

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 2 MARCH 2022 FROM 7.00 PM TO 8.18 PM**

Committee Members Present

Councillors: Chris Bowring, Rachel Burgess, Peter Dennis, Lindsay Ferris, Michael Firmager, Paul Fishwick, Sarah Kerr, Abdul Loyes, 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
Karen Court, Senior Licensing Officer
Moirra Fraser, Policy and Governance Officer
Rachel Lucas, Legal Specialist
Julia O'Brien, Principal Officer, Compliance and Enforcement
Ed Shaylor, Head of Enforcement and Safety

25. APOLOGIES

An apology for absence was submitted from Councillor Parry Batth.

26. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 26 January 2022 were confirmed as a correct record, subject to the amendment below, and signed by the Chairman.

Amendment: That Sean Murphy, as an Officer, be removed from the list of Committee Member attendees.

Matters arising

Councillors asked for an update on the process which had been undertaken to deal with the Committee's recommendation to freeze the 2021/22 fee for taxi vehicle licences at the same level as the previous year and to re-imburse those that had already paid the higher fee in 2021/22.

Ed Shaylor, Head of Enforcement and Safety stated that the proposal to subsidise the fees for taxi vehicle licences in 2022/23, as recommended by this Committee on 26 January 2022 had been submitted to the Council in February 2022 as part of the fees and charges report. Members asked for reassurance that the subsidy had been submitted to Council in February 2022, as this was not clear within the budget documents. Ed Shaylor agreed to email Members with the information about the fees within the budget papers which were submitted to Council.

Members expressed frustration that there had not been an explanation of how the decision to not carry out the Committee's recommendation for the subsidy in 2021/22 had been taken. Members questioned the legality and transparency of the process.

Members asked for an explanation about the decision making process in relation to the recommendation to freeze fees for 21/22. Ed Shaylor informed the Committee that Sean O'Connor, Legal Specialist would be emailing Members about the process in relation to the Committee's recommendation for the subsidy in 2021/22.

In response to a question about the Taxi and Private Hire Policies, Julia O'Brien, Principal Officer Compliance and Enforcement explained that the solicitor who was working on it had only sent the draft policy today. She ascertained that the report would be ready for the June meeting of the Committee.

In response a question Officers informed that the Council had still not received a response from Reading Borough Council with regard to the use of Reading bus lanes by Wokingham drivers. The Chairman stated that the Leader of the Council was having conversations with Reading about this issue.

27. DECLARATION OF INTEREST

There were no declarations of interest.

28. PUBLIC QUESTION TIME

There were no public questions.

29. MEMBER QUESTION TIME

In accordance with the agreed procedure the Chairman invited Members to submit questions to the appropriate Members.

29.1 Imogen Shepherd-DuBey asked the Chairman of the Licensing and Appeals Committee the following question:

Question

Wokingham Town has been experiencing a considerable amount of Anti-Social behaviour revolving around people leaving the bars that have a late licence. This can be as simple as noisy behaviour and broken glass around the town from people heading home to fighting and a recent stabbing incident.

Wokingham Borough Council has the power to recover a late licence levy on premises that have a late licence – essentially to cover the cost of extra policing and support from problems that arise from late licences.

Is this something that we can ask the licencing team to consider?

Answer

Licensing authorities have (since 2012) had the power to introduce a "late night levy" on premises licensed to sell alcohol after midnight. The levy must cover the whole of an authority's area, although the Government is considering amending the rules so that just a part of the Borough can be subject to a levy, e.g. a town centre, but it has not done so yet.

The Council cannot set its own levy – the amount of the levy is prescribed nationally based on the rateable value and varies from £299 for the smallest premises up to £4,440 for the largest premises in which the primary business is the sale of alcohol. There would be costs to the Council to conduct consultation and administer the scheme.

The revenue raised, after deduction of costs, goes towards the costs of policing the late-night economy and must be split between the Council and the police. At least 70% of the revenue must be given to the police and the Council can retain up to 30% to fund the services it provides to manage the night-time economy. Examples of using the levy around the country are:

- additional police officers

- projects like a Club Host project aiming to reduce sexual harassment within clubs
- first aid training for staff of licensed premises,
- defibrillators for town centres
- taxi marshals and street cleaning

The Government estimated that about 94 licensing authorities had enough late opening premises to generate sufficient revenue from the levy to make it worthwhile to implement it but in the 9 years since it came in very few Council areas have put a levy in place. The number is about 10 or 12 and are mostly large towns like Newcastle, Nottingham and Liverpool and urban Boroughs like Hackney, Camden and Islington,

Cheltenham introduced a levy in 2014, but scrapped it in 2017 as the Council had not received the income it had expected from the levy.

Late night levies are strongly opposed by the licensed trade who believe them to heap financial pressure onto venues that are already contributing financially to the success of their areas, and to be a blunt tool that penalises well run businesses, as well as those which might be causing problems. This is because there are only a few exempt premises allowed – the levy would apply to all on and off sales premises with a late licence in the Borough, even if they are not actually open at those times.

In conclusion, the main concern is that levies in a Borough like ours would not be financially viable, as the revenue raised would be small in comparison to the cost of implementing the scheme.

Coupled with likely opposition from the licensed trade which has suffered financially for two years, I would prefer to tackle any problems which arise in another way.

For example,

- from April the Council will have a team of Anti-Social Behaviour officers working until 2am on Friday and Saturday evenings, who will be able to observe if there are any problems arising from late night licensed premises and make recommendations for improvements in the management of those premises.
- If a venue is not well run, we can review its licence.

However, our Statement of Licensing Policy (which is due for renewal in 2023) states that late night levies could be considered if the need arises. So, I see no reason why a late-night levy could not be at least considered in the review of the Licensing Policy, in the light of whether there is enough evidence of need and whether the levy scheme would be financially viable.

Supplementary question

Considering that in Wokingham town the bulk of the antisocial behaviour that we get from the late licences happens between 2 and 4 am, I understand that Wokingham Town Council has CCTV around the Town Hall and we get to see, we know when the trouble happens, and particularly the recent stabbing happened after 3 o'clock when the individuals left the Gig House, left the pub. And I know, a lot of the trouble we get around there, when I talk to residents around there, it is, you know, at 3.30 early hours of the morning. What you are talking about, the antisocial behaviour team there, they finish work at 2 o'clock, which is not, it is too early to tackle this problem. So, my question is what are we going to do to tackle this problem? People are having to walk their dogs with broken

glass in the morning, we get broken windows around the town, things like our Christmas trees and hanging baskets and stuff around the town are getting vandalised in low level ways but we also get broken windows and occasionally we get severe things like the stabbing we had a few weeks ago. We also had another stabbing near the station last year as well. I want to know what is Wokingham Borough Council going to do to tackle this problem, particularly when the problem happens when the pubs are closed, after the pubs closed. It seems that the antisocial behaviour service has shut shop by then.

Supplementary Answer

Yes, I think as I mentioned we are reviewing the Licensing Policy and the item on the agenda which relates to the return of the licensing functions from the Public Protection Partnership is going to actually look at that. I think there might be some information in there that you might find helpful with regards to that in the way it is going to be organised, because there are plans to actually put people in place to that are going to be around until 2 o'clock in the morning but they may well even be able to extend that, (*"but as I said 2 o'clock is too early, late licenses end at 3 o'clock"* said Councillor Imogen Shepherd-DuBey) yes, we can feed that back to them, this is not cast in stone yet, we can probably make some proposals for that, and with regards to that I suggest you perhaps wait until you received that and make some comments with regards to that.

Councillor Soane confirmed that the Antisocial Behaviour Team did finish at 2 o'clock and that could be revised. However, the cost involved would be considerable. The need for increased hours of work would be monitored.

With regards to the stabbings, Councillor Soane stated that they were a matter for the police and the Antisocial Behaviour Team would not be dealing with them anyway.

30. HACKNEY CARRIAGE TARIFFS

The Committee received a report detailing the outcome of the consultation on increase to hackney carriage fare tariffs.

Ed Shaylor stated that responses had been received to the consultation, as detailed in the report and appendixes. The Committee was now asked to make a decision, based on the information provided. The options were as described in the report.

It was pointed out that it might be advisable to change the date in which any changes come into effect from 1 April to 4 April, this was because another neighbouring local authority was also altering its fees and there may be a delay in being able to recalibrate the meters.

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

- Councillor Younis asked why we were prevented from implementing changes on 1 April;
- Moira Fraser, Policy and Governance Officer explained that Wokingham was not prevented from implementing changes from 1 April. She explained that the PPP had been approached from one of the meter companies who suggested that they may not be able to provide the service from 1 April;
- Councillor Burgess proposed to agree to the trade's proposal and to accept the Officers modification that the 110 second waiting time be retained. She pointed out that the number of objections was low and she worried that not allowing a rise would

make some drivers leave the trade and this would have negative consequences in the provision of the service;

- The Chairman stated that the proposed increase would put Wokingham's taxi fees amongst the most expensive in the country;
- Councillor Burgess stated that some drivers had already gone out of business and that Wokingham was a very expensive place to live;
- Councillor Bowring stated that it was difficult for anyone to ascertain what the fees should be. However, he agreed that the Committee should accept the trade's proposal, in view of the fact that drivers could lower the fare tariff if they wanted to. Should drivers decide to lower their tariffs, he asked if the Council would be able to help publicise this change;
- Councillor Kerr wished to clarify that the table on Appendix D of the Agenda was not the complete table, looking at the complete list, Wokingham would not be the second highest in the country;
- Councillor Younis was in support of the trade's proposal to increase the tariffs for the following reasons: the last time the fees were reviewed was in 2010, there had been considerable inflation in the last 11 years, their business had been severely impacted by the pandemic in the last two years and the upcoming increases in energy bills. He believed that if this increase was not allowed, a number of drivers would go out of business, resulting in unreliable services;
- Councillor Fishwick agreed with the trade's proposals. He pointed out that the local authorities listed in the comparison table had not raised their fees for a long time and were playing 'catch up';
- Councillor Loyes asked if the request to move back the time from 11pm to 10.30pm was for weekends only or for every day. It was clarified that this was for everyday;
- Councillor Fishwick asked how many vehicles would be affected by the issue with changing the meter;
- Moira Fraser stated that there was an issue with a particular make of meter;
- Councillor Soane was of the opinion that delaying the start date by three days was not a problem, and it was better if everyone started on the same day;
- Councillor Younis asked how the Council ascertained that all vehicles had had their meters changed;
- Moira Fraser stated that the meter companies issued a certificate of recalibration which was sent to the Licensing Authority. She added that there was a legal requirement that companies undertake the change by 17 April, which was two months after the end of the consultation period.

After discussions and upon being put to the vote, Members voted in favour of implementing the changes proposed by the trade, with the Officers recommendation to retain the 110 second waiting time. It was also agreed that the start date be set at 4 April.

RESOLVED That:

- 1) The modifications to be made to the table of fares at Appendix C as requested by the taxi trade are approved;
- 2) The 110 seconds waiting time be retained; and
- 3) The changes will take effect from 4 April 2022

31. RETURN OF LICENSING FUNCTIONS FROM PUBLIC PROTECTION PARTNERSHIP

Ed Shaylor addressed the Committee to give an update on the return of licensing functions from the Public Protection Partnership to Wokingham from 1 April 2022.

Ed Shaylor drew attention to the new staffing structure, as described on page 28 of the agenda. The new Licensing Manager had been appointed and his name was Keiran Hinchliffe.

It was hoped that the change process would be seamless, with licence applicants still able to use the same email address. Wokingham's licensing website pages were being rebuilt, and the new website pages would go live in April.

There would be an online payment system for small amounts, and invoices for amounts higher than £100, in order to facilitate the recording of payments.

The intention was to move to online forms so that people would be able to apply for applications online. However, this required new software and capital investment, which was in the forward plan.

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

- Councillor Kerr asked if any members of staff were coming from the PPP, and if there were concerns around continuity of services;
- Ed Shaylor informed that one colleague was coming over from the PPP, there would be three new members of staff and one new manager. Across the whole service there were nine people coming over from the PPP;
- Councillor Younis requested that in one year time, a report be brought back to the Committee, with KPIs and evidence that the service being provided in house is better than the service that was provided by the PPP;
- The Chairman was concerned that it might be difficult to draw comparisons as the structures were very different;
- Councillor Ferris asked if the remit of the Licensing Appeals Committee changed as a result of Wokingham now delivering services in-house, he wondered if the remit would increase;
- Ed Shaylor agreed to bring back a review report in one year time;
- Ed Shaylor was of the opinion that the licensing service that had been provided by the PPP had been good, so he questioned if it would be possible to prove that licensing services were better in-house;
- Ed Shaylor suggested that it may be appropriate for the Overview and Scrutiny to look at Environmental Health, Public Protection and Antisocial Behaviour services;
- Councillor Rachelle Shepherd-DuBey stated that the Committee wished to be kept informed of any major issues happened before one year time;
- Ed Shaylor agreed to keep the Committee informed of any risks;
- Councillor Bowring stated that the PPP was responsible for Environmental Health, Trading Standards and Licensing. He pointed out that the licensing function was not changing, just being delivered from Wokingham. However, he questioned if it was possible extend the remit of the Licensing Committee to include Trading Standards and Environmental Health;
- The Chairman stated that before the PPP was created, Environmental Health and Trading Standards were within the remit of the Licensing Committee;
- Councillor Soane asked if there was a training requirement to sit on the Licensing Committee and that this might limit who could attend to hear reports about Environmental Health and Trading Standards;

- Rachel Lucas stated that the licensing function was statutory and the local authority was required to have a Licensing Committee. She believed that there was no statutory requirement in relation to Environmental Health, Antisocial Behaviour and Trading Standards. She confirmed that training was required for all those Members sitting on the Licensing Committee, to enable them to sit on Licensing Sub-Committees;
- Councillor Rachelle Shepherd-DuBey suggested that training be offered to Members in relation to Antisocial Behaviour and other areas that the PPP covered that Members were not currently trained for;
- Rachel Lucas questioned the need for training in relation to Antisocial Behaviour given that there were no decisions to be made in this respect. Licensing applications did not fall within the remit of Antisocial Behaviour. The powers that the local authority had in relation to Antisocial Behaviour did not fall within the remit of Sub-Committees, they are at Officer level;
- Councillor Younis asked that consideration be taken to not duplicate work unnecessarily;
- Councillor Kerr suggested that a report with options and more information be submitted to the Committee for consideration;
- Councillor Firmager suggested that it would be useful to include information in the training about decision making, with clarification on which decisions are made by the Committee and which decisions are made by Officers;
- Councillor Bowring stated that the scrutiny function was very different from the function of this Committee which was a decision making body. He was of the opinion that this was a political decision;
- Councillor Rachelle Shepherd-DuBey pointed out that the Community and Corporate Scrutiny Committee had a heavy workload, and had had a few extraordinary meetings in the past year, she worried about adding to their workload;
- Councillor Ferris stated that Antisocial Behaviour could sit with Community Safety Partnership, but he was concerned that there needed to be a discussion and thinking about where other areas would sit in the future;

REOLVED That the report be noted and that a progress report would be submitted in one year time.

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