

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

24TH MARCH 2016

PRESENT: Councillors Margaret Pattison (Chairman), Terrie Metcalfe (Vice-Chairman), Claire Cozler (substitute for Sheila Denwood), Charlie Edwards, Andrew Gardiner, Tim Hamilton-Cox, Colin Hartley and Robert Redfern

Apologies for Absence:

Councillors Sheila Denwood and Mel Guiding

Officers in Attendance:

Mark Cullinan	Chief Executive
Mark Davies	Chief Officer (Environmental Services)
Wendy Peck	Licensing Manager
Rephael Walmsley	Solicitor
Richard Walsh	Public Health & Protection Manager (for Minute Nos. 74 to 77 only)
Malcolm Hetherington	Assistant Accountant (for Minute No. 85 only)
Debbie Rose	Licensing Enforcement Officer
Marie Sharkey	Licensing Enforcement Officer
Jane Glenton	Democratic Support Officer

74 MINUTES

The Minutes of the meeting held on 11th February 2016 were signed by the Chairman as a correct record.

75 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

76 DECLARATIONS OF INTEREST

The Committee noted the Monitoring Officer's comments on the report regarding Participation in Licensing Regulatory Committee Meetings (Minute No 83 refers), stating that it would be entirely inappropriate for any member(s) of the trade to be permitted to sit with the Licensing Regulatory Committee. Questions were then raised as to Councillor Gardiner's position as a member of the Licensing Regulatory Committee.

Councillor Gardiner declared that he was a member of the taxi trade but that he did not practice within the district and was not regulated by Lancaster City Council's Committee. This being the case, he did not consider that his interest in the taxi trade affected his ability to sit on the Committee.

Councillor Edwards consequently raised two issues. Firstly, to say that any objections to Councillor Gardiner being a member of the Committee because of his interests should be made at the Council meeting when Members are appointed to the Committee and, secondly, to ask for advice on whether Councillor Gardiner's involvement in the

Committee's decisions on taxi matters increased the risk of legal challenge. The Chief Executive advised that yes; that was the case.

77 REVIEW OF LICENSING FEES FOR ANIMAL-RELATED LICENSING

The Committee received the report of the Chief Officer (Health & Housing) to review the costs and licensing fees for animal-related licensing and enable Members to approve the level of fee for 2016/17.

The Public Health & Protection Manager advised Members that the Council's Fees & Charges Policy required that the licensing fees for animal-related licensing be reviewed annually. The general aim was to cover the cost of the service, including provision and recharges. It was noted that it would not be lawful for the Council to seek to make a profit from licence fees that were within its discretion.

Monitoring of indirect costs associated with animal-related licensing had commenced in 2015, and further work was needed to determine their full impact. It was intended that the monitoring should continue over the next few months and that a report be brought to Committee for Members to decide whether licensing costs should be fully recovered in future years.

The following options were proposed:

Option 1: Approve a 1.5% increase (appropriately rounded in line with the Fees & Charges Policy) with regard to animal welfare licences, as set out in Appendix A to the report.

Option 2: Approve a different level of percentage increase as decided by Committee.

Alternatively, it would be open to the Committee to consider alternative fee structures.

The Officer preferred option was Option 1.

It was proposed by Councillor Edwards and seconded by Councillor Redfern:

"That an increase of 1.5% (appropriately rounded in line with the Fees & Charges Policy) with regard to animal welfare licences, as set out in Appendix A to the report, 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 an increase of 1.5% (appropriately rounded in line with the Fees & Charges Policy) with regard to animal welfare licences, as set out in Appendix A to the report, be approved.

A copy of Appendix A is attached to the Minutes at page 1.

The Environmental Protection & Public Health Team Leader left the meeting at this point.

78 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 item of business on the grounds that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.

79 EXISTING DUAL DRIVER'S LICENCE - MARK RICHARDSON (PAGES 9 - 10)

The Committee received the report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Mr. Richardson's Dual Driver's Licence.

Details of the individual case and the decision are set out in Exempt Minute No. 79, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

That the matter be adjourned for 3 months to provide Mr. Richardson with the opportunity to undertake the Driving Standards Agency assessment.

80 PUBLIC ITEMS

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

81 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE PLATES

The Committee received the report of the Chief Executive to enable the Committee to consider an issue that was raised at a recent Taxi Surgery, when a member of the trade had suggested that the licence plate displayed by all licensed hackney carriages and private hire vehicles should no longer bear an expiry date, and that there should be a disc displayed in the windscreen indicating the expiry date.

It was reported that the issue had been raised at Taxi Forum meetings over a period of years. Officers had always advised Members that, in their view, it was appropriate to include the expiry date on the plate itself, and that the interests of public safety outweighed the cost of changing the plate on expiry.

Currently, including Lancaster, 12 of the 14 Lancashire licensing authorities included expiry dates on their vehicle plates. Of the two that did not, it was understood that one was considering introducing expiry dates. One authority had indicated that it had introduced the expiry date following criticism from the court when it had prosecuted someone for using a vehicle with an expired licence.

It was reported that the current plates were appropriate and consistent with best practice. It would be open to the Committee to refer the matter to Cabinet if Members were of the view that the content of plates should be changed.

It was proposed by Councillor Edwards and seconded by Councillor Gardiner:

"That the matter be referred to Cabinet for its consideration."

Upon being put to the vote, 5 Members voted in favour of the proposition and 3 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the matter be referred to Cabinet for its consideration.

82 TESTING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Committee received the report of the Chief Executive to provide information to the Committee about the arrangements for testing hackney carriages and private hire vehicles, in the light of a matter raised at the recent Taxi Surgery, when a number of members of the trade had requested that the Council issue an MOT Certificate, rather than a Certificate of Compliance.

Their reasoning for this was that it would ensure that the history of the vehicle, its mileage and any test failures were available online for future reference, and that it would enable licensed vehicles to be taxed online. It was also suggested that vehicles could be tested less frequently than at present.

It was reported that the Council's Vehicle Maintenance Unit (VMU), which issued the Certificates of Compliance, was also an MOT testing centre. All MOTs were registered with DVSA (Driver and Vehicle Standards Agency) and logged onto their database. If an MOT was issued in addition to the Certificate of Compliance, the administration of the MOT would mean that the total amount of time required for the MOT and Certificate of Compliance would be greater than under the current system. This would increase the costs and delay drivers for longer at the VMU. Increased capacity would be required at the VMU if licensed vehicles were to be issued with an MOT.

Officers were satisfied that the current arrangements for testing vehicles, in terms of frequency and rigour, were satisfactory to ensure high standards of safety for the public, and consistency between vehicles. There was nothing to prevent an individual proprietor obtaining an MOT Certificate independently and separately from the Council's testing arrangements. If the VMU were to issue MOTs as well as Certificates of Compliance, additional staff would be required. This would be a matter for Cabinet, and should the Committee wish licensed vehicles to be issued with an MOT Certificate, as well as a Certificate of Compliance, it would need to ask Cabinet to consider this.

It was proposed by Councillor Gardiner and seconded by Councillor Edwards:

"That the matter be referred to Cabinet for its consideration."

Upon being put to the vote, 6 Members voted for the proposition and 2 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the matter be referred to Cabinet for its consideration.

83 PARTICIPATION IN LICENSING REGULATORY COMMITTEE MEETINGS

The Committee received the report of the Chief Executive to advise the Committee of an issue raised at a recent Taxi Surgery, when a hackney carriage proprietor had expressed the view that a member of the trade should be permitted to sit with the Licensing Regulatory Committee and to join in the Committee's discussions.

It was reported that the purpose of the Committee was to exercise the regulatory functions of the Council in connection with the licensing of hackney carriages and private hire vehicles, their drivers and operators, and certain other miscellaneous licensing for which the Council was responsible.

Many of the matters considered by the Committee related to individual applicants and were confidential. It was therefore inappropriate for another member of the trade to be involved. A public speaking procedure had been established for public items to be discussed by the Committee, whereby any member of the trade could express their views.

In addition, members of the trade had the opportunity to raise issues with Elected Members at the Taxi Surgery meetings. Consultation was often undertaken before major decisions were taken by the Committee, which enabled members of the trade to put forward their views on matters to be considered by the Committee. In making their decisions, members of the Committee received professional advice from officers, which ensured that the information before them was impartial and reflected best practice.

There was therefore considerable opportunity for members of the trade to put forward their views on matters to be considered by the Committee. Whilst the views of the trade were taken into account in the decision-making process, it would be inappropriate for those who were regulated to participate in that process, due to the clear distinction that was required between the regulating function of the Council. With regard to those cases resulting in legal proceedings, the Courts could take a view that the proceedings had been jeopardised by the blurring of lines between the regulator and the regulated. to be clearly carried.

Resolved:

That the report be noted and no further action taken.

84 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROPOSED VARIATION OF HACKNEY CARRIAGE FARES

The Committee received the report of the Licensing Manager to enable Members to recommend for consultation with Hackney Carriage proprietors the proposed variation of the current level of Hackney Carriage fares in line with the current Retail Price Index (RPI) rate, and the further alternative proposal to add 10p to the flag falls on all Tariff rates.

It was reported that at the meeting of the Committee on 13th February 2014, an amendment to procedure was approved in relation to the amendment of hackney carriage fares. Members agreed that they would recommend a proposal taking account of the current annual RPI rate and that Hackney Carriage proprietors would then be asked to vote on whether an increase was required during the particular financial year. The current rate of inflation was 1.3%.

The change would therefore be minimal. No increase had been made last year.

Officers therefore recommended that an alternative proposal be consulted upon with the Hackney Carriage trade, and that a 10p increase be added to the flag fall rates. This was the rate that the meter started at, when a customer got into the vehicle. The proposal had the potential to raise an extra £120 per year in revenue for a driver only taking 5 fares a day over a 5 day week, working 48 weeks of the year, whilst adding 10p to the metered fare for passengers. This was a conservative estimate. The cost of fuel had dropped considerably over the past year.

Members were advised that the result of the Hackney Carriage proprietors' vote would be reported back to the Committee in June. If the outcome was that Members were minded to proceed with a variation, the statutory procedure would require a notice to be placed in a local newspaper to allow for objections to be made.

It was proposed by Councillor Gardiner that the trade decide their fares and be invited to put forward proposals.

There was no seconder for the proposition and so it fell.

It was then proposed by Councillor Edwards and seconded by Councillor Metcalfe:

That the recommendation set out in the officer's report be approved.

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

Resolved:

That the two proposed variations of Hackney Carriage fares, as set out in Appendices 2 and 3 to the report, be put out to consultation with Hackney Carriage proprietors.

Copies of Appendices 2 and 3 are attached to the Minutes at pages 4 and 5.

The meeting adjourned for 5 minutes.

The Assistant Accountant joined the meeting at this point.

85 PROPOSED LICENSING FEES 2016/17

The Committee received the report of the Licensing Manager to enable Members to consider the level of fees to be charged for 2016/17.

It was reported that it had been the aim of the Council for the Licensing Service to be self-financing. However, it had been acknowledged that there were some licences or permits, for example street collection permits, where no fee may be charged. As a consequence, there would inevitably be a deficit in respect of these miscellaneous licences. It was unlawful for the Council to seek to make a profit from licence fees that were within its discretion.

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.

A time recording system had recently been implemented in Licensing Services, which had enabled officers to give a more accurate breakdown of time allocations to each separate licence as they had been issued. The results had been analysed as they had been issued.

The options set out in the report were as follows:

- Members approve the proposed fees in relation to Hackney Carriage and Private Hire licensing, as set out in Appendix 1 to the officer's report, and the deficit in relation to Hackney Carriage and Private Hire licensing be removed, with the exception of driver enforcement that was not recoverable.
- Members approve the fees for miscellaneous licences, as set out in Appendix 2 to the Officer's report.

Alternatively, it would be open to the Committee to consider alternative fee structures.

Officers could not recommend an alternative fee structure at this stage. The Council should aim to recover as much of its costs in relation to licensing as possible. Officers' preferred option would be that the proposed fees be accepted.

It was proposed by Councillor Hartley and seconded by Councillor Cozler:

"That the recommendations set out in the officer's report be approved."

Upon being put to the vote, 4 Members voted in favour of the proposition and 3 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That an increase in the fees for hackney carriage and private hire licence fees for 2016/17, as set out in Appendix 1 to the report, be approved, and Officers be authorised to advertise the proposed increases for vehicle and operator licences in accordance with the statutory requirement.
- (2) That an increase for miscellaneous licence fees for 2016/17, as set out in Appendix 2 to the report, be approved.
- (3) That the payment of the initial operator's licence and driver's licence renewal be approved, following the introduction of the new fees structure in 2 annual statements.

Copies of Appendices 1 and 2 are attached to the Minutes at pages 6 and 7.

Chairman

(The meeting ended at 3.15 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
jglenton@lancaster.gov.uk**

APPENDIX A

**MISCELLANEOUS LICENCES
PROPOSED FEES 2016/17**

Type of Licence	Current Licence Fee £	Proposed Licence Fee (1.5% increase, rounded appropriately) £
Horseriding Establishment + vet fees	142.60	144.70
Dangerous Wild Animals + vet fees	718.10	728.90
Dangerous Wild Animal + vet fees renewal	211.20	214.40
Animal Boarding (Home)	97.40	98.90
Animal Boarding (Commercial)	147.90	150.10
Pet Shop Licence	147.90	150.10
Zoo Licence + vet fees	153.20	155.50
Dog Breeding Licence + vet fees	142.60	144.70

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HACKNEY CARRIAGE TABLE OF FARES
WITH 1.3% INCREASE

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	£2.43
For each of the subsequent 310 yards or uncompleted part thereof:	30p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 2

For hirings commenced between midnight and 07.00	
For hirings commenced between 19.00 and midnight on the 24 th December	
For hirings commenced between 19.00 and midnight on the 31 st December	
For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£3.65
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December	
For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£4.86
For each subsequent 220 yards or uncompleted part thereof:	41p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick up point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing Section, Governance, Town Hall, Dalton Square, Lancaster, LA1 1PJ. Telephone [01524] 582033. Email licensing@lancaster.gov.uk
 Sarah Taylor, Chief Officer, Governance

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HACKNEY CARRIAGE PROPOSED TABLE OF FARES
2016/17

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	£2.50
For each of the subsequent 310 yards or uncompleted part thereof:	30p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 2

For hirings commenced between midnight and 07.00	
For hirings commenced between 19.00 and midnight on the 24 th December	
For hirings commenced between 19.00 and midnight on the 31 st December	
For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£3.70
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December	
For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£4.90
For each subsequent 220 yards or uncompleted part thereof:	40p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle. This will not exceed £75.00	

The driver may at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.

A booking fee up to a maximum of £4.00 may be charged where:

- (a) The Hackney carriage is booked in advance; and
- (b) (i) The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and
(ii) The customer shall be told that the booking fee is in addition to the fare for the journey; and
- (c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick up point.

Any complaints regarding the vehicle and/or driver should be addressed to the Licensing Section, Governance, Town Hall, Dalton Square, Lancaster, LA1

1PJ. Telephone [01524] 582033. Email licensing@lancaster.gov.uk

Sarah Taylor, Chief Officer, Governance

Type of licence	Current Fee £	Proposed Fee £
Hackney Carriage Licence (annual)	200.40	245.00
Hackney Carriage Licence (6 monthly)	100.20	123.00
Hackney Carriage Licence (4 monthly)	66.80	82.00
HC/PH Drivers Licence Renewal (annual)	58.90	120.00
HC/PH Drivers Licence Renewal (3 yearly)	109.60	221.00
HC/PH Drivers Licence Grant (3 yearly)	N/A	292.00
HC/PH Drivers Licence Grant (annual)	64.80	191.00
Private Hire Vehicle Licence (annual)	200.40	189.00
Private Hire Vehicle Licence (6 monthly)	100.20	95.00
Private Hire Vehicle Licence (4 Monthly)	66.80	63.00
Duplicate Badge	11.75	11.75
Online drivers licence checks	5.90	5.90
Private Hire operator's Licence Current		
0-10 Vehicles (annual)	117.80	
11-25 Vehicles (annual)	150.10	
26 and over (annual)	200.30	
Private hire Operator's Proposed		
1 vehicle (annual)		134.00
1 vehicle (5 yearly)		419.00
2 – 10 vehicles (annual)		155.00
2 – 10 vehicles (5 Yearly)		523.00
11 – 25 vehicles (annual)		190.00
11 – 25 vehicles (5yearly)		697.00
26 vehicles and over (annual)		263.00
26 vehicles and over (5 yearly)		1064.00

Figures in bold indicate the default licence length with corresponding fee as introduced by the Deregulation Act.

Type of Licence	Current Fee £	Proposed Fee £
Boatman's licence	52.50	55.00
Scrap Metal Dealer Mobile	157.60	165.00
Scrap Metal Dealer Site	157.60	260.00
Pleasure Boat Licence	95.40	100.00
Registration in Skin Piercing/Tattooing (Persons)	72.90	77.00
Registration in Skin Piercing/Tattooing (Premises)	160.80	169.00
Registration of dealer in second hand goods	160.80	169.00
Registration of dealer in second hand goods – market stalls	48.20	51.00
Sex shops grant/renewal	515.00	541.00
SEV's	5384.32	5654.00
Street Cafe Licence	268.90	282.00