

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

13TH FEBRUARY 2014

PRESENT: Councillors Jonathan Dixon (Chairman), Mike Greenall (Vice-Chairman), Roger Dennison (for Minute Nos. 77 to 83 (part) only), Tim Hamilton-Cox, Billy Hill, Tony Johnson, Terrie Metcalfe (substitute for Robert Redfern) and Margaret Pattison

Apologies for Absence:

Councillors Sheila Denwood and Robert Redfern

Officers in Attendance:

Mark Cullinan	Chief Executive
Wendy Peck	Licensing Manager
Luke Gorst	Assistant Solicitor (for Minute Nos. 77 to 84 only)
Susan Clowes	Public Health Team Leader (for Minute Nos. 77 to 81 only)
Jane Glenton	Democratic Support Officer

77 MINUTES

The Minutes of the meeting held on 9th January 2014 were signed by the Chairman as a correct record, subject to it being noted that Councillor Hill did not feel that the minutes accurately reflected what had been said (Minute No. 72, 2013/14 refers). Councillor Hill firstly advised that the minutes did not reflect the clear distinction that had been made at the meeting over the licensing and regulatory aspects of the Committee and felt that only the enforcement aspect had been recorded. Secondly, there was no record of him having said that he felt that the comments of Inspector Mark Thackeray-Scott were calling into question the professionalism of the Committee by suggesting that the Committee was open for lobbying.

78 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

79 DECLARATIONS OF INTEREST

Councillor Hill declared an interest in Minute No. 83, in that an acquaintance had advised him that deferment would be requested.

Councillor Dennison declared an interest in Minute No. 84, in that one of the character references was from an acquaintance.

With the agreement of Members, the following two items were brought forward in the agenda to allow the Public Health Team Leader to leave the meeting.

80 REVIEW OF LICENCE FEE FOR HOME BOARDING OF DOGS

Committee received the report of the Chief Officer (Health and Housing) to review the licensing fee for home boarding of dogs and enable Members to consider the level of fee for 2014/15.

It was reported that the Council had introduced the licensing of dog home boarding premises under the Animal Boarding Establishments Act 1963 on 1 April 2013 and the annual licensing fee for 2013/14 had been set at £100.00, based on the anticipated cost of provision.

Members were advised that the Council's Fees and Charges Policy stated that, when setting charges, the general aim was to cover the cost of the service, including the full cost of provision and recharges, although it was not binding on the Licensing Regulatory Committee. It was a requirement of the Policy that an annual review of the fees be undertaken. The home boarding licences had been in force for over nine months and it was considered that this was sufficient time to review the basis on which the licensing fee had originally been proposed.

It was reported that the costs of administering home boarding licensing consisted mainly of staffing resources, plus associated overheads, and negligible spend against equipment and materials. The fee of £100.00 introduced in April 2013 had been based on approximately 3 hours of officer time per premises to carry out the necessary administrative, inspection and enforcement activities. Time monitoring had confirmed that processing an application, liaising with the applicant and visiting the home and issuing each first-time licence, as well as dealing with complaints etc., took, on average, 3 hours of officer time and cost £106.00 (based on 2014/15 budget estimates). There were currently 25 licensed home boarders.

Members were advised that licence renewal applications took, on average, 20 minutes less to carry out. Each licence renewal took, on average, 2 hours and 40 minutes of officer time and cost £95.00 (based on 2014/15 budget estimates), which was 10% lower than the cost of a first-time licence application, but also assumed that the same officer carried out these duties from one year to the next, as was presently the case.

Members considered the three options set out in the report, which were based on the review of service delivery costs:

Option 1: To set levels of fee for first-time licence applications at £106.00 and renewal applications at £95.00 in order to fully recover costs.

Option 2: To set a single level of fee for licence applications/renewals based on the lower of the two (the renewal) cost of £95. This would under-recover the full costs of home boarding licensing by a small amount (probably less than £50.00 per year).

Option 3: To charge the first-time application fee level for renewals at an amended fee level of £106.00 based on the review undertaken of service delivery costs.

It was reported that none of the options would generate significant surplus income. The officer recommendation was Option 1, which best reflected the spirit of the Council's Fees and Charges Policy and recovered the cost of providing the licensing service in

accordance with the Council's Fees and Charges Policy, whilst retaining fees at affordable levels for home boarding businesses.

The Options and Options Analysis (including risk assessment) were set out in the report.

It was proposed by Councillor Johnson and seconded by Councillor Dennison:

"That a single level of fee of £96.00 be set for licence applications/renewals."

Upon being put to the vote, 7 Members voted in favour of the proposition and 1 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That a single level of fee of £96.00 be set for licence applications/renewals.

81 PROPOSED ANIMAL-RELATED LICENSING FEES 2014/15

Committee received the report of the Chief Officer (Health and Housing) to enable Members to consider the level of animal-related licensing (excluding dog home boarding) fees to be charged for 2014/15.

It was reported that the Chief Officer (Health and Housing) had recommended that there be an increase in the fees charged for 2013/14 of 2%, in line with the increase in other fees and charges approved by Cabinet, with the exception of dog home boarding licences. The recommended Fees sheet was attached as Appendix A to the report.

The Options and Options Analysis were set out in the report, as follows:

Option 1: With regard to the animal welfare licences administered by Health and Housing, to approve a 2% increase, as set out in Appendix A to the report.

Option 2: With regard to the animal welfare licences administered by Health and Housing, to approve a different level of percentage increase, as decided by the Committee.

Members noted that, alternatively, the Committee could consider alternative fee structures.

The officer recommendation was Option 1, which would be consistent with Cabinet having already approved a general 2% increase in the levels of other fees and charges within Health and Housing (with exceptions).

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

"That Option 1 be approved."

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

That, with regard to the animal welfare licences administered by Health and Housing, a 2% increase be approved, as set out in Appendix A to the report.

82 EXEMPT ITEM

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 that Act.

Councillor Dennison left the meeting towards the end of the following item to attend a prior appointment.

83 EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE - LAURENCE WILLIAM DENT (PAGES 9 - 18)

Committee received the report of the Licensing Manager to enable Members to consider whether there was reasonable cause to suspend or revoke Mr. Dent's hackney carriage and private hire dual driver's licence.

Details of the individual case and a summary of the decision are set out in exempt minute no. 83, in accordance with Section 100A (4) of the Local Government Act 1972 (as amended).

Resolved:

That Mr. Dent's dual driver's licence be suspended for two months.

84 EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - TAHIR SIDDIQUE (PAGES 19 - 23)

Committee received the report of the Licensing Manager to enable Members to consider whether there was reasonable cause to suspend or revoke Mr. Siddique's hackney carriage and private hire dual driver's licence.

Details of the individual case and a summary of the decision are set out in exempt minute no. 84, in accordance with Section 100A (4) of the Local Government Act 1972 (as amended).

Resolved:

That Mr. Siddique's dual driver's licence be suspended for a period of six weeks with immediate effect.

The Assistant Solicitor left the meeting at this point.

85 PUBLIC ITEMS

The press and public were readmitted to the meeting at this point.

With the agreement of Members, the order of the Agenda was changed.

86 PROPOSED LICENSING FEES 2014/15

Committee received the report of the Licensing Manager to enable Members to consider the level of licensing fees to be charged for 2014/15.

It was reported that the annual revision of the licence fees for hackney carriage and private hire licences currently sought to ensure that the costs of the service would, to some degree, be met from the income and for the Licensing Service to be self-financing.

Following an ongoing assessment of time allocations for licensing staff, together with recharges from other services and other costs borne by the Licensing Service, the current cost of administering hackney carriages and private hire vehicle licensing, and miscellaneous licensing had been reviewed. As a result of the exercise, it had been calculated that the budgeted cost for the hackney carriage and private hire licensing function would be £232,800 for 2014/15 and for miscellaneous licences administered within the Licensing Service £13,300.

It was reported that a new time recording system had been implemented in Licensing Services, which would enable officers to give a more accurate breakdown of time allocations to each individual licence. A further review of the fees would be carried out when the twelve month data was available from the system.

Members were advised that, in view of the Council's policy to restrict the number of hackney carriage licences issued to 109 (currently 108, due to a revocation), an independent survey to assess the level of demand for hackney carriage services was commissioned every three years. It was noted that the last survey had been carried out in 2010. Another survey had, therefore, just been carried out, in accordance with the Committee's decision of 6th June 2013, and the results of the survey would be reported to the Committee in March.

It was reported that the hackney proprietors had been consulted regarding the requirement to carry out the unmet demand survey. The view of those who had responded was that they would like it to go ahead, rather than to remove the limit in favour of issuing licences to additional wheelchair accessible vehicles.

The Options and Options Analysis were set out in the report, as follows:

With regard to the hackney carriage and private hire vehicle licences, to approve either a 2% or 5% increase, as set out in Appendix A to the report.

With regard to the miscellaneous licences, to approve either a 2% or 5% increase, as set out in Appendix B, but with a decrease to £500 for a sex shop licence.

Alternatively, it would be open to the Committee to consider alternative fee structures. Each additional 1% increase would recover an additional £1,700.

It was proposed by Councillor Metcalfe and seconded by Councillor Johnson:

"(1) That a 2% increase in hackney carriage and private hire vehicle licences for 2014/15 be approved, as set out in Appendix A to the report.

- (2) That the Chief Officer (Governance) be authorised to advertise the 2% increase for vehicle and operator licences in accordance with the statutory requirement.
- (3) That a 2% increase for miscellaneous licence fees for 2014/15 be approved, as set out in Appendix B to the report.
- (4) That the fee for a sex shop licence be reduced to £500.
- (5) That there be an £80.70 one-off payment at the first renewal of a hackney carriage vehicle licence in 2014/15 to cover the cost of the unmet demand survey."

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

- (1) That a 2% increase in hackney carriage and private hire vehicle licences for 2014/15 be approved, as set out in Appendix A to the report.
- (2) That the Chief Officer (Governance) be authorised to advertise the 2% increase for vehicle and operator licences in accordance with the statutory requirement.
- (3) That a 2% increase for miscellaneous licence fees for 2014/15 be approved, as set out in Appendix B to the report.
- (4) That the fee for a sex shop licence be reduced to £500.
- (5) That there be an £80.70 one-off payment at the first renewal of a hackney carriage vehicle licence in 2014/15 to cover the cost of the unmet demand survey.

87 AMENDMENT TO THE PROCEDURE FOR VARYING HACKNEY CARRIAGE FARES

Committee received the report of the Licensing Manager to enable Members to consider whether to introduce a new procedure in relation to the variation of the Hackney Carriage Table of Fares.

It was reported that currently fare proposals were received from hackney carriage proprietors at the beginning of the year. The proposals were collated and discussed at the Hackney Carriage and Private Hire Proprietors' Forum in April. The proposals were then considered by the Committee, following which, the statutory procedure was followed.

In 2012, there had been conflicting views within the trade as to what had or should have been proposed. With this in mind, Members were asked to consider whether a more efficient method would be for the Council to recommend an annual increase in line with the Retail Price Index (RPI).

It was proposed that a recommendation come from the Committee in March of each year. The hackney carriage proprietors would then be consulted on whether an increase was required that year or not. It was envisaged that the question would require a 'yes' or 'no' answer.

The results could be reported back to the Committee in May. If the Committee was then minded to approve the increase, a notice could be placed in the newspaper outlining the proposed variation, as required by the legislation, followed by a 21 day period in which objections could be made. If no objections were received, or objections were received but then withdrawn, the variation would be applied.

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

“That the proposed amendment to the procedure in relation to the variation of the Hackney Carriage Table of Fares be approved.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

- (1) That the procedure in relation to the variation of the Hackney Carriage Table of Fares be as follows:
 - (a) That fare proposals be recommended by the Licensing Regulatory Committee in March of each year.
 - (b) That hackney carriage proprietors be consulted on whether a fare increase is required that year or not.
 - (c) That the results of the consultation be reported to the Licensing Regulatory Committee in May of each year.
 - (d) That, following approval by the Licensing Regulatory Committee, a notice be placed in the newspaper outlining the proposed variation, as required by the legislation, followed by a 21 day period in which objections can be made.
 - (e) If no objections are received, or objections received are withdrawn, the variation be applied.

88 PROPOSED CREATION OF TWO HACKNEY CARRIAGE STANDS - LANCASTER UNIVERSITY CAMPUS

Committee received the report of the Licensing Manager to seek Members' approval of proposals to create two additional hackney carriage stands on the Lancaster University Campus.

It was reported that there had been a need for hackney carriage stands on the campus at Lancaster University for some time. Officers had liaised with staff at the University and two locations had been identified and approved by the Management Team there. Plans of the area were attached as Appendix 1 to the report.

The highway at the University was not maintained at public expense and it was therefore private land. There still remained the requirement to formally adopt the stands. There would be no requirement to request Traffic Regulation Orders from the Highways Authority, and the cost of the ranks and signage would be covered by the University.

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

“That the recommendations set out in the report be approved.”

Upon being put to the vote, 6 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That, subject to public advertisement, the Committee be minded to appoint hackney carriage stands at the following locations on the Lancaster University Campus:
 - (a) Bowland Avenue South – a stand for 3 taxis 24 hours
 - (b) South West Drive – a stand for 2 taxis 24 hours.
- (2) That, in accordance with Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976, the Chief Officer (Governance) be authorised to advertise the proposed new hackney carriage stands.

89 REVIEW OF RECENT COURT CASES

Resolved:

That the report be deferred and considered at the next meeting of the Committee on 27th March 2014.

90 TAXI MARSHAL SCHEME

Resolved:

That the report be deferred and considered at the next meeting of the Committee on 27th March 2014.

91 TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Resolved:

That the report be deferred and considered at the next meeting of the Committee on 27th March 2014.

Chairman

(The meeting ended at 6.50 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
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