

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

9TH FEBRUARY 2017

PRESENT: Councillors Colin Hartley (Chairman), Margaret Pattison (Vice-Chairman), Alan Biddulph, Charlie Edwards (substitute for Joan Jackson), Mel Guilding, Tim Hamilton-Cox, Terrie Metcalfe and Robert Redfern

Apologies for Absence:

Councillors Susie Charles and Joan Jackson

Officers in Attendance:

Nick Howard	Public Protection Group Manager
Stephen Sylvester	Food & Safety Manager
Luke Gorst	Solicitor
Debbie Rose	Licensing Enforcement Officer
Marie Sharkey	Licensing Enforcement Officer
Jane Glenton	Democratic Support Officer

55 MINUTES

The Minutes of the meeting held on 5th January 2017 were signed by the Chairman as a correct record.

56 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

57 DECLARATIONS OF INTEREST

There were no declarations of interest.

58 PROPOSED LICENSING FEES

The Committee received the report of the Food & Safety Manager to enable Members to consider the level of licensing fees for 2017/18.

Members were informed that it was Council policy 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 may be 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. It was not, however, lawful for the Council to seek to make a profit from licence fees that were within its discretion.

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, following a financial assessment of time allocations for licensing staff, 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 and revised for 2016/17.

Due to an amendment of the legislation, the default position was that all drivers' licences would be issued for 3 years and operator licences would be issued for 5 years in most cases. A fuller review was proposed by officers every 3 years for driver licence fees and every 5 years for operator licences. These would establish more accurate financial positions on the impacts of respective fee increases taking effect from 2016/17.

With regard to hackney carriage and private hire licensing, on the basis of the projections, it was expected that the level of income generated through licence fees would be sufficient to cover the costs in providing the function. Officers did not, therefore, consider that it was necessary to increase the hackney carriage and private hire licensing fees.

It was reported that miscellaneous licensing showed a deficit of £10,800, which reflected the work undertaken in respect of licences where a fee could not be recovered, for example street collection and house to house collections.

The report offered two options for Members to consider:

Option 1 – to approve (a) that there be no increase in the existing fees for hackney carriage and private hire licensing and (b) for miscellaneous licences that the fees be approved, as set out in Appendices A and B to the report.

Option 2 – to approve an alternative fee structure.

The Officers' preferred option was Option 1, as the existing fees reflected the cost of providing the service, in accordance with the statutory provisions on licence fees.

Some Committee members expressed concern that the report did not include a comprehensive breakdown of the way the fees had been calculated, and felt that they could not accept the proposed fee structure or propose an alternative without first having sight of and considering the supporting data.

It was proposed by Councillor Hamilton-Cox and seconded by Councillor Redfern:

“That the matter be deferred until the next meeting of the Committee to allow officers to provide projected and actual budget data for the financial year 2016/17 and proposed budget data for the financial year 2017/18.”

Upon being put to the vote, 4 Members voted in favour of the proposition and 4 against, whereupon the Chairman, in accordance with Council Procedure Rule 19.2, used his casting vote and declared the proposal to be carried by virtue of his casting vote.

Resolved:

That the matter be deferred until the next meeting of the Committee to allow officers to provide projected and actual budget data for the financial year 2016/17 and proposed budget data for the financial year 2017/18.

Chairman

(The meeting ended at 1.33 p.m.)

**Any queries regarding these Minutes, please contact
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