

Please note: amendments were made to these minutes at the meeting held on 11 March 2024

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 23 JANUARY 2024 FROM 7.00 PM TO 9.15 PM**

Committee Members Present

Councillors: Peter Dennis, Catherine Glover, Sarah Kerr (Vice-Chair), Morag Malvern, Beth Rowland (Chair), Mike Smith, Rachel Burgess, Bill Soane, Michael Firmager, Jackie Rance, Abdul Loyes and Shahid Younis

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Narinder Brar, Head of Enforcement and Safety
Keiran Hinchliffe, Licensing Service Manager
Rachel Lucas, Legal Advisor

18. APOLOGIES

There were no apologies for absence.

19. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 18 October 2023 were confirmed as a correct record and signed by the Chair.

20. DECLARATION OF INTEREST

There were no declarations of interest.

21. PUBLIC QUESTION TIME

There were no public questions.

22. MEMBER QUESTION TIME

There were no Member questions.

23. AN APPROACH FOR TACKLING GAMBLING RELATED HARM

Keiran Hinchliffe, Licensing Service Manager presented the report which outlined best practices for tackling gambling related harm, in line with Licensing legislation.

The Local Government Association (LGA) Guidance was reviewed as part of the research undertaken on this issue.

An underage sales testing operation was conducted on all betting shop premises in the borough during December 2023 and all operators passed with a challenge to age verification of the young person.

A test purchase was also carried out on an Adult Gaming Centre in Wokingham, which resulted in a failure. Licensing Officers were currently working with the management of that premises to help identify issues and discuss training needs. A further test purchase on the premises would be completed within the next six months.

Licensing Officers also carried out compliance inspections of betting shop premises and found that they had local risk assessments to hand and were aware of Gamcare. They also had advice leaflets available and posters on display for sensible gaming.

The operation described above was a fresh approach and there was no benchmarking.

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

- Members were pleased that this work had been carried out and thanked Officers for their effort. They were interested to know if there would be periodic operations to ascertain that premises continued to uphold best practices?
- Members asked if premises were just aware of Gamcare or if they were also certified? What could be done to support them to gain certification?
- Keiran Hinchliffe agreed to check operators' certification with Gamcare and report back to the Committee;
- In relation to the continuation of testing operations, a risk assessment would be undertaken to prioritise Officers workload. It was apparent that monitoring young people's access to gaming machines was an area that should continue to be prioritised;
- The Chairman stated that the young people running for the election of Youth MP for the borough expressed concern about the issues of drugs and vaping. She asked that a report be brought to the next meeting for discussion about those issues;
- It was suggested that a joint approach to tackling vaping related issues be considered, given that vapes' disposal was problematic;
- Keiran Hinchliffe informed that Trading Standards colleagues were carrying out test purchasing for underage sales of vapes. They also had some powers in relation to infringement of vapes labelling;
- Members asked about staff capacity within the Licensing service to carry out test purchasing operations and what criteria was used to decide where to undertake it?
- Members were informed that there was currently one Licensing Officer in post and several Licensing Processing Officers supporting the processing of applications;
- Officers took guidance from elected Members as to which areas of work to focus on. For larger events there was a network of Licensing Managers in the local area who shared resources, for example help was given to monitor Reading Festival and in return help was received for events such as the Henley Regatta;
- The service also used the services of Anti Social Behaviour (ASB) Officers to monitor licensing activities in the borough. Intelligence was also gathered through notification of convictions;
- The Public Safety Task and Finish Group was attended by the Licensing Authority, and if issues were identified in relation to crime and disorder, Officers would investigate;
- The main sources of information were complaints into the services, complaints passed on from other local authorities, information from the Police or from the Public Safety Task and Finish Group;
- Members asked if drug related issues were dealt with by Wokingham's Trading Standards or the PPP?
- It was explained that Wokingham had dedicated Officers from the PPP working in Trading Standards for Wokingham. Wokingham was able to task them and received regular reports on activity.

RESOLVED That:

- 1) Officers be thanked for their work in relation to this item; and
- 2) A report containing details about drug and vape issues be brought to the next meeting of the Committee for discussion.

24. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2024

The Hackney Carriage and Private Hire Licensing Policy 2024 report was presented by Keiran Hinchliffe.

Members were asked to consider the amended conditions regarding the licensing requirements for vehicles which were listed on page 21 of the agenda, paragraph 22.

Of note was the proposed restriction to the age of non-adapted vehicles that exclusively undertake local education authority contracts for education transport to 15 years. This change would impact 8 existing school transport vehicles. The oldest vehicle in this category was 19 years old. It was up to the Committee to determine the imposition of an age restriction, the Committee could choose 20 years or another number of years, or no age restriction at all.

Members were also requested to note the amendment to the convictions policy around plying for hire, touting, and driving without insurance offences to a recommendation for seven years to have elapsed since conviction or endorsement. And driving with a mobile phone to five years, which met the Department for Transport (DfT) statutory guidance on convictions for use of handheld devices.

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

- Members asked what the total number of school transport vehicles was and their age distribution. Keiran Hinchliffe informed that there were 40 vehicles in this category, with the majority being 10 to 15 years old. There were three vehicles that were modified for wheelchair use, those would have incurred considerable expenditure to be adapted;
- Keiran Hinchliffe explained that the 15 year age restriction already existed for private hire vehicles. The proposal was to extend this age restriction to hackney carriage vehicles and apply an age restriction to school transport vehicles (school transport vehicles were not subject to age restriction under the current policy). It was also proposed that grandfather rights be applied to hackney carriage vehicles in the fleet, but apply the new restriction to new licences;
- The amendments, if agreed by the Committee, would be incorporated into paragraphs 3.29 to 3.33 of the policy;
- Members asked if any progress had been made in relation to changing the wording to include other providers, not just Blue Lamp?
- Members were informed that work was underway with the Council's Home to School Transport Manager to ascertain the training requirements and possible providers;
- It was explained that the new policy required all vehicles that were older than five years to undertake biannual checks. Any new age restrictions imposed by the Committee would be communicated to drivers to set out the Council's expectations;
- Members asked what were the School Transport and Environmental Health (concerning air pollution) departments views on the proposals?
- Keiran Hinchliffe informed that the Environmental Health and Climate Emergency departments had been consulted. There was a clear understanding that a balanced approach needed to be taken in relation to imposing Euro 5 and Euro 6 emissions standards and the need to transport children to school. The School Transport team was anxious about the potential implications of the proposal;

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- In response to a question Keiran Hinchliffe stated that he believed that the age limit proposed for private hire and hackney carriage vehicles was right, especially in view of the generous grandfather rights being allowed;
- In response to questions, it was clarified that the Euro 5 and Euro 6 emission standards were linked to the age of the vehicle and that each local authority was able to determine its own age limits;
- Members expressed concern over the safety of old vehicles, and proposed introducing a cascading scale when introducing the age restriction for school transport vehicles, in order to support the transition;
- In relation to insurance - Members expressed concern that the policy mentioned original documents, and this needed to be amended as most documents were issued via emails nowadays. There was general agreement on this point;
- Members were concerned about the safety of older vehicles and considered that three inspections a year were necessary for older vehicles.

After much debate about the appropriateness of restricting the age for education transport vehicles, in view of the potential impact on the fleet, Public Health and the duty to transport children to school; Members decided to restrict the age of those vehicles to 15 years for new licences and on a 20 years sliding scale for existing licences (aiming to get to a 15 years limit in 5 years time). Older vehicles would also be subject to three inspections a year.

RESOLVED That:

- 1) The age restriction of 15 years to school transport vehicles be introduced for all new licences and that an age restriction of 20 years, on a sliding scale for existing licensed vehicles;
- 2) Older vehicles of more than 15 years would be subject to three inspections per year;
- 3) The wording within the policy in relation to original documents for insurance be amended to reflect the modern way of working with emails; and
- 4) The new policy be implemented with the amendments requested during the meeting.

25. REVIEW OF STATEMENT OF LICENSING POLICY 2024

Keiran Hinchliffe presented the Review of Statement of Licensing Policy 2024 report.

The Council had a duty to review its Statement of the Licensing Policy every five years. The Committee was requested to consider the representations received during the consultation period and make recommendations before the policy was submitted for approval by the Council.

The key proposed amendments to the policy were as described in the agenda report. The consultation showed that there was an overwhelming majority (92%) support of the new measures being proposed.

Keiran Hinchliffe drew particular attention to the measures aimed at promoting women's safety in the night time, and the safety of employees going back home late at night.

With regards to the responses received by the Remenham residents and the Remenham Association in relation the possible adoption of a Cumulative Impact Assessment (CIA),

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legal advice had been sought and the advice was to defer the consideration of a CIA to the next meeting. The reason was that this issue required more research to enable a full and proper discussion of CIA.

Members were informed that there was a different set of governance procedure in relation to CIA, which was separate from the discussion around the main Licensing Policy.

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

- Members pointed out that the safety measures described in the report about getting home safely after work should be applied to all workers, not just women;
- In response to a question, Keiran Hinchliffe clarified that the consideration of a CIA would be subject to consultation with all parties affected by it, including the parish Council, the residents and businesses. It was appropriate to defer this item for a more detailed discussion;
- Members asked for clarification on what was meant by 'low cost' for the pre-application advice? Was there capacity in the team to undertake this work?
- Members were informed that the pre-application advice was low cost if compared to solicitors' fees, the price was set in a cost recovery model. In terms of capacity, the officer time would still be needed during the process of consultation, having to meet with the licence holder, potentially having to organise mediation meetings. In this model there was an element of cost recovery for the Council and potential benefit for applicants in helping them to avoid pitfalls;
- In relation to getting home safely after work, Members wondered if 11pm was an appropriate time for the borough. After a robust debate it was agreed that 11pm was in line with national guidelines and suitable for Wokingham;
- Members were informed that the new measures in relation to getting home safely would only apply to new licence applications or renewal licence applications;
- Rachel Lucas, Legal Advisor to the Committee questioned the use of the word 'supplemented' as this was not sufficiently clear. It was agreed that it was more appropriate to use the word 'reimbursed' instead;
- In response to a comment, Keiran Hinchliffe stated that it would be appropriate to request a risk assessment, tailored to local conditions, from applicants in relation to staff travel home after work;
- In response to a question about the CIA, Keiran Hinchliffe explained that if the Committee decided to adopt a CIA, it would not be possible to implement it in time for it to have an impact on this year's events in the summer.

In response to the questions raised by Remenham Residents Association, Keiran Hinchliffe made the following statements:

- In relation to the request that Remenham Residents Association and Remenham Parish Council be invited to attend the Safety Advisory Group (SAG) – this was advisory group and in order to keep all parties willing to take part in the group (some operators had objected to the attendance of residents' associations and the Parish Council), and for security reasons, residents' associations were not invited to attend.
- In relation to comments about Temporary Event Notices (TEN) – these were statutory measures. However, it was likely that this year Officers would encourage those premises users to submit permanent licence applications. This was to address some issues that had been identified, as it was not possible to impose conditions on TENs. Also, only Environmental Health Officers had the ability to object to TENs.

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- In relation to comments about the environmental impact of licences in a rural area – this would be considered individually, and not as part of the policy. This consideration could be taken for new licence applications or for review of licences.

Upon being put to the vote, Members were in favour of the adoption of the Statement of Licensing Policy 2024 as amended during the discussions.

Rachel Lucas explained that questions to the Committee were subject to the rules stated in the Council's Constitution and had to be submitted in advance of the meeting. Members of the public could only speak at the discretion of the Chairman.

Councillor Rowland stated that Members and Officers would be working with Remenham residents outside of the meeting to discuss the issue of CIA.

RESOLVED That:

- 1) The get me home safe campaign would stipulate:
 - i. the time of 11pm for premises to reimburse workers to travel back home safely
 - ii. a risk assessment, taking into account the local context, will be required from applicants
- 2) The consideration of a Cumulative Impact Assessment will be undertaken at the March 2024 meeting of the Committee;
- 3) The Statement of Licensing Policy 2024, as amended, be endorsed by the Committee and submitted to the March Council meeting for final approval.