

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

16TH FEBRUARY 2012

PRESENT:- Councillors John Harrison (chairman), Mike Greenall (vice-chairman), Shirley Burns, Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson, Tracey Kennedy and Robert Redfern

Officers in attendance:-

Wendy Peck	Licensing manager
Luke Gorst	Assistant solicitor
Debbie Rose	Licensing enforcement officer
Rod Prentice	Licensing enforcement officer
Tom Silvani	Democratic support officer

64 MINUTES

The minutes of the meeting held on 5 January 2012, and reconvened on 12 January 2012 were signed by the chairman as a correct record.

65 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of business.

66 DECLARATIONS OF INTEREST

There were no declarations of interest at this point.

67 ARRANGEMENTS FOR CARAVAN SITE LICENCES

The senior environmental health officer presented a report to enable the committee to make a minor amendment to the scheme of delegation in order to streamline the issuing of caravan site licences. Members were advised that the issuing of licences for caravan sites fell within the terms of reference of the committee.

It was advised that the current arrangements were that Environmental Health (in Health & Housing Services) performed all caravan site licensing administration, inspection and enforcement with one exception: the Licensing service provided the authorised signature when granting, transferring or renewing caravan site licences. This meant that although Environmental Health had received each application, prepared each licence together with terms and conditions, and provided all technical, inspection and enforcement input, it could not finalise and issue licences without involving another service. This had inevitably led to an avoidable delay in issuing licences and unnecessarily involved two separate services in granting one licence.

Discussions had taken place between the two services, and it had been felt that the system could be improved by transferring the final element of responsibility - signing new, renewed and transferred licences - to Health and Housing Services, this would make the issuing of licences more streamlined.

It was advised that this would require an amendment to the scheme of delegation to authorise the head of health and housing and officers they designate in writing to issue licences under the Caravan Sites and Control of Development Act 1960. The current delegation was to the head of governance.

It was proposed that the responsibility for issuing the licences would pass to Health and Housing from 1 March 2012. Health and Housing were already responsible for all other aspects of the licences. As such, an amendment to the scheme of delegation was required to authorise the head of health and housing and officers designated in writing to issue licences under the Caravan Sites and Control of Development Act 1960. The current designation was to the head of governance.

The committee was advised that discussions had taken place between Health and Housing services, and Legal and Licensing services. Both had considered the proposal desirable from an operational point of view. The decision was considered to be a simple administrative issue and there had been no need for any other consultation.

The amendment of the scheme of delegation was required to formalise the proposed operational arrangements.

It was proposed by Councillor Burns and seconded by Councillor Redfern:-

- “(1) That the current and proposed operational arrangements for issuing caravan site licences be noted.
- (2) That the scheme of delegation be amended to authorise the head of health and housing and any officer designated in writing by her to grant, transfer or renew any licence under the Caravan Sites and Control of Development Act 1960, except where any objection or adverse comment has been received or a member of the committee has requested that the matter be referred to committee.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

- (1) That the current and proposed operational arrangements for issuing caravan site licences be noted.
- (2) That the scheme of delegation be amended to authorise the head of health and housing and any officer designated in writing by her to grant, transfer or renew any licence under the Caravan Sites and Control of Development Act 1960, except where any objection or adverse comment has been received or a member of the committee has requested that the matter be referred to committee.

68 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE LICENSING - REQUEST FOR WAIVER OF LICENCE CONDITIONS REQUIRING DISPLAY OF UNIFORM DOOR SIGNAGE

The licensing manager presented a report to enable members to consider an application for two private hire vehicle licences which had been received from Mr Bunford. The

applicant had requested a waiver of the standard licence condition requiring the display of the council's uniform door signage. He had not requested a waiver of the standard condition which required the vehicles to display a front and rear plate. The purpose of the report was to enable members to consider the request.

Members were advised that under section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates under Section 48(6) of the above Act. Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

The committee were reminded that the council had established conditions attached to the grant of a private hire vehicle licence. Members noted that condition No. 3 of the standard conditions provided that a plate:

"shall be securely fixed to the rear of the vehicle in a conspicuous position and a further plate should be fixed at the front of the vehicle. Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle."

Members were reminded that the licence conditions requiring the council's uniform sign to be displayed on the front doors of hackney carriage and private hire vehicles had been updated last year. The purpose of uniform signage was to differentiate between a hackney carriage and a private hire vehicle and to increase public safety.

The committee were advised that an application for two private hire vehicle licences had been received from Mr Bunford; he had also applied to be licensed as a private hire operator. In his applications, Mr Bunford had proposed to license two Stretch Limousines. Mr. Bunford had requested a waiver of the standard licence conditions requiring the display of the council's uniform door signage on the grounds that he was operating executive travel, he had not requested a waiver of the condition which required the vehicles to display the council's front and rear plates.

Mr. Bunford was in attendance at the meeting and made representations in support of his request. A photograph of the vehicles was provided for members' information.

It was proposed by Councillor Burns and seconded by Councillor Redfern:-

"That the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of the council's uniform door signage be approved."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

That the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of the council's uniform door signage be approved.

69 EXEMPT ITEMS:-

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12 of the Act.

70 APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DUAL DRIVER'S LICENCE - JASON IAN POWELL (PAGES 1 - 2)

The licensing manager introduced a report to enable members to consider Mr Powell's application for a hackney carriage and private hire dual driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in exempt minute no. 70 in accordance with Section 100A of the Local Government Act 1972.

It was proposed by Councillor Burns and seconded by Councillor Greenall: -

"That Mr Powell's application for a hackney carriage and private hire dual driver's licence be approved."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

That Mr Powell's application for a hackney carriage and private hire dual driver's licence be approved.

71 RENEWAL OF EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE - DAVID VAN-LAERE

The committee was advised that there was no longer a need to consider Mr Van-Laere's renewal of his existing hackney carriage driver's licence.

72 APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE - PAUL RICHARD DENT

The committee was advised that Mr Dent had contacted Licensing prior to the meeting and had advised that he wished to withdraw his application for a hackney carriage driver's licence. As such the committee was not required to consider the report of the licensing manager.

73 EXISTING HACKNEY CARRIAGE VEHICLE LICENCE - ABDUL REHMAN SHAH (PAGES 3 - 5)

The licensing manager introduced a report to enable members to consider what action, if any, to take in respect of Mr Shah's hackney carriage driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in confidential minute no. 73 accordance with Section 100A(2) of the Local Government Act 1972.

It was proposed by Councillor Burns and seconded by Councillor Redfern:-

"That no action be taken in respect of Mr. Shah's hackney carriage driver's licence."

Upon being put to the vote 8 members voted in favour of the proposition, and 1 against, whereupon the chairman declared the proposition to be carried.

Resolved:

That no action be taken in respect of Mr. Shah's hackney carriage driver's licence.

The meeting was adjourned at 2.20 p.m. and reconvened at 2.30 p.m.

74 PUBLIC ITEMS:-

The press and public were readmitted for the following items.

75 SEXUAL ENTERTAINMENT VENUES POLICY

The licensing manager presented a report to seek members' approval of the adoption of a Sexual Entertainment Venues (SEVs) Policy for the council, and approval of the fees structure.

Members were reminded that the Licensing Service was responsible for regulating a wide range of functions including the licensing of SEVs. It was advised that at its meeting on the 2 September 2010, the committee had recommended that council adopt new provisions to regulate SEV's. The resolution had subsequently been made under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 stating that Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 has been adopted and would apply to the council's area from the 1 November 2010.

An SEV was defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." The meaning of 'relevant entertainment' was given as "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)."

The adoption of these new measures would not give such premises an automatic entitlement to operate within the area; rather it would provide the council with the means by which applications for such premises can be properly determined. Furthermore, it would provide the council with the means to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in the Lancaster City Council district.

It was advised that to date no applications for such premises had been received, and that the report had been brought to ensure that a policy and procedure would be in place should an application be received at any time in the future.

The licensing manager had drafted a policy on the procedure for licensing SEVs, as well as guidance for applicants, and sought member's approval of its adoption. A copy of the draft policy and the guidance were attached to the report.

Members were also asked to consider the setting of fees for the licensing of SEVs and approve an appropriate fee level. Members were advised that the licensing manager recommended that the following fees be approved.

Grant	£5125
Renewal	£5125
Variation	£2500
Transfer	£5125
Change of name	£50

Members were recommended to approve the proposed SEVs policy. They were also recommended to approve the fees structure as set out in this report, or to approve an alternative fees structure, and to approve immediate implementation.

Members asked questions of the licensing manager

It was proposed by Councillor Hill and seconded by Councillor Greenall:

- “(1) That the draft Sexual Entertainment Venues Policy be adopted.
- (2) That the licence fees be approved as below:

Grant	£5125
Renewal	£5125
Variation	£2500
Transfer	£5125
Change of name	£50.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

- (1) That the draft Sexual Entertainment Venues Policy be adopted.
- (2) That the licence fees be approved as below:

Grant	£5125
Renewal	£5125
Variation	£2500
Transfer	£5125
Change of name	£50.

76 CONSULTATION ARRANGEMENTS WITH HACKNEY CARRIAGE AND PRIVATE HIRE PROPRIETORS

The licensing manager presented a report to inform members of the existing arrangements for holding consultation forums with hackney carriage and private hire proprietors, and to seek their instructions regarding arrangements for future meetings, including membership of the Taxi Liaison Group.

Members were reminded that since 2000, it had been the practice for members of the Licensing Regulatory Committee (formerly the Licensing Committee) and appropriate officers to hold separate six monthly forum meetings with hackney carriage and private hire proprietors. The purpose of these meetings was to provide a forum for consultation with the taxi trade on various issues affecting vehicles and drivers. It was advised that meetings had usually been held in April and October.

At its meeting on 14 June 2007, the committee had reviewed the arrangements for holding consultations with hackney carriage and private hire proprietors, these were outlined in full in the report.

Members were advised that the delayed April proprietors' forum meetings had been held on 28 June 2007 at the revised times of 11.00 am and 12.00 noon, although very few proprietors had attended those meetings.

The then licensing manager had subsequently considered the introduction of a multi-agency partnership approach to liaison with representatives of hackney carriage and private hire proprietors. At the meeting of the committee on 6 September 2007 members had considered a report proposing the formation of a Taxi Liaison Group (TLG) which would consist of representatives of the licensing, the Police, the Highways Authority and a small number of hackney carriage and private hire proprietors. It had been envisaged that the trade representatives would normally be the directors of the main taxi companies along with representatives of drivers' groups. In the above report, the licensing manager had also proposed that meetings of the TLG should be held every six months but midway between the six monthly forum meetings held with all proprietors on the following basis:

January - TLG meeting

April - Hackney carriage and private hire proprietors' forum meetings

July - TLG meeting

October - Hackney carriage and private hire proprietors' forum meetings

At the above meeting, the then licensing manager had proposed to members that the TLG arrangement would enable more meaningful discussions to be held in a partnership approach to addressing various issues. It was expected that such issues would include the council's delivery of its taxi licensing service, policing and highways matters affecting drivers and vehicles and service standards generally within the taxi trade. It was further proposed that notes recording actions arising from TLG meetings would be reported to the next forum meeting with all hackney carriage and private hire proprietors. It was thought that this would enable a basis for more effective and structured discussions at such forum meetings, and in turn would benefit proprietors and the other regulatory agencies involved in the taxi licensing function.

Following consideration of this, the committee had resolved the following:

- (1) that Members approve that the existing arrangements for meeting with hackney carriage and private hire proprietors on a six monthly basis as decided at the Committee meeting on 28 June 2007 be maintained;
- (2) that Members note the Licensing Manager's proposals to introduce an office based Taxi Liaison Group involving representatives of hackney carriage and private hire proprietors, the Police and the Highway Authority;
- (3) that notes of the Taxi Liaison Group meetings be circulated to Members of the Committee.

Members were advised that the first meeting of the TLG had been held in January 2008, followed by the proprietors' forum meetings in April 2008. The next TLG meeting had been held in July 2008, followed by a special TLG meeting held in October 2008 to discuss certain policing and traffic enforcement issues and to commence a review of the hackney carriage ranking and private hire parking arrangements in Lancaster city centre. The next proprietors' forum meeting had followed in November 2008.

The four proprietors' forum meetings (two for hackney carriage and two for private hire) held in 2008 had been poorly attended with a total of seven proprietors attending the two meetings held in April and also seven attending the two meetings held in November. The TLG, on the other hand, had proved to be a more effective forum through the engagement of various partner agencies and stake holders including the council's access officer. As a result, at a meeting of the Licensing Regulatory Committee held on the 8 January 2009, it was agreed that the hackney carriage and private hire proprietors' forum meetings should be held annually rather than every six months as had been the case previously

Members were advised that a request had been made by members of the Taxi Liaison Group for the Forum to be held twice a year in April and October as was previously the case, as they had felt that 12 months between the meetings was too long a period. It was suggested that members may also wish to consider the format of the Forum meetings, and whether existing arrangements as set out in the report were still appropriate. Members were advised that it was intended that the chief executive would be attending future meetings of the TLG and Forum meetings.

Officers suggested that whilst the TLG was an effective mechanism for discussions, there had been problems with membership, and questions raised as to who should be attending and who represents who. Officers advised that they would like to formalise these arrangements to ensure that a proper balance could be maintained between ensuring that all sectors of the trade were represented and ensuring that the group was small enough to have meaningful discussions. It had been proposed by a member of the TLG that all attendees at the meeting should be able to evidence that they represented at least 15 members of the trade. Whatever decision was taken about entitlement to attend as a trade representative it was recommended that a form should be submitted to the licensing department two months prior to the meetings signed by members of the trade that are being represented by the individual. A Newsletter was sent to all members of the trade following each TLG meeting outlining what had been discussed, and the minutes were published on line.

It was proposed by Councilor Denwood and seconded by Councillor Johnson:

- “(1) That the report be noted.
- (2) That the arrangements for holding consultations with hackney carriage and private hire proprietors be resolved as follows:
 - (1) That the forums be held on a six monthly basis, scheduled to commence at 11.00 am.
 - (2) That the chairman’s and/or the vice-chairman’s attendance at the forums be mandatory.
 - (3) that the attendance of other members of the licensing regulatory committee be on a voluntary basis.
 - (4) that hackney carriage and private hire proprietors be notified of forum meetings in writing and advised to submit items for the agenda by a set date.
 - (5) that the number of items submitted for the agenda be limited to three per proprietor/association.
 - (6) that the agenda be prepared and posted to the city council’s website with copies available at Lancaster and Morecambe town halls.
 - (7) that proprietors/associations be given a set timescale of three minutes in which to speak on each agenda item.
 - (8) that whether questions are from an individual or association is at the Chairman’s discretion.
 - (9) that “Council Issues” be the first agenda item.
 - (10) that the order in which other agenda items is taken be at the chairman’s discretion.
 - (11) That only members of the hackney carriage and private hire trade that hold a current licence issued by Lancaster City Council, officers of the Lancashire Constabulary, elected members, officers of the council and any speaker that may from time to time be invited by officers of the council may attend the forums.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

Resolved:

- (1) That the report be noted.
- (2) That the arrangements for holding consultations with hackney carriage and private hire proprietors be resolved as follows:

- (1) That the forums be held on a six monthly basis, scheduled to commence at 11.00 am.
- (2) That the chairman's and/or the vice-chairman's attendance at the forums be mandatory.
- (3) that the attendance of other members of the licensing regulatory committee be on a voluntary basis.
- (4) that hackney carriage and private hire proprietors be notified of forum meetings in writing and advised to submit items for the agenda by a set date.
- (5) that the number of items submitted for the agenda be limited to three per proprietor/association.
- (6) that the agenda be prepared and posted to the city council's website with copies available at Lancaster and Morecambe town halls.
- (7) that proprietors/associations be given a set timescale of three minutes in which to speak on each agenda item.
- (8) that whether questions are from an individual or association is at the Chairman's discretion.
- (9) that "Council Issues" be the first agenda item.
- (10) that the order in which other agenda items is taken be at the chairman's discretion.
- (11) That only members of the hackney carriage and private hire trade that hold a current licence issued by Lancaster City Council, officers of the Lancashire Constabulary, elected members, officers of the council and any speaker that may from time to time be invited by officers of the council may attend the forums.

77 PROPOSED LICENSING FEES 2012/13

The licensing manager presented a report to enable members to consider the level of fees for 2012/13. The report was concerned with the setting of the licence fees for hackney carriage and private hire licences, and miscellaneous licences issued by the council.

Members were advised that licences issued under the Licensing Act 2003 and the Gambling Act 2005 fell within the remit of the Licensing Act Committee and not this Committee, but that in any event these fees were fixed or influenced by central Government. Members were reminded that for the purpose of the 2011/2012 budgetary process the council was satisfied that there should be an increase in licensing fees for hackney carriages and private hire licences of 10%, but no increase for miscellaneous licences. Prior to this there had been no increases in fees for either of the above categories since April 2005. Even with the increase in hackney carriage and private hire fees in 2011/2012 there had still been a predicted shortfall of £70,300 due to the disproportionate amount of time that officers had had to allocate to this function. It had been recommended in last years report that the situation be closely monitored.

Members were reminded that, it had for many years been the policy of the council for the licensing service to be self-financing. However, it had always been acknowledged that there were some licences or permits, for example street collection permits, where no fee was charged. As a consequence, there would inevitably be a deficit in respect of these miscellaneous licences.

The annual revision of fees sought to ensure that the costs of the service would, so far as possible, be met from the income. However, it was not lawful for the council to seek to make a profit from licence fees that were within its discretion. In particular, with regard to hackney carriage and private hire licensing, Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 provided that a district council may charge such fees for the grant of vehicles and operators licences as may be sufficient to cover in whole, or in part, the reasonable costs of carrying out inspections of hackney carriages and private hire vehicles, the reasonable costs of providing hackney carriage stands, and any reasonable administrative or other costs in connection with the control and supervision of hackney carriages and private hire vehicles. Fees charged for drivers' licences may also be set at an appropriate level to cover the cost of issue and administration.

It was reported that there had recently been a restructure within the licensing department, and the disestablishment of two posts had been approved. Following a financial assessment of time allocations for licensing staff taking into account the new structure, internal departmental recharges together with other costs borne by the licensing service, the current fees charged for hackney carriages and private hire vehicle licensing and miscellaneous licensing had been reviewed. As a result of this exercise, it had been calculated that for 2012/13 the budgeted cost of the hackney carriage and private hire licensing function would be £215,900, and for miscellaneous licensing £16,800.

It was impossible to estimate with any degree of certainty the amount of income from licence fees, given that some licence holders may decide not to renew their licence, and there may or may not be a number of new applications for licences. However, on the basis of the best possible estimate of numbers of licences that would be issued in 2012/13, it was estimated that, if the fees remain at the same levels as in 2011/12, income from hackney carriage and private hire licensing would be £164,200 and for miscellaneous licensing £13,600

On the basis of the above projections it was clear that even following the restructure and the disestablishment of the two posts within licensing that the level of income generated through licence fees would not be sufficient to cover the costs in providing the function and would still leave a shortfall of £51,700. However, officers had not considered that it was necessary to increase the hackney carriage and private hire licensing fees at this time, as they were looking at all procedures in an attempt to reduce the cost related to this function. It had also been difficult to see what the full effect of the restructure in the licensing department would have, and the proposed introduction of a three year driver's licence if approved. It was recommended that the situation should be closely monitored throughout 2012/2013, and if the trend continued an increase may be recommended in 2013/2014. Miscellaneous licensing had shown a deficit of £3,200 but it was felt that this properly reflected the work undertaken in respect of licences where a fee could not be recovered, (e.g. street collection and house to collections).

Members were reminded that as of 1 December 2011 the responsibility for carrying out the licensing function in relation to animal welfare had been transferred to Health and Housing, however the head of health and housing had requested that the fees in relation

to that function be considered within this report, and had recommended that there be no increase in the fees charged for 2012/2013.

It was proposed by Councillor Burns and seconded by Councillor Greenall:-

“That for the financial year 2012/13, there be no increase in the fees charged by the council for fees relating to hackney carriages and private hire vehicles, and miscellaneous licences.”

Resolved:

That for the financial year 2012/13, there be no increase in the fees charged by the council for fees relating to hackney carriages and private hire vehicles, and miscellaneous licences.

Chairman

(The meeting ended at 3.06 p.m.)

**Any queries regarding these Minutes, please contact
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tsilvani@lancaster.gov.uk**

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