

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 16th January 2019 at Retford Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, B A Bowles, K M Greaves, S Isard, G Jones,
D R Pressley, J M Sanger OBE, K Smith, K Sutton and C Tindle.

Officers in attendance: S Bacon, L Dore and A Webster.

(Meeting opened at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Evacuation Procedure. She also enquired as to whether any member of the public wished to film the meeting or any part thereof; this was not taken up. There were two members of the public present).

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Clarkson.

33. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

There were no Declarations of Interest by Members.

(b) Officers

There were no Declarations of Interest by officers.

34. MINUTES OF THE MEETING HELD ON 14TH NOVEMBER 2018

RESOLVED that the Minutes of the meeting held on 14th November 2018 be approved.

35. MINUTES FOR ACTION

The Principal Solicitor (Licensing and Regulatory) (PS(LR)) updated the Committee regarding Minute 30(a) - Adoption of Procedures and Fees in relation to the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, by advising that information was now available to view on the Council website. She added that inspections and initial licensing is taking place and that the agreed fees are being applied.

RESOLVED that the Minutes for Action be received.

36. OUTSTANDING MINUTES LIST

The PS(LR) advised that item 6(a) – Review of Proposed Hackney Carriage Fare Increase, is included in the Agenda for consideration by Members at the meeting. Unfortunately, Item No. 35(b) – Roadside Catering Policy, has been delayed further due to staffing issues; the new Animal Welfare Licensing scheme has created a tremendous amount of work and as this has a direct

impact on businesses, it has been given priority. An additional staff member will be recruited to cope with the backlog of work.

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

37. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)

(a) Fees and Charges 2019/2020

The Committee was asked to consider the proposed increase to the present level of fees and charges for Licences for the financial year 2019/2020.

In line with Council Policy, the Licensing Committee has the power to set fees and charges for Licences on an annual basis. These should be considered in the context of the Council's Corporate Charging Policy. At its meeting on 4th December 2018, Cabinet approved proposed fees and charges including licensing fees, for 2019/2020, however, these were only approved subject to the approval of the Licensing Committee in respect of fees and charges for Licences. To assist with discussion and consideration, copies of the Cabinet report, the Minutes of the Cabinet meeting, and a list of Licences under the responsibility of the Licensing Committee detailing previous (2017/18), current (2018/19) and proposed (2019/2020) fees, were appended to the report.

The report noted that it is a legal requirement to publicly advertise in the local press any proposed increases in the fees for Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Operators.

In regard to some fees, the report reminded the Committee that:

- Fees under the Licensing Act 2003 are set centrally by the Secretary of State and local authorities have no discretion in setting the fee levels.
- Fees under the Gambling Act 2005 in respect of Gambling Premises Licences are set by the local authority but a maximum fee payable for each category of licence is set by the Secretary of State.
- Fees for Small Society Lottery Registrations and Gaming Machine Permits are set by the Secretary of State.

The report proposed a 3% increase across all licence fees with the exception of Park Home fees which are set by Central Government policy and also the charges regarding some Animal Activity Licences relating to 'Dog Breeding', 'Hiring of Horses', 'Keeping or Training of Animals', 'Boarding Dogs in Kennels', 'Day Care for Dogs', 'Home Boarding Dogs and Boarding of Cats' and 'Selling Animals as Pets' as detailed in the report.

In relation to promotional pitches in Worksop and Retford Town Centres, amendments had been made to show that the fees should all be charged VAT at the standard rate, not inclusive of VAT as shown. To help reduce administration costs for officer time, the Committee was requested to approve these to be charged from 1st February 2019 instead of 1st April 2019.

RESOLVED that the Fees and Charges for Licences for 2019/20, as set out at Appendix C to the report, be approved with the amendments specified at paragraphs 3.10 and 3.11.

(b) Licensing Act 2003 – Suspension of Premises Licences/Club Premises Certificates on Non-payment of Annual Fees 2018

Members were provided with information on the number of premises licences, which have been suspended for non-payment of annual fees.

On 25th April 2012, the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on Licensing Authorities to suspend premises licenses and club premises certificates, if the annual fees are not paid. Previously, non-payment was only recoverable as a civil debt and the premises licence or club premises certificate remained in force even though the fee was not paid. In effect, this meant the premises or club could legitimately continue to trade year after year whilst owing fees to the Licensing Authority. The amendment now enables the Licensing Authority to suspend those licences and certificates of licence holders until the debt is paid. Once payment has been received, the licence is automatically reinstated.

In October 2018, 311 invoices were sent out by the Licensing Authority to premises for which annual fees were due for payment on 24th November 2018. 77 letters were then sent on 28th November 2018 to those who had failed to make the payment advising that their licence would be suspended on 10th December 2018 if payment was not received. On 19th December 2018 a further letter was sent to 14 licence holders who had failed to make payment informing that their premises licence was now suspended and no licensable activities were permitted to take place on the premises until the fee is paid in full. The licence holder was also reminded that while the licence is suspended it is an offence to undertake licensable activity which could, on summary conviction, lead to imprisonment for up to six months and/or an unlimited fine.

The report noted that of the 311 invoices, 14 licences were suspended and there were 4 outstanding queries. An update from the PS(LR) advised Members that there are now 7 outstanding non-payees from the original 311 and of these, 2 premises had closed and 3 were subject to changes being processed. Licensing Enforcement Officers will be monitoring these premises to ensure they do not breach the suspension by continuing to trade.

RESOLVED that the contents of this report be noted.

(c) Hackney Carriage Scale of Fares – Larger Vehicles

Members were presented with a report detailing the results of a consultation which had sought opinion on whether to implement a two-tier scale of fares which could enable Hackney Carriage Vehicles, carrying five or more passengers, to charge an additional amount. This followed consideration of the 'Review of Proposed Hackney Carriage Fare Increase' report in 2016 when the Committee requested the PS(LR) to investigate options for a two-tier charging system.

A copy of the 2016 report, the current Scale of Fares, the consultation letter sent out in summer 2018, the consultation replies, and also a copy of the list published by Private Hire Monthly magazine showing the national costs of a two mile fare, were appended to the report. The report noted that the national average cost of a two mile journey is £5.86 and that based on the current scale of fares, a two mile journey fare in Bassetlaw is £5.90.

The PS(LR) explained the proposed options put before the consultees were the same options as included in the report for consideration by the Committee:

- To allow Hackney Carriages to activate an additional tariff on the meter which allows them to charge a percentage uplift ONLY when carrying 5 or more passengers in the vehicle. (Proposed to be in the region of 2.5% to 5% on the standard tariff 1 and 2 rates).

- To use the “extras” button on the meter to add a fixed charge when a Hackney Carriage is carrying 5 or more persons, (e.g. a fixed amount of 5+ passengers (such as £1)).
- Not to amend the scale of fares in relation to Hackney carriages which carry 5 or more passengers.

It was explained there had been only 12 responses to the consultation and there had been 34 letters sent out (35%). 3 consultees had selected in favour of a percentage uplift, 5 consultees had selected the use of the “extras” button and 3 had selected no action. 1 consultee had stated they did not have an opinion on the matter.

The report noted that members of the trade have a choice regarding what vehicle size to purchase, i.e. there are smaller vehicles which meet the wheelchair accessible requirements and seat only four passengers as an alternative to London Taxi International vehicles. They also have the option to purchase a vehicle and to run it as a private hire vehicle which are exempt from the scale of fares and do not have to be wheelchair accessible.

Members expressed concern over the low response to the consultation and considered that any decision should not discourage people from using taxis by making them unaffordable.

In response to queries from Members, the PS(LR) advised: there is a cost to calibrate meters and this is paid for by the trader; there is a reduced payment rate if all vehicle meters are calibrated at the same time; a pre-paid envelope had been included with the consultation letter to encourage a response; (an emailed response and even a photo of the completed form would have been an acceptable response); no other local authority currently authorises the use of the “extras” button for this purpose: another Nottinghamshire Authority currently uses Tariff 3 and Tariff 4 for larger vehicles; meters are subject to Supplementary Testing Certification as part of vehicle testing which the Council undertakes to ensure vehicle safety.

RESOLVED that:

1. The report be received.
2. The Principal Solicitor (Licensing and Regulatory) investigate the cost of calibrating meters in respect of an “extras” button and report back to the Licencing Committee.

(Councillor Smith arrived during the discussion of this Agenda item).

(A member of the public was asked by the Chair to leave the meeting during this Agenda item)

38. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 3 and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(a) – Request for Permission to Display Advertisements on Hackney Carriage and Private Hire Vehicles - Paragraph 3

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

39. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)

(a) Request for Permission to Display Advertisements on Hackney Carriage and Private Hire Vehicles

The Committee was asked to consider a retrospective application to display logos on the external aspect of a fleet of vehicles owned by an operator. Photographs of the vehicles, a written request from the operator, a copy of current Vehicle Licence Conditions, a copy of the Supplementary Testing Manual and an extract from current Licensing Policy were appended to the report.

RESOLVED that the operator be granted permission to display additional logo/signs to three of their vehicles.

40. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT.

As there was no other urgent business to be discussed, the Chair closed the meeting.

(Meeting closed at 7.30pm.)