

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 8 DECEMBER 2014 AT CEREMONY ROOM, 1ST FLOOR, COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Sue Evans, Cllr Jose Green, Cllr Simon Jacobs, Cllr George Jeans, Cllr Leo Randall, Cllr Pip Ridout (Chairman) and Cllr Nick Watts

Also Present:

Ian Brown (Head of Environment Services), Cllr Chris Caswill, Cllr Richard Clewer, Naji Darwish (Head of Service – Public Protection), Tracy Daszkiewicz (Public Health Consultant), Linda Holland (Public Protection Team Leader), Jo Hulbert (Compliance Officer), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Paul Taylor (Senior Solicitor)

Public

Mr P Carter
Mr T Berridge
Mr Goodwin

43 Apologies

Apologies were received from Councillors Drewett and Hewitt.

44 Minutes

The minutes of the meeting held on 8 September 2014 were presented to the Committee.

Resolved:

That the minutes of the meeting held on 8 September 2014 be approved and signed as a correct record.

45 **Chairman's Announcements**

The Chairman made the following announcements:

Legislation Update Session

Members were reminded of the update session which would commence after the conclusion of the Committee. It was hoped that this would be around 12 noon. All members had been invited to attend.

Change to Agenda Order

As there were members of the public present at the meeting, Agenda item 10 – One Zone/One Tariff Consultation would be brought forward and considered first.

46 **Declarations of Interest**

There were no declarations of interest.

47 **Public Participation**

No questions had been submitted prior to the meeting.

There were two members of the public present who wished to make statements in relation to item no 10 on the Agenda – One Zone/One Tariff Consultation – Hackney Carriage and Private Hire Vehicle Licensing.

Tony Berridge – Starline Taxis, Warminster

Summary of points raised:

- I would wish for the four zones in Wiltshire to remain as they are and that the tariff change times are not amended;
- Most drivers within each zone have a great knowledge of their area and know their customers and how much they are willing to pay for taxi journeys
- Salisbury taxis run 24 hours a day and as a city is not comparable with the other Wiltshire towns;
- If one zone/one tariff is introduced this would increase the starting rate to £3.20 which is a £1 increase per journey. This would have a huge impact on those customers (mainly elderly) who only travel short distances;

- We need to keep Tariff 3 which can be used after 23:00 to pick up those that are intoxicated and need to get home so that they don't cause trouble in the towns, etc. If I don't pay my drivers a higher rate for this time then I cannot get them to work. At this time of the night there are problems of bilking and soiling of taxis and I need to ensure that I am able to provide the taxis to assist the public and Police; and
- Don't change us to one zone as if you do we can't go back to 4 zones if it doesn't work out.

Paul Carter, Paul's Taxis, Melksham

Summary of points raised:

- I would for there to be one zone for Wiltshire as at present it is hard for me to justify to customers why it costs more to travel from Melksham to Chippenham than from Chippenham to Melksham;
- I don't think moving to one zone would mean that drivers would go to another town's rank to get business. Our customers are in Melksham and so that is where we need to be;
- My concerns with the proposed tariffs are that most journeys are less than 2 miles and 50% are less than one mile. This would relate as a 25% increase to our customers who rely on us.
- We are aware that the charges are the maximums we can charge but if we don't have any customers contacting or booking us then we can't negotiate on a price;
- I think that the tariffs need to be looked at again with perhaps a representative from each area to hammer out a suitable tariff for all; and
- I think that the lack of responses to your consultation is because that most of those in the trade think that you (the Council) will go ahead and do what you want anyway. Those who have bothered to respond should have more input into the tariff setting.

48 **Minutes of the Licensing Sub Committees**

The draft Minutes of the Western Area Licensing Sub Committee meetings held on 19 August 2014 and 11 September 2014 were presented for consideration.

Resolved:

To approve and sign the minutes of the Western Area Licensing Sub Committee meetings held on 19 August 2014 and 11 September 2014.

49 **Briefing Note - Model Licence Conditions for Animal Boarding (Catteries) and Pet Vending**

The Committee noted the briefing note on model Licence Conditions for Animal Boarding (Catteries) and Pet Vending.

50 **Statement of Licensing Policy**

Naji Darwish (Head of Public Protection) presented a report which asked the Committee to note the requests for amendments to the Statement of Licensing Policy which was approved by Council on 21 October 2014.

The Chairman highlighted that the consultation on the Licensing Policy had been carried out for a 12 week period which included all Councillors and was disappointed to note that issues were raised by councillors at Full Council that could have been made in the consultation stage. She was concerned to note that following a letter to the local press by an individual member that we have been deemed not “fit for purpose”.

The Portfolio Holder wished to add that Wiltshire Council were fortunate to have a robust licensing function and a good Licensing Committee. He wished to emphasise the proactive engagement carried out with the community on the drafting of the Licensing Policy.

Councillor Caswill spoke at the meeting with the permission of the Chairman and made the following points:

- To clarify I stated that the Licensing Policy was not fit for purpose, I was not referring to the Licensing Committee;
- I was not aware of the Alcohol Strategy development during the policy consultation period and I feel that this is a very important document to be included; and
- I did respond to the online consultation of the Licensing Policy and my suggested amendments I believe would make the Policy stronger.

The Head of Public Protection made the following points:

- The Government Alcohol Strategy is a document that drives the Wiltshire Alcohol Strategy and we are limited as the Policy provides a legal and regulatory framework taken from the Licensing Act 2003;
- The substance of the Licensing Policy would not change if we accepted all of the suggested amendments, and if some of the comments had been made earlier (during the consultation process) they could have been incorporated. As it stands now, if these suggested changes were

accepted there would need to be a further consultation period and there is a cost involved; and

- Members need to consider whether it would be appropriate to go through a consultation process at this time, given that the revised Policy has only recently been updated, or whether they wish to wait until other significant revisions are considered e.g. as a result of future legislative changes; and
- That an annual review of the policy could be provided to the Committee and any significant proposed changes made at this time.

Resolved:

That the relevant amendments (as detailed in Appendix 1 to the report) be accepted and that the suggested amendments be incorporated into any significant proposed policy update at a future date.

51 **Cumulative Impact Area (CIA) - Salisbury**

Naji Darwish (Head of Public Protection) presented a report which summarised the evidence and possible benefits and limitations of a Cumulative Impact Area (CIA) for Salisbury and highlighted the following points:

- At the Committee meeting in June 2014 you deferred the decision for 6 months in order to enable a more detailed assessment and have further discussions with stakeholders;
- From discussions with those in Salisbury via the Area Board and City Council I have been informed that we are “already doing things to make improvements – let us get on with it”. Improving the management of licensing premises and the impact on local residents was recognised as a priority by Salisbury stakeholders. There was a range of concerns that implementing a CIA at this time would have potentially unintended consequences. Particularly at this time when there is no evidential need; and
- This could be kept under constant review and brought back to the Committee for further consideration as necessary.

Mr Goodwin, requested to address the Committee (member of the public from Salisbury) and stated that Salisbury was working with its establishments and it is not a “den of inequity” and is in the main well managed with good dispersal policies. Consultation is carried out with local residents and we do not wish for there to be a CIA in Salisbury.

Cllr Richard Clewer (Salisbury Councillor) wished to support the recommendation that a CIA is not implemented at this time as it would get in the

way of attracting better facilities to the city which are going to be needed especially in the light of the army rebasing. He did not feel that there was a significant problem that warranted the need for the CIA.

The Portfolio Holder wished to thank Officers for the report and the consultation work carried out.

Resolved:

- 1) On consideration of the further analysis of evidence on crime and anti social behaviour that a Cumulative Impact Area (CIA) for Salisbury is not appropriate at this time.**
- 2) An annual briefing would be prepared for the Committee to assess if any changes to licensing policy and any special polices are required, due to significant changes to the licensing legislation or circumstances.**

52 **One Zone/One Tariff Consultation - Hackney Carriage and Private Hire Vehicle Licensing**

Andrew Saxton (Fleet Services Manager) presented a report which updated the Committee on the results of the consultation with the taxi trade on the proposal to introduce one zone and one tariff and options for harmonisation.

Andrew explained the background and the options available to the Committee.

The Committee had heard from 2 members of the public (as detailed under minute number 47 above).

Councillor Peter Hutton, Portfolio Holder made the following points:

- He wished to thank those in the taxi trade and Wiltshire Council Officers for their input into the consultation;
- Consistency of pricing is important; and
- If any changes were to be made then public notification would be carried out.

The Committee debated the issues and the following points were raised:

- Concern at the flag drop rate of £3.20, especially for some of the more vulnerable residents of Wiltshire who use taxis;
- If we decide to move to one zone for Wiltshire we cannot go back to different zones (unless there was a change to current legislation);

- How do we address the concerns raised by the taxi trade? Taxis should be able to charge more when working at 02:00/03:00 to take home revellers.
- The public would benefit from having one zone for Wiltshire;
- The proposed charges were the upper limit and this would increase the earning potential for taxi drivers if they chose to use them;

A number of proposals were suggested but not put to the vote. Further discussion ensued following which it was:

Resolved:

- i) To approve the move to one table of fares and keep existing zone structure.**
- ii) To select a table of fares, Proposal 3. (Shown below).**
- iii) To authorise officers to carry out the necessary public consultation and to implement any changes to the fare tariffs, in the event that no significant comments are received during that consultation.**

WILTSHIRE COUNCIL
HACKNEY CARRIAGE
MAXIMUM TABLE OF FARES

For journeys starting	Vehicles up to 4 seats	Vehicles with more than 4 seats carrying more than 4 passengers
0600 hours – 2229hours	Tariff 1	Tariff 2
2230 - 0229 hours and Sundays, Bank Holidays, Public Holidays and Easter Sunday and after 8pm Christmas Eve & New Years Eve	Tariff 2	Tariff 4
0230 – 0559 hours and 25 December, 26 December and 1 January	Tariff 3	Tariff 5

	Tariff 1	Tariff 2	Tariff 3	Tariff 4	Tariff 5
Journeys up to 176 yards (1/10 Mile)	£3.20	£4.50	£5.00	£4.50	£6.00
Subsequent 176 yards (1/10 Mile)	20p	30p	40p	45p	60p
Waiting time per minute	20p	30p	40p	45p	60p
	30p	30p	30p	30p	30p
Fouling charge (minimum)	£100	£100	£100	£100	£100

53 Dates of Future Committee Meetings

Members noted the dates of future meetings of the Licensing Committee as detailed below, all to start at 10.30am:

Monday 2 February 2015
Monday 27 April 2015
Monday 1 June 2015.

54 Urgent Items

There were no urgent items.

55 **Exclusion of Public**

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 56 below because it was likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 1 – Information relating to any individual.

No representations had been received as to why this item should not be taken in private.

56 **Minutes of the Licensing Sub Committee**

The draft exempt Minutes of the Western Area Licensing Sub Committee meeting held on 11 September 2014 were presented for consideration.

Resolved:

To approve and sign the exempt minutes of the Western Area Licensing Sub Committee meeting held on 11 September 2014.

(Duration of meeting: 10.30am – 12.05pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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