

LICENSING APPLICATIONS COMMITTEE MEETING MINUTES - 14 NOVEMBER 2024

Present: Councillors Woodward (Chair), Asare, Dennis, Edwards, Keane, Leng, Magon, Mitchell, Rowland, DP Singh, Stevens and Tarar.

5. MINUTES

The Minutes of the Licensing Applications Committee meeting held on 11 July 2024 were confirmed as a correct record and signed by the Chair.

6. HACKNEY CARRIAGE VEHICLE EMISSIONS AND AGE POLICY REVIEW

Further to Minute 3 of the meeting held on 11 July 2024, the Committee considered a report on proposed changes to the Hackney Carriage Vehicle Emissions and Age Policy (HCVEAP). The following documents were appended to the report:

- Appendix 1 - Hackney Carriage Vehicles Emissions and Age Policy Dates
- Appendix 2 - Consultation Response from the Reading Taxi Association (RTA)
- Appendix 3 - Consultation Responses via the portal
- Appendix 4 - Climate Impact Assessment

The Policy aimed to remove older and more polluting vehicles from the hackney carriage fleet, improve local air quality within the town in line with the Council's climate emergency and air quality policies and would help to provide certainty to drivers that were considering investing in and upgrading to cleaner/greener vehicles.

The report stated that in 2020 the HCVEAP had been paused for two years until 1 October 2022 due to the impact of the Covid pandemic. The moratorium was subsequently extended to 1 October 2023. As the effects of the pandemic had diminished it was now deemed a good time to review the HCVEAP and consider any adjustments.

At the meeting held on 11 July 2024 the Committee gave its approval for a public consultation to be conducted on proposed changes to the HCVEAP. The report explained that the consultation had been carried out between 9 September to 17 October 2024. Both the public and the hackney carriage trade, through the Reading Taxi Association (RTA), had been consulted on a revised version of the HCVEAP that included additional new requirements for replacing vehicles and extended the length of the Policy to run to 2035. The changes consulted on were:

- a) 1st October 2028 - All replacement vehicles shall be a minimum of ULEV and less than 5 years old. This rule shall apply regardless of whether the vehicle is new to fleet or an existing vehicle being transferred within the fleet.
- b) 1st October 2028 - Age limits for ULEV vehicles shall be set at a maximum of 15yrs and then removed from the fleet. Each vehicle shall be assessed on its own merit and an extension of up to a maximum of 2 additional years may be granted on renewal of the licence after a successful RBC compliance test.
- c) That the revised Policy shall run to 2035 when it will be reviewed again unless changes prompt a review sooner (eg changes to Government policy, changes

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to our Climate Emergency Strategy or Air Quality Plan, different vehicles becoming available onto the market).

The report explained that five representations had been received during the consultation period. One from the RTA representing its members, and the others through the consultation portal. A copy of the consultation responses was attached to the report at Appendices 2 and 3 respectively.

At the meeting the Consumer Protection Group Manager explained that conversations with key stakeholders, namely the RTA, had continued after the conclusion of the consultation and following the publication of the agenda. The RTA had raised concerns regarding the proposed maximum age limit for vehicles on the hackney carriage fleet. As a result of these conversations officers recommended at the meeting that the following changes be made to the Policy:

- a) 1 Oct 2028 - All Replacement vehicles are minimum ULEV and less than 7 years old (increased from the 5 years originally proposed). This rule shall apply regardless of whether the vehicle is new to fleet or an existing vehicle.
- b) 1 Oct 2028 - Age limit for ULEV vehicles to be set at a maximum 15yrs and then removed from fleet. *Each vehicle shall be assessed on its own merit and an extension of a year to a maximum of 3 additional years (increased from the 2 additional years originally proposed) may be granted on renewal of the licence after a successful RBC compliance test.

The Consumer Protection Group Manager explained that officers would continue to work with the RTA to agree the final detail of the compliance test in order to ensure that all older vehicles that were tested would still be of a high enough standard and quality to meet the Council's aspirations.

Mr Asif Rashid, Chairman of the Reading Taxi Association, was present at the meeting and addressed the Committee on the proposals. The status of Euro 6 diesel vehicles was discussed. The RTA pointed out that Euro 6 diesel vehicles were currently exempt from ULEZ and Clean Air Zone (CAZ) charges in London, and were similarly exempt in Bristol and Birmingham, but were not exempt in Reading. Councillors indicated that they would be interested to receive further detail about Euro 6 diesel vehicles along with more general information about the composition of the fleet in terms the number of vehicles in each Euro Emission Standard category.

Councillor Ennis was present at the meeting and spoke to the report in his capacity as the Lead Councillor for Climate Strategy and Transport.

Resolved:

- (1) That the following requirements be added to the Hackney Carriage Vehicle Emissions and Age Policy:**

- a) **1 Oct 2028 - All Replacement vehicles be minimum ULEV and less than 7 years old. This rule shall be applied regardless of whether the vehicle was new to fleet or an existing vehicle.**
 - b) **1 Oct 2028 - Age limit for ULEV vehicles to be set at a maximum 15yrs and then removed from the fleet. *Each vehicle shall be assessed on its own merit and an extension of a year to a maximum of 3 additional years might be granted on renewal of the licence after a successful RBC compliance test.**
- (2) **That the revised Hackney Carriage Vehicle Emissions and Age Policy run until 2035 at which point it would be reviewed again unless changes prompt a review sooner.**

7. STREET PAVEMENT CAFÉS POLICY 2024-29

The Committee considered a report that recommended the adoption of a Pavement Café Policy for 2024-29 for Reading. The following documents were appended to the report:

- Appendix 1 - Street Pavement Cafe Policy 2024 to 2029;
- Appendix 2 - Pavement Cafe Licence Fees;
- Appendix 3 - Equality Impact Assessment;
- Appendix 4 - Financial Implications; and
- Appendix 5 - Climate Impact Assessment.

The report stated that the Business and Planning Act 2020 had introduced temporary measures with the purpose of allowing business sectors to adapt to a 'new normal' whilst managing the risks arising from the Covid-19 pandemic. The Act included temporary fast-track provisions to reduce the regulatory barriers for premises such as restaurants and pubs in England to apply for pavement licences to be able to serve customers outdoors. On 31 March 2024, the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023 (LURA) (section 229 and schedule 22) were commenced, amending the 2020 Act and setting out a new, more permanent, process as well as clarifying enforcement powers.

The provisions of the 2023 Act had introduced a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020. A business which used (or proposed to use) premises for the sale of food or drink for consumption (on or off the premises) could apply for a pavement licence. The change to a permanent pavement licensing regime provided certainty to businesses when planning for the years ahead, particularly if they saw outside dining as a key part of their offer.

The proposed Pavement Café Policy for Reading had been drafted to reflect the above changes to the statutory framework and also aligned the Council's fees structure with the revised fee levels set by Government that permitted charging up to £500 for new licences and £350 for renewals compared with the previous £100 cap.

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The main purpose of the Policy would be to define how businesses in Reading could use temporary tables and chairs placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with, the use of the premises. The Policy also introduced a new public register and a new requirement for licence holders to display their licence prominently to provide consumers with more information and signposting as to where to make a complaint (namely the Licensing Team) if the furniture became an obstruction.

The report explained that, on 21 October 2024, the Policy Committee had approved the Council's new fee structure for pavement cafe licenses set out within the Pavement Café Policy which had come into effect on 1 November 2024.

Resolved:

- (1) That paragraph 5.12 of the Street Pavement Café Policy 2024 to 2029, attached at Appendix 1, be amended to read as follows:**

“5.12 There is no statutory right of appeal against the decision of the Council to refuse the licence, or against the conditions imposed on a permission. There is no option for internal appeal. If the applicant is unhappy with the decision they can make another application. For persons aggrieved by any refusal to grant a new Permission (or renew/vary any existing Permission) or by the conditions imposed on a Permission, they are invited to make another application.”

- (2) That, subject to (1) above the Street Pavement Cafe Policy 2024 to 2029, as attached at Appendix 1, be approved for immediate adoption;**
- (3) That the increases made to Pavement Café fees and charges approved by Policy Committee on 21 October 2024 be noted.**

8. BUSKERS AND STREET ENTERTAINERS CODE OF PRACTICE

Further to Minute 4 of meeting held on 11 July 2024, the Committee considered a report recommending the adoption of a Guide for Busking and Street Performance in Reading following the completion of the public consultation exercise on the proposals. The following documents were appended to the report:

- Appendix 1 - Consultation Responses
- Appendix 2 - Guide for Busking and Street Performance in Reading;
- Climate Impact Assessment; and
- Equality Impact Assessment.

The Guide had been produced as a joint initiative between Reading Borough Council and Reading Business Improvement District (BID) using best practice examples which had been adopted by towns and cities across the country. The Guide set expectations for performers and encouraged good practice and explained that non-compliance could result in

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enforcement action being taken. The Guide had been designed to balance the interests of buskers and street entertainers with those who lived, worked and visited Reading's streets and shared public spaces by promoting the best of busking and street entertainment and by supporting performers to integrate into the community. The Guide also took into consideration street preachers and faith groups operating in the town centre. It was anticipated the Guide would help to reduce complaints and resolve disputes amicably.

Following the meeting held on 11 July 2024 a consultation on a draft version of the Guide had taken place between 25 July 2024 and 15 September 2024. The consultation identified a number of key themes that were set out in the report. The report also listed the Council's and Reading BID's responses to consultees' comments and highlighted the changes that had been made to the Guide as a result of the consultation process.

Resolved:

- (1) That the results of the public consultation exercise on the draft Guide for Busking and Street Performance in Reading be noted;**
- (2) That the Guide for Busking and Street Performance in Reading, as attached at Appendix 2, be adopted;**
- (3) That the Assistant Director of Planning Transport and Public Protection be delegated authority to make changes to the Guide for Busking and Street Performance in Reading, in consultation with Reading BID and the Lead Councillor for Environmental Services and Community Safety;**
- (4) That a report be submitted to a future meeting to review the success of the Guide for Busking and Street Performance in Reading.**

9. STATEMENT OF GAMBLING LICENSING PRINCIPLES (GAMBLING POLICY)

The Committee considered a report on a revised Statement of Gambling Licensing Principles (Gambling Policy) to cover the period 31 January 2025 to 30 January 2028. The following documents were appended to the report:

- Appendix RS-1 - Draft Statement of Gambling Licensing Principles 2025-2028
- Appendix RS-2 - Climate Impact Assessment
- Appendix RS-3 - List of Consultees
- Appendix RS-4 - Responses to Consultation
- Appendix RS-5 - Gambling Premises Licence Fees

Under the Gambling Act 2005, the Council, acting as Licensing Authority, had responsibility for granting premises licences in the Borough of Reading in respect of:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks;
- Adult Gaming Centres;

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- Family Entertainment Centres.

The report explained that the Gambling Act 2005 Act required the Council to prepare and publish a Statement of Principles (or Gambling Policy) to set out how the Council would fulfil its responsibilities and exercise its functions under the Act. The Act required the Policy to be reviewed every three years and the report explained that the new Policy would need to be in place by 31 January 2025 when the current Policy was due to expire.

A consultation on a revised Statement of Gambling Licensing Principles had been conducted between 16 August 2024 and 13 September 2024. Consultees included various bodies within the gambling industry, groups that dealt with the effects of gambling and the responsible authorities as defined in the Gambling Act. A copy of the responses received to the consultation exercise was attached to the report.

The report explained that some minor changes had been made to the Statement of Gambling Licensing Principles. The changes included updates to the contact details provided within the document, updates made to demographic figures and statistics within the document, and updates to maps.

Resolved: That Council be recommended to approve the revised 'Statement of Gambling Licensing Principles' as attached at Appendix RS-1.

(The meeting started at 6.30 pm and closed at 7.27 pm)