussion of the item the following comments were made:

- Councillor Dennis asked that acronyms such as 'MCA' on page 12 of the agenda be avoided and that the full wording be used;
- Councillor Fishwick noted the low response to the consultation. He suggested that stakeholders be asked directly if they had received the consultation and if they had any comments. He believed that the comments from the Head of Adult Safeguarding were relevant;
- David Lucas stated that he agreed with the comments listed on page 13, and he could amend the wording, providing this was clear;
- Councillor Rachelle Shepherd-DuBey expressed concern that gambling was an addictive activity and wondered if there was a safe level of gambling and whether this should be included in the document;
- David Lucas explained that Public Health was not one of the objectives within the Gambling Act, as such this could not be included in the policy;
- Councillor Younis was interested to know how to measure and ascertain that the licensing objectives were being met. He also asked if there had been a review of the effectiveness of the policy in the last three years;
- David Lucas explained that gambling operators were regulated by two bodies: the local licensing authorities and the Gambling Commission. The Gambling Commission regulated gambling operations and local licensing authorities regulated gambling premises. The measurement of how the objectives were being promoted was divided by the two regulators. The Gambling Act was of a permissive nature, with reviews powers which enabled control. The review powers were rarely used as concerns over premises licenses relating to the Gambling Act were uncommon. He pointed out that this was different from issues in respect to operators;
- In response to a question David Lucas stated that the statistics around the number of applications (granted or refused) and the number of reviews would give an indication if the objectives were being met or not;

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- Sean Murphy stated that the number of gambling premises in the Borough was low and decreasing due to some betting shops closing down. Also, the number of reviews was very low;
- In response to a question Davis Lucas stated that consultations in respect of Gambling Policies generally did not attract many responses. However, the Gambling Commission and operators scrutinized them carefully;
- Councillor Kerr agreed with the comment made in relation to the wording 'vulnerable adult centres' in that it would be clearer to use the wording 'vulnerable adults'. She also suggested including the expression in the glossary;
- In response to a comment, David Lucas stated that there were very few contested gambling premises licences nationally. However, the Policy had to be in place and was used by the Licensing Authority and other responsible authorities to guide them in how to administer licences;
- It was ascertained that there had been an issue in the labelling of the appendixes within the agenda papers;
- Councillor Bowring was in favour of keeping the wording 'vulnerable adult centres', he pointed out that this was the wording used by the Gambling Commission Guidance, and also there was a link to the Guidance;
- David Lucas explained that this was a stand alone document and that different language could be used, as long as this was clear.

Upon being put to the vote, the majority of Members voted in favour of the adoption of the Statement of Gambling Principles, including the amendments listed on page 13 of the agenda.

RESOLVED That:

- 1) The Licensing and Appeals Committee notes the outcome of the consultation; and
- 2) The Licensing and Appeals Committee recommends to full Council that the Statement of Gambling Principles be adopted, with the amendments as discussed during the meeting.

15. ANNUAL REPORT 2020/21

Sean Murphy presented the Annual Report, which outlined the licensing activities undertaken during the 2020/21 financial year.

The report drew attention to the impact of the Covid pandemic onto licensing. In particular, the decrease in the number of taxi and private hire licences compared to previous years. It was not certain if this change was long term or if drivers would come back.

During the discussion of the report the following comments were made:

- In relation to the RAG status on page 62 of the Agenda, Councillor Burgess asked why this was Green, given that for most of the year the target had not been met;
- Sean Murphy stated that this was an annual target, and most of the survey had been undertaken in the last quarter;
- Councillor Burgess asked for information in regard to the budget implications of having significantly fewer licence applications;

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- David Thrale, Interim Public Protection Consultant confirmed that there were budget implications with a reduction in income. The impact on future years was linked to the pandemic and was not yet known;
- Sean Murphy stated that there had been support for loss of income for the Local Authority in the last two years, but it was not certain that this would continue. Also, there were some signs of a recovery with some people coming back to trade;
- Councillor Kerr asked if there were any figures around complaints to the PPP. Sean Murphy agreed to investigate and circulate this information to Members;
- In response to a question David Thrale stated that he did not anticipate problems arising as a result of Wokingham leaving the PPP. Plans were currently underway to deliver the licensing function in Wokingham. These plans included putting together a Licensing Team and a Licensing Manager;
- In response to a question Sean Murphy stated that the other PPP Licensing Authorities had also seen significant reductions in licences. Some of the reasons for the reductions in taxi and private hire licences were linked to the airport runs, the hospitality industry and corporate functions. Also, it was believed that some drivers had retired or moved to food delivery, which was an area of boom during the pandemic period.

RESOLVED That the report be noted.

16. TAXI LIAISON MEETING UPDATE

Moira Fraser, policy and Governance Officer presented the Taxi Liaison Meeting update. She stated that the drivers' participation to meetings was improving.

Moira Fraser asked the Committee to consider whether or not to continue to suspend the age limit for vehicles for another year. The trade had argued at the meeting that vehicles had travelled less during Covid, therefore they felt that the period should be prolonged.

The trade raised the issue of Wokingham drivers not being able to use bus lanes in Reading. It was ascertained that drivers could use some of bus lanes only.

The trade continued to argue that the competition with Uber was unfair. However, the legal advice was that Uber had the right to operate in Wokingham. The Local Authority's only power was if Uber drivers contravened the law, for example by parking illegally or plying for hire.

Councillor Firmager believed that Wokingham should continue to lobby to get Wokingham drivers to be able to use all of Reading's bus lanes.

Councillor Burgess proposed that the suspension of the age of vehicles be continued for another year. She was seconded by Councillor Kerr.

Councillor Kerr stated that having vehicles operating for another year was not more polluting to the environment, as compared to the impact on emissions related to having to produce a new vehicle.

In response to a question, Sean Murphy was of the opinion that the Licensing and Appeals Committee could make and alter conditions on the Taxi and Private Hire Policies. However, fees subsidy decisions were within the remit of the Executive.

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Councillor Ferris was in agreement that Wokingham should support drivers' plea to use Reading's bus lanes, and Councillor Younis added that such discussions needed to take place at a high level. Sean Murphy agreed to follow this up.

In response to a comment, Julia O'Brien, Principal Officer Compliance and Enforcement stated that the Taxi and Private Hire Policies were being reviewed and would be brought for consideration to the January meeting of the Committee.

In response to a question Julia O'Brien stated that West Berkshire did not have an age limit for vehicles and Bracknell had an 8 year limit for private hire and 10 years for hackney carriages. Sean Murphy added that discussions around age limits and conditions would take place in January when the policies were due to be considered.

Councillor Younis was of the opinion that there should be consistency in relation to vehicles' policies, given that vehicles travelled on the roads of neighbouring authorities. He also believed that black cabs and private hire vehicles should be allowed to use bus lanes.

Sean Murphy stated that there was consistency within the local authorities in relation to convictions.

There was a debate in relation to the mechanism to be followed in order to put forward the recommendations arising as a result of discussions at the meeting. It was proposed that these recommendations would be put in the formal report to the January meeting.

Councillor Bowring expressed concern that the decision on the age condition for vehicles did not relate to an agenda item. However, there was no consensus on this.

Members were of the opinion that due to the fact that the vehicle age suspension had finished on 30 September, a decision was needed on this issue urgently.

The advice from Democratic Services was that a decision be undertaken and that if subsequently it was ascertained that further approval was needed, this would be arranged.

Upon being put the vote most Members voted in favour of continuing with the vehicle age suspension for a further year.

Councillor Burgess asked for an update on:

- Conversations with Transport for London (TfL) in relation to Uber
- The fee structure audit
- The request to treat school transport differently

Julia O'Brien stated that there had been various attempts to engage with TfL, but unfortunately there had been no responses. She agreed to try again to speak with someone.

Moir Fraser stated that the trade had argued that school transport did not operate all year round and as such should be given a discount on their fees. However, it took the same amount of time for Officers to process applications for school transport licences, therefore it was not possible to offer a reduction on fees. Julia O'Brien added that there would be an opportunity to discuss school transport, as part of the policy being considered in January.

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In response to comments, Sean Murphy stated that he would work with Officers at a senior level, and the relevant Executive Members to promote the use of Reading's bus lanes by Wokingham drivers.

The Chairman expressed concern that Wokingham was not able to offer a reciprocal arrangement as Wokingham did not have many bus lanes. He also pointed out that Reading was keen to protect the interest of their own drivers and urged Officers to be cautious in relation to this issue.

Moir Fraser stated that she would circulate the audit breakdown of fees which had been submitted to the PPP. Sean Murphy pointed out that this methodology might change when the service moves to Wokingham. David Thrale stated that initially there would be no changes to the methodology as the same computer system would be used.

RESOLVED That;

- 1) The age restriction for vehicles be suspended for a further year;
- 2) Officers would continue to try to communicate with TfL about Uber related issues; and
- 3) Sean Murphy would liaise with senior officers and the relevant Executive Members in relation to the use of Reading bus lanes by registered Wokingham drivers.