

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 9 June 2022 commencing at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

C L J Carter, P A Godwin, D W Gray, J W Murphy, C Reid, R J Stanley, M G Sztymiak
and M J Williams

LIC.3 ANNOUNCEMENTS

3.1 The evacuation procedure, as noted on the Agenda, was taken as read.

LIC.4 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4.1 Apologies for absence were received from Councillors K Berliner, G F Blackwell, P W Ockelton, R J G Smith and C Softley. There were no substitutes for the meeting.

LIC.5 DECLARATIONS OF INTEREST

5.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

5.2 There were no declarations of interest made on this occasion.

LIC.6 MINUTES

6.1 The Minutes of the Licensing Committee meetings held on 17 February and 17 May 2022 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 9 March and 20 April 2022, copies of which had been circulated, were approved as correct records and signed by the Chair subject to amendments to LIC.19.1 and LIC.21.1 to change 14 October 2022 to 14 October 2021.

LIC.7 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S HACKNEY CARRIAGE (TAXI) TABLE OF FARES

7.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 7-11, reviewed Tewkesbury Borough Council's Hackney Carriage (Taxi) table of fares. Members were asked to agree that the proposed increase to the tariff be advertised as a public notice in accordance with the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and, subject to no objections being received from the public within 14 days of publication of the notice, that authority be delegated to the Licensing Operations and

Development Team Leader to implement the proposed tariff taking effect from 1 July 2022.

- 7.2 The Licensing Operations and Development Team Leader advised that the authority was required to review the Hackney Carriage table of fares; the fares had not been reviewed since 2012 and there had been no increase since that time. It was noted there was only one licensed Hackney Carriage driver in the borough. The proposed table of fares was set out at Page No. 9, Paragraph 2.2 of the report and, if Members were happy with the suggested increase, this would be subject to a 14 day public consultation. It was proposed that, subject to no comments being received during that time, authority be delegated to the Licensing Operations and Development Team Leader to implement the tariff.
- 7.3 A Member sought clarification as to when the figures had been calculated as the cost of living was rising at such a rapid rate. The Licensing Operations and Development Team Leader advised that the figures had been reviewed about a month ago. Another Member noted that the request to urgently review the tariff had come from the licensed hackney carriage driver and he asked whether that driver was happy with the rates proposed. In response, the Licensing Operations and Development Team Leader explained that the driver had wanted Tewkesbury Borough Council's rates to be aligned with Cheltenham Borough Council; however, Cheltenham Borough was a much more condensed area than Tewkesbury Borough. Officers had drawn up the proposal as set out in the report which had been sent to the driver who had confirmed he was satisfied. A Member asked what the reason was for the lack of licensed hackney carriage drivers in Tewkesbury Borough and was advised that the trade within the borough was predominantly private hire. Historically, Tewkesbury Borough Council had lower standards in terms of vehicles and drivers than the other authorities within the county; however, that had started to be addressed with the adoption of the Gloucestershire Common Standards earlier in the year. It was hoped that increasing the fares might attract more taxi drivers to the area. A Member asked how private hire fares were determined and was informed these were for pre-booked journeys so a price had to be agreed before the journey – this could be higher or lower than taxi fares. Private hire vehicles could choose to have a meter but, if they did, it had to be set to the same as hackney carriage fares.
- 7.4 A Member asked when the table of fares could be reviewed again and the Licensing Operations and Development Team Leader advised that, if the proposed tariff was adopted, it would be re-looked at in two to three months time due to the cost of living. She provided assurance that fares could be reduced if the cost of living fell significantly. The tariff would then be reviewed on a two to three month basis over the course of the next year.
- 7.5 It was
- RESOLVED** That it be **AGREED**:
- i) that the proposed increase to the Hackney Carriage tariff be advertised as a public notice in accordance with the requirements of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976; and
 - ii) subject to no objections being received from the public within 14 days of publication of the notice, that authority be delegated to the Licensing Operations and Development Team Leader to implement the proposed tariff taking effect from 1 July 2022.

LIC.8 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003

- 8.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 12-101, asked Members to approve the draft Statement of Licensing Policy, as set out at Appendix B to the report, for statutory consultation.
- 8.2 The Licensing Operations and Development Team Leader advised that licensing authorities had a statutory obligation under the Licensing Act 2003 to review its Statement of Licensing Policy every five years. The Council's current Statement of Licensing Policy was published in October 2014 and expired on 7 January 2019; however, due to COVID and staffing levels within the team, a review had not been carried out until now. A revised draft Statement of Licensing Policy was attached at Appendix B to the report and Members were advised there had been no significant changes to legislation or Government guidance during the past eight years so only minor changes were proposed to reflect current best practice. If Members were satisfied with the revisions, the draft Statement of Licensing Policy would be subject to a 12 week consultation and would be brought back to the Licensing Committee later in the year for Members to consider any comments.
- 8.3 A Member drew attention to Page No. 59, Paragraph 6.1 which stated that "*prior to the publication of this Policy the Licensing Authority consulted with the persons and organisations stipulated in Appendix 7 of the policy*" and he asked how many categories of people had been consulted. In response, the Licensing Operations and Development Team Leader clarified that consultation had not yet been undertaken but, subject to approval by the Licensing Committee today, the list of groups and organisations set out at Appendix 7 of the policy would be consulted. The Member asked how consultation would take place and was advised that the list of groups and organisations would be contacted by email along with Town and Parish Councils and Borough Councillors. The consultation would also be advertised on the Council's website and at the Council Offices. The Member went on to draw attention to Page No. 59, Paragraph 7.1 which stated that "*The policy takes effect xx...*" and asked when that would be. The Licensing Operations and Development Team Leader advised that the policy would take effect from the date it was adopted which was hoped to be by the end of the year. With regard to Page No. 63, Paragraph 11.5 which set out that premises licensed to sell alcohol beyond 11pm in Tewkesbury may be required to become a member of the Pubwatch scheme, a Member asked who determined if that was required and how it was enforced. He also pointed out that it should state Tewkesbury *Borough* unless it was specifically referring to premises within Tewkesbury Town. The Licensing Operations and Development Team Leader explained that Gloucestershire Police was consulted on premises licence applications and, depending on the type of premises, may require them to become part of the scheme. She undertook to amend the wording to clarify that it applied to premises in Tewkesbury Borough.
- 8.4 A Member drew attention to Page No. 33, Paragraph 23, which related to alcohol pricing as he was aware of the potential introduction of minimum unit pricing which he understood had been trialled and was due to roll-out across England. The Licensing Operations and Development Team Leader undertook to ask for an update from the Local Government Association and report back to Members.
- 8.5 It was

RESOLVED

That the draft Statement of Licensing Policy, as set out at Appendix B, be **APPROVED** for statutory consultation subject to an amendment to Page No. 63, Paragraph 11.5 bullet point two to read: "Premises licensed to sell alcohol beyond 11pm in Tewkesbury *Borough* may be required to become members of the Pubwatch scheme (or equivalent)..."

LIC.9 REVIEW OF TEWKESBURY BOROUGH COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

- 9.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 102-152, which asked Members to approve the draft Statement of Principles under the Gambling Act 2005, as attached at Appendix B to the report, for statutory consultation.
- 9.2 The Licensing Operations and Development Team Leader explained that, under the Gambling Act 2005, the Council as the Licensing Authority had a statutory obligation to review its Statement of Principles every three years. Tewkesbury Borough Council's current Statement of Principles had expired on 30 January 2022; however, due to the pandemic and staffing issues, no review had taken place in 2021. A revised draft Statement of Principles was attached at Appendix B to the report. Members were advised that there were no significant changes in terms of how the Gambling Act was administered in Tewkesbury Borough but it had been brought up to date in terms of legislation and best practice. If Members were satisfied with the revisions, the draft Statement of Principles would be subject to a 12 week consultation and would be brought back to the Licensing Committee later in the year for Members to consider any comments.
- 9.3 A Member asked whether every Council had to have a Statement of Principles and what made Tewkesbury Borough Council's different from other authorities. In response, the Licensing Operations and Development Team Leader confirmed that every Council had its own Statement of Principles which varied depending on the gambling practices in the local area, for instance, Cheltenham Borough had a lot more gambling premises than Tewkesbury Borough and therefore would have different requirements. The Member asked if there had been any deficiencies in the existing policy which had needed to be addressed through revision and the Licensing Operations and Development Team Leader advised that there had been nothing wrong with the document itself but it had been updated in terms of the guidance for local authorities. She advised that further updates may be necessary when the Council was in a position to undertake more enforcement work and the Statement of Principles could be reviewed at any point.
- 9.4 A Member noted that the Statement of Principles included the regulation of gambling machines (fruit machines) but made no mention of having them in takeaway food premises so he questioned whether that was legal. The Licensing Operations and Development Team Leader confirmed that, since the Gambling Act 2005 had come into force on 1 September 2007, it was illegal to have gambling machines in takeaway food shops and other non-arcade premises such as cafes and restaurants, taxi offices etc. She undertook to include a sentence in the document to reflect that.
- 9.5 It was
- RESOLVED** That the draft Statement of Principles under the Gambling Act 2005, as set out at Appendix B to the report, be **APPROVED** for statutory consultation, subject to an amendment to include a sentence to reflect that it was illegal to have gambling machines in takeaway food shops and other non-arcade premises such as cafes and restaurants, taxi offices etc.

LIC.10 SEPARATE BUSINESS

10.1 On a proposal from the Chair, it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.11 SEPARATE MINUTES

11.1 The separate Minutes of the meetings of the Licensing Sub-Committee (Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held on 9 March and 20 April 2022, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 2:50 pm