

**LICENSING AND REGULATION COMMITTEE**

**27 January 2009**

Attendance:

Councillors:

Mather (Chairman) (P)

Baxter

Berry (P)

Biggs (P)

Evans (P)

Hammerton (P)

Hiscock (P)

Howell (P)

Izard (P)

Jackson (P)

Johnston (P)

Mason (P)

Read

Weston (P)

Wright (P)

Deputy Members:

Councillor Lipscomb (Standing Deputy for Councillor Baxter)

Officers in Attendance

Mr H Bone (Head of Legal Services)

Mr J Myall (Licensing and Registration Manager)

Miss C Stefanczuk (Assistant Licensing and Registration Officer)

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1. **DISCLOSURES OF INTEREST**

With reference to Item 6 below (Report [LR291](#) Appendix 2 refers), which proposed a fee rise for hiring the High Street banner used by charitable groups and other bodies, Councillor Lipscomb declared a personal (but not prejudicial) interest due to his involvement with the Hampshire and Isle of Wight Air Ambulance Service. Councillor Hiscock also declared a personal (but not prejudicial) interest due to his involvement with Winchester Rugby Club.

As neither of the above mentioned Charities were likely to utilise the Hire Street Banner, both Councillors spoke and voted thereon.

## 2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 3 December 2008, be approved and adopted.

## 3. **PUBLIC PARTICIPATION**

Following circulation of a revised Appendix 1 to Item 6 below (Report [LR291](#) refers), Mr Rob Parker, of XL Cars, addressed the Committee.

Mr Parker noted the recommended fee increase was now 3%, as opposed to the originally proposed 8%. Whilst Mr Parker was more satisfied with this revision, he further requested that taxi fees and charges be frozen for one year. He explained that the current recession was having a significant effect on small businesses and even minimal savings would be beneficial. Mr Parker did not consider that the suggested fee revision was reasonable and queried whether the rise in charges might lead to the Council profiting from increases and using revenue to fund other activities. He also suggested that altering the Private Hire Drivers Licence Fee, so as to align this with the Hackney Carriage Drivers Fee, penalised Private Hire Drivers, many of whom also paid an operator's charge. In conclusion, he reported that both Private Hire and Hackney Carriage operators provided an equally accomplished service to the people of Winchester and surrounding areas.

Mr Eckton, Chairman for the Winchester Taxi and Private Hire Association, clarified that, at the meeting of the Committee held on 3 December 2008, it had been agreed that fares should be frozen at current levels. Accordingly, he called for the same approach to be taken for driver's fees and charges. He emphasised that, having regard to the amended figures as circulated, the Council's fees were already higher than many other local authorities. He raised the possibility of increasing only new driver's initial fees, as Mr Eckton suggested that taxi numbers were significant and this may assist existing operators.

## 4. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 15 JANUARY 2009**

(Report [LR292](#) refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 15 January 2009.

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 15 January 2009 be received and noted.

5. **ACTIVITIES OF THE LICENSING TEAM 2008**  
(Report [LR290](#) refers)

The Licensing and Registration Manager explained that, in addition to the information provided within the report, Licensing Officers had attended a variety of beneficial training courses organised by the Institute of Licensing, and participated in regional meetings with the Hampshire and Isle of Wight Licensing Group to discuss legislation and practice methods. Since the implementation of the Licensing Act 2003, the team had continued to operate under demanding conditions with a high workload.

In response to Members' questions, he confirmed that only five warning letters were sent out to licence holders regarding noise complaints or unlicensed activities during the past year. Most issues were resolved by informal action such as verbal advice. Figures were similar to previous years, with the majority of establishments within the District being well managed and unproblematic.

It was clarified that public health burials were increasing, possibly as a result of additional homelessness. It was a legal requirement for the Council to undertake burial duties, should there be no-one coming forward to do so. No family member, other than a spouse, was obligated to cover burial expenses in such circumstances.

Responding to questions concerning taxi drivers, the Licensing and Registration Manager confirmed that seven licences had been suspended due to ill health, poor driving standards or police notification of criminal activity. One driver had his licence revoked owing to a conviction for indecency. It was also confirmed that, following the introduction of strict regulations by the Security Industry Authority (SIA), all door staff were now licensed and regulated by this body.

The Chairman thanked the Licensing and Registration Manager for his report and congratulated the Licensing Team for a productive and efficient year.

RESOLVED:

That the Report be noted.

6. **LICENSING FEES AND CHARGES 2009-10**  
(Report [LR291](#))

The Head of Legal Services tabled a [revised Appendix 1](#), showing a fee increase of 3% (reduced from the original recommendation of 8%). In addition to this, a comparative list of Hampshire Authority taxi fees and charges was distributed.

He explained that, further to Mr Parker's representation, he had been keen to address drivers' concerns. Further budgetary forecasts had also been undertaken and figures had been revised to allow for a smaller increase than originally proposed. However, a rise was necessary to allow enforcement work to grow, as a recognisable correlation between visibility of licensing officers and good driving standards had been noted.

In response to the representations for fees to remain at current levels, the Head of Legal Services reported that, whilst mindful of the current economic situation, the Council had to manage its budgets effectively. As taxi numbers rose, increased costs were expected and enforcement was essential to help maintain the standards of a valuable service. He pointed out that licence fees formed a relatively small part of driver's costs, with fuel and other charges, such as insurance and maintenance, being more significant. The Licensing Team spent 30 – 40% of its working time on Hackney driver issues, which was comparable to the share of income received. He therefore concluded that the proposed fee increase was reasonable.

With regard to the proposal to equalise fees for Hackney Carriage and Private Hire Drivers, he clarified that the administrative costs for dealing with applications for both Hackney Carriage and Private Hire licences had been carefully examined and it was considered that these were similar enough to warrant the same suggested fee. Responding to Mr Eckton's proposal of a singular increase in new driver's fees, the Head of Legal Services considered that such a specific increase was not appropriate, as any rise had to be justifiable and fair.

Advising Members on the Fees and Charges sheet for other Hampshire Authorities, he cautioned that comparing budgets was a complex process as the structure, accounting policies and activities varied from one council to another.

A Member suggested the possibility of charging an increased fee to drivers found not to be adhering to the licensing requirements, rather than all drivers bearing the cost of enforcement. The Head of Legal Services suggested this was not a workable scheme and, in other areas, enforcement functions were generally funded from fees charged to all applicants, rather than having penalty fees as had been suggested.

In response to questions regarding Appendix 2, it was established that the hiring of the Banner location in the High Street involved officer liaison with SERCO; consequently a marginally higher fee was warranted in comparison to leasing St Maurice's Covert. Further to this, it was confirmed that under the relevant legislation, no fees could be charged for street collections, although this might be reviewed following the implementation of the 2006 Charities Act. No date had been given by the Charities Commission for this, as it was still considering how the new legislation should be operated.

Members discussed the possibility of freezing all fees for a further year, thus adhering to driver's requests but, following debate, this was not supported.

Members also raised concerns that current fees were higher than other local authorities and any rise would further contribute to this. The Committee was also mindful to not exacerbate the existing financial pressures on drivers, whilst ensuring Council costs were adequately covered.

In conclusion the Committee agreed to the 3% rise in charges but, when the 2010/11 budget was due for revision, officers were asked to give further consideration to aligning Winchester City Council's fees with the average for Hampshire.

RESOLVED:

1. That the Head of Legal Services be authorised to give public notice of the proposed increases in hackney carriage/private hire vehicle and operators' licenses, as set out in the [revised Appendix 1](#) to the report attached to these minutes, to come into effect at the end of the objection period if the Head of Legal Services considers that there are no material objections and in the event of material objections being received the matter be brought back to the Committee.

2. That the Head of Legal Services be authorised to increase fees and charges for other licensing functions with effect from 1 April 2009, as set out in Appendix 2.

3. That the Head of Legal Services be authorised to increase fees for licenses and permits under the Gambling Act with effect from 1 April 2009 by an average of 3% (subject to the statutory maxima) as set out in Appendix 3.

4. That an increase of 3% be applied for 2009/10 but that officers be instructed to report back to the Committee at the appropriate point in the next budget round with a view to bringing fees into line with the average of fees charged across the County.

The meeting commenced at 6.30pm and concluded at 7.50pm

Chairman

**Revised Appendix 1****WINCHESTER CITY COUNCIL****FEEES FOR HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES 2008/09****REVISED APPENDIX BASED ON 3% INFLATION**

<b>LICENCE</b>	<b>EXISTING FEE 2008/09</b>	<b>PROPOSED FEE 2009/10</b>
Private Vehicle Hire Operator *	£204 + £26 for 2nd and each subsequent vehicle	£210 + £27 for 2nd and each subsequent vehicle
Private Hire Vehicle *	£212	£218
Hackney Carriage Vehicle *	£212	£218
Hackney Driver	£104 Initial £77 Renewal	£107 Initial £79 Renewal
Missed appointment fee	£50	£52
Retest fee for Hackney Carriage/Private Hire Vehicle	£20 if retested within three working days £55 for all other retests	£21 if retested within three working days £56 for all other retests
Hackney Driver and Private Hire Knowledge Re-Test	£26	£28
Private Hire Driver	£91 Initial £77 Renewal	£107 Initial £79 Renewal
Replacement Plate	£25	£26
Transfer of Licensed Vehicle (including test)	£94	£97
Transfer of Licensed Vehicle (no test required)	£35	£36
Replacement of Lost/damaged licence	£11	£12

\* fees subject to public advertisement prior to coming into effect, as set out in the Report.