

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 15th January 2020 at Worksop Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, T P Eaton BCA, K M Greaves, G Jones, D R Pressley,
H Richards, J M Sanger MBE and C Tindle.

Officers in attendance: S Bacon, L Dore and R Wilson.

(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; however, this was not taken up).

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Clarkson, S Isard and P Nicholls.

18. 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.

19. MINUTES OF THE MEETING HELD ON 13TH NOVEMBER 2019

RESOLVED that the Minutes of the meeting held on 13th November 2019 be approved.

20. MINUTES FOR ACTION

In reference to Minute No. 15, Equality Act 2010 – Wheelchair Accessible Vehicles, the Principal Solicitor (Licensing and Regulatory) (PS(LR)) advised a list of wheelchair accessible vehicles was still being compiled and when complete, the drivers of the affected vehicles would be contacted by letter and notified of the changed policy. Action would be subsequently taken against any drivers found not to be complying with their obligations in this regard under the Equality Act.

RESOLVED that the Minutes for Action be received.

21. OUTSTANDING MINUTES LIST

In reference to Minute No. 35(b) – Roadside Catering Policy, the PS(LR) did not anticipate a report being available for some time as it was an ever-changing situation with information not readily available. Because of difficulties in finalising the report she did not wish to pass on the task to someone else before taking maternity leave and therefore asked the Committee if it could be presented to them on her return to work which they agreed to.

In reference to Minute No. 58(b) – Driver Medical Review, the PS(LR) advised the twelve month review is due in April, however, she anticipated presenting a report to the March 2020 meeting of Licensing Committee, the last meeting before commencement of her maternity leave.

RESOLVED that the Outstanding Minutes List and updates be received.

22. CHANGE OF AGENDA ORDER

To accommodate the applicants present at the meeting, the Chairman announced a change of order to the Agenda therefore confidential Section B – Items for Discussion in Private would be considered before Section A – Items for Discussion in Public.

23. 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 1 and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(b) – Application for a Combined Hackney Carriage / Private Hire Vehicle Drivers Licence and Plate Exemption – Paragraph 1

Agenda Item No 7 (c) – Application for Combined Hackney Carriage / Private Hire Drivers Licence – Paragraph 1

Agenda Item No. 7(a) – Request for permission to Display Advertisements on a Hackney Carriage and Private Hire Vehicles – Paragraph 1

Key Decisions

None.

Other Decisions

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

a) Application for a Combined Hackney Carriage / Private Hire Vehicle Drivers Licence and Plate Exemption

The Committee was asked to consider and determine an application for a three year combined Hackney Carriage / Private Hire Vehicle Drivers Licence. Also to consider granting an exemption from displaying external vehicle plates if the applicant was successful in obtaining the Licence

The applicant was present and answered questions posed by Members in reference to the application. In addition to the information provided in the Agenda papers, a supporting reference for the applicant was tabled for Members consideration.

RESOLVED that:

1. The applicant be granted a three-year Combined Hackney Carriage / Private Hire Vehicle Drivers Licence.
2. The applicant be granted an exemption under Section 75(3) LG(MP)A 1976 for the duration of the PHV licence (if the Bassetlaw District Council Vehicle Testing Station deems it appropriate to grant vehicle licences after inspecting the vehicles.

b) Application for Combined Hackney Carriage / Private Hire Drivers Licence

The Committee was asked to determine the application for a three-year Combined Hackney Carriage / Private Hire Drivers Licence.

The applicant was present and answered questions posed by Members in reference to the application.

RESOLVED that the applicant be granted a three-year Combined Hackney Carriage / Private Hire Vehicle Drivers Licence.

c) Request for permission to Display Advertisements on a Hackney Carriage and Private Hire Vehicles

The Committee was asked to consider a request to display a logo on Private Hire Vehicles attached to a Private Hire Operators Licence. The signs would be displayed on the external aspects of the vehicle. A photograph of the proposed signage was appended to the report.

RESOLVED that the applicant be granted permission to display the logo on Private Hire Vehicles attached to their Private Hire Operators Licence.

The public element of the Agenda was resumed.

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

(a) Hackney Carriage Scale of Fares Larger Vehicles

Members were presented with a further report on the results of a consultation and which sought opinion on whether to implement a two-tier scale of fares. This would enable Hackney Carriage Vehicles which carry five or more passengers, to charge an additional amount.

A report to the Committee in June 2016 had considered a Review of Proposed Hackney Carriage Fare increases. A member of the trade had suggested that those proprietors who operate larger vehicles should be allowed to charge more due to the amount these vehicles cost run. A period of consultation with the licenced trade regarding the introduction of a two-tier scale of fares opened in October 2018 and the results were reported to the Committee in January 2019.

The consultation document had been sent out to 34 members of the trade and was returned by 12 who responded to the following questions:

- to allow Hackney Carriages to activate an additional tariff on the meter to charge a percentage uplift only when carrying five or more passengers (selected by 3)
- to use the 'extras' button to add a fixed charge when a Hackney Carriage is carrying five or more persons, e.g. a fixed amount (selected by 5)
- to not amend the fares in relation to Hackney Carriages which carry five or more passengers (selected by 3)
- One consultee stated they did not have an opinion on what action was taken by the department.

At the meeting in January 2019 and prior to making a decision, the PS(LR) was then asked by Committee Members to investigate whether there would be a financial impact upon the trade in having to purchase new meters to accommodate increased fares. In November 2019, the PS(LR) met with a representative of N & J Pitts Taximeter Services, Nottingham, (which currently supplies the meters used by the vast majority of the licensed trade in Bassetlaw), and was advised that the meters in use are able to hold additional tariffs and extras.

To assist Members in understanding the financial implications of the current proposals, the report included a table (at paragraph 3.8) showed calculations of current tariff details, the proposed tariff if a fixed extra was charged and the proposed tariff if a percentage increase was charged. Information was also detailed to show the cost per person of a three-mile journey with either four passengers (smaller Vehicles) or eight passengers (larger vehicles) using each of the tariff options.

The PS(LR) advised the average cost of a two-mile journey in Bassetlaw District is £5.90 with the national average being £5.94. (A copy of Private Hire Monthly national list showing the cost of a two-mile fare within 363 local authority areas was appended to the report). She added that the Committee's options were to consider different pricing arrangements for larger vehicles, undertake further consultation, or resolve not to make any changes to the current tariffs. For clarification on the number of affected vehicles, the Licensing Officer advised there are currently seventeen vehicles which are licenced to carry between five and eight passengers.

Members discussed the different options available regarding tariffs and the implications of retaining one scale of fares or introducing a second tier.

RESOLVED that:

1. A second tier of fares be introduced to enable larger Hackney Carriage Vehicles, carrying five or more passengers, be introduced, to charge an additional amount.
2. The second tier to permit a £1 increase on the flag to be charged per person where the Hackney Carriage Vehicle is carrying five or more passengers
3. The second tier of charges be introduced following the statutory advertisements being placed in the local press and at the Offices of Bassetlaw District Council

(b) Fees and Charges 2020/2021

The Committee was asked to consider the proposed increase to the present level of fees and charges for Licences for the financial year 2020/2021.

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 3rd December 2019, Cabinet approved proposed fees and charges including licensing fees, for 2020/2021, 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, a list of Licences under the responsibility of the Licensing Committee detailing previous (2018/19), current (2019/20) and proposed (2020/2021) fees, were appended to the report. The PS(LR) advised the report proposed a 2% increase on current fees and charges relating to Licences.

It was also proposed for the first time to offer a discount on the annual Hackney Carriage and Private Hire Vehicle licence fees for hybrid/electric vehicles, i.e. a 10% discount will be offered to encourage owners/proprietors to consider purchasing environmentally friendly vehicles. The proposed details of entitlement to the 'Green Vehicle Discount' was 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.

To ensure charging is clear and transparent to Service users, the report proposed that fees for 'Large Scale Events' are included in the Bassetlaw District Council Fees and Charges for 2020/2021. These are statutory fees and a table in the report advised the fees payable dependent upon the number in attendance at any given event. Currently there is only one premise in the District subject to this additional charging where more than 5000 people attend.

In response to a question from a Member regarding fairgrounds and Co2 emissions that can be produced from generators used as a power source, the PS(LR) informed the Committee that fairgrounds are not licenced by the Licensing Unit but come under the responsibility of the Council's Estates Department.

RESOLVED that:

1. The Fees and Charges for Licences for 2020/21, as set out at Appendix A to the report be approved.
2. The proposed 10% Green Vehicle Discount on the annual licence fee for eligible vehicles as set out in Appendix C be approved.
3. The Principal Solicitor (Licensing and Regulatory) to raise the issue of Co2 emissions from fairground equipment used at fairs visiting the District with the relevant Council officer(s).

(c) Licensing Act 2003 – Suspension of Premises Certificates / Club Premises Certificates on Non Payment of Annual Fees 2019/20

Members were provided with updated 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.

On 19 September 2012, the Licensing Committee granted delegated authority to the posts of Council Solicitor and Principal Solicitor (Licensing and Regulatory) to suspend Premises Licences and Club Premises Certificates following non-payment of annual fees under sections 55A and 92A of the Licencing Act 2003 (as amended)

In October 2019, 302 invoices were sent out by the Licensing Authority to premises for which annual fees were due for payment on 24th November 2019. 90 Suspension Warning Letters were then sent on 26th November 2019 to those who had failed to make the payment advising their licence would be suspended on 2nd December 2019 if payment was not received. On 2nd December 2019 a further letter was sent to 45 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,

(in accordance with S136 Licensing Act 2003 as amended by Legal Aid, Sentencing and Punishment of Offenders Act 2012).

The report noted that of the 302 invoices, 45 licences had been suspended. As at 2nd January, there were still 15 licences suspended and Licensing Enforcement Officers and Nottinghamshire Police had been notified with work being carried out to ascertain if the premises are still engaging in a licensable activity. An update from the PS(LR) at the meeting advised Members that there are now 11 outstanding non-payees from the original 302 and therefore 11 licenses currently suspended.

In response to questions, the PS(LR) advised the Committee that Trading Standards deal with the alleged sale of alcohol and hire of sunbeds to underage persons, however, it had not been reported whether any investigation had taken place recently.

RESOLVED that the contents of this report be noted.

26. 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 8.25pm).