

LICENSING AND REGULATION COMMITTEE

26 November 2015

Attendance:

Councillors:

Mather (Chairman) (P)

Bodtger (P)

Burns

Green

Huxstep (P)

Izard (P)

Johnston (P)

Laming (P)

Lipscomb (P)

Mason (P)

Newman-McKie

Thacker (P)

Twelftree (P)

Wright (P)

Deputy Member:

Councillor Hutchison (Standing Deputy for Councillor Newman-McKie)

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 8 October 2015, be approved and adopted, subject to an amendment to record that Councillor Izard was elected as Vice-Chairman for this particular meeting, in the absence of Councillor Bodtger.

2. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

3. **ADOPTION OF AN INTERIM 5 YEAR PRIVATE HIRE OPERATOR LICENCE FEE**

(Report LR457 refers)

The Head of Environmental Health and Licensing introduced the Report which outlined that following legislative changes to the Local Government (Miscellaneous Provisions) Act 1936, as amended by The Deregulation Act 2015, Licensing Authorities were now required to issue a Private Hire Operator with a Licence for a five year term, unless, upon assessment, the Council deemed that the circumstances of a case warranted a shorter term licence.

The Committee were reminded that, in accordance with legislative guidance fees must be proportionate to the costs of the service and not act as an economic deterrent. Reference was made to the current annual Operator

Licence Fee of £220 which was broadly split between administration, regulation and compliance costs. Taking these costs into account, together with the fee for an average of three inspection visits over a five year period, Officers had concluded that a fair, initial charge for a five year Private Hire Operator Licence Fee would be £514. This was based on current levels of inspection visits and in line with charges applied by similar licensing authorities.

The Licensing Manager drew Members' attention to the financial loss implications as a result of the introduction of the five year licence term and it was proposed that the fee of £514 be set as an interim charge. The introduction of an interim fee would allow officers to undertake a thorough review of taxi operator licensing fees and charges, including time analysis and recording. Following this review, a further Report would come forward to the Committee during early 2016 in order to confirm the setting of this fee. In response to Members' questions, the Head of Environmental Health and Licensing reported that there was a requirement to advertise Licence Fees within the local newspaper and to consult with the taxi community, inviting feedback through the process.

During debate, several Members raised concern that the interim fee did not adequately reflect the level of cost that Private Hire Operators would have incurred annually if no legislative change had been made and suggested proposed amendments to increase this fee. However, other Members of the Committee expressed concern that the Council could be exposed to legal challenge if fees were not compliant with legislation and considered the £514 fee, set out in the Report, to be an accurate assessment taken by officers for the interim period. The recommendation, as set out in the Report, was put to the vote and carried.

Councillor Wright asked that it be recorded that he considered the procedure the meeting had followed with regard to motions to increase the interim fee to be procedurally incorrect. In response the Licensing Solicitor advised that, should the Committee consider a procedural error had occurred in the decision making process, a re-vote could ensue. There was no further discussion or vote taken thereon.

RESOLVED:

1. That the proposed interim five year Private Hire Operator Licence Fee, as set out in the Report, be agreed;
2. That the advertisement of the fees be agreed, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and approval given to the Head of Environmental Health and Licensing to adopt the new fees; and
3. That, should any objections to the new fee be received, these be reported to the Committee for determination.

4. **REVIEW OF BANNER BOOKING CONDITIONS**
(Report LR458 refers)

The Licensing Manager introduced the Report which outlined an amendment to the booking Conditions/Policy, as set out in Appendix 1 to the Report. This related to the hire of the 'Banner site' between the Monsoon and Vodafone stores in the High Street on a weekly basis and predominantly hired to charitable organisations. The site was also used annually for Christmas decorations and lights throughout early November to mid January.

RESOLVED:

That, subject to the renaming of the fee from 'Banner Booking Fee' to 'Banner Facility Fee', the amendments to the Banner Booking Conditions, as set out in Appendix 1 to the Report, be agreed.

5. **MINUTES OF LICENSING SUB-COMMITTEE HELD 2 NOVEMBER 2015 (LESS EXEMPT MINUTE)**
(Report LR459 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee (less exempt minute) held 2 November 2015 be received (as attached as Appendix A to the minutes).

6. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt minutes of the Licensing Sub-Committee held 2 November 2015) Information relating to any individual. (Para 1 Schedule 12A refers)

7. **EXEMPT MINUTE OF LICENSING SUB-COMMITTEE HELD 2 NOVEMBER 2015**
(Report LR459 refers)

RESOLVED:

That the exempt minute of the Licensing Sub-Committee held 2 November 2015 be received (as attached as Appendix A to the minutes).

The meeting commenced at 6.30pm and concluded at 7.20pm.

Chairman