

## **LICENSING COMMITTEE**

### **Minutes of the meeting of the Licensing Committee held on 26 January 2011 commencing at 5.00 p.m.**

Present: Cllr. Pett (Chairman)

Cllrs Abraham, Darrington, McInnes, Orridge, Waller and Wigg.

#### **22. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs. Brown, Cooke, Davison, Mrs. Parkin and Piper.

#### **23. MINUTES OF PREVIOUS MEETINGS**

A Member noted that in the declarations of interest in the minutes to the meeting on 13 October 2010 the name should read Colin Annetts, not Arnell.

Resolved: That, the minutes of the meeting of the Licensing Committee held on 13 October 2010, as amended, and the Sub-Committee held on 15 December 2010 be approved and signed by the Chairman as correct records.

#### **24. DECLARATIONS OF INTEREST**

All Councillors present declared a personal interest by virtue of knowing Cllr. John Underwood, who was a taxi driver in the District.

Cllrs. McInnes and Pett declared personal interests by virtue of knowing Colin Annetts, who was a taxi driver in the District.

#### **25. HACKNEY CARRIAGE FLEET SIZE (Item No. 7)**

A representative of the Sevenoaks Town Taxi Drivers Association was concerned at the increase in hackney carriage vehicle (HCV) licences since the Council delimited them in January 2008. He believed the increase had led to an unsustainable fall in earnings despite longer hours and also to unsafe congestion around Sevenoaks station.

He suggested that because no Unmet Demand Survey had been carried out since 1999 the Council had no understanding of demand within the District. He added that Department for Transport guidance suggested they should be held every three years. The Legal Services Partnership manager clarified this was only guidance and was only relevant when a limit on HCV licences had been imposed. The representative was still concerned no survey was carried out between 1999 and delimitation in 2008. In response to a question he suggested the reclaiming of costs for the survey from licence holders was a small price to pay for the survey to be held.

Another representative noted the table in the report recording the number of HCV licences was incomplete and he had heard reports of there being 223 licences in December 2010. He feared this was possibly well in excess of demand.

Members asked whether the fall in income could be attributed to the recession. The representatives believed Sevenoaks HCV users had not suffered so much from the recession as the average person.

The Licensing Partnership Manager wanted to clarify that the Council had no agreement with Meteor regarding the use of the station. For information he reminded the meeting that Meteor had plans to limit the number of permits from 110 to 90. He stated that although plate number 228 had been issued by the Council there were gaps in the numbering. He also believed HCV licensees were facing hardship in other Districts such as Maidstone and Tunbridge Wells.

He informed Members that the Department for Transport guidance suggested that to have no limit was best practice and that most Local Authorities do not have one. Any limit imposed would cover the entire District, not just the station. The cost of the survey would be between £10,000 and £20,000 and, because the licensing regime should be self-financing, would be approximately £15 per driver or £19 per vehicle. In the period 1999 to 2008 there will have been different Officers and Members making decisions. The decision now was being made on its own merits.

In response to a question the Licensing Partnership Manager said a survey could not be carried out this Spring due to the short notice to formulate a scoping document and brief the company who would carry out the survey, so it would have to wait until Autumn for best effect.

The Chairman wanted to make it clear this was the first time they had recently been approached about a survey and there was no obligation to hold an Unmet Demand Survey because the Council did not impose a limit on licences.

Members wanted to make sure it was clear to HCV licensees that the costs of any survey would be recovered through higher fees.

Resolved: That a consultation be held with all Hackney Carriage drivers and proprietors in the District to evaluate whether they want an Unmet Demand Survey to be held. The Committee indicated it wished a minimum of 75% of those surveyed to respond in favour of a Survey before it would be minded to proceed.

26. ANIMAL ESTABLISHMENT LICENSES ANNUAL REVIEW OF FEES 2011/12  
(Item No. 4)

The Head of Environmental and Operational Services informed Members that the proposals were for a small immediate increase of 2% to deal with inflation. He also wished to prevent such small increases having to be brought to the Committee each year. Therefore the proposal included a provision for increases to be added each year in line with inflation as set out in the Council's Service and Budget Plan.

Resolved: That the proposed fees in respect of animal welfare licenses, as detailed in paragraph 6 of the report, be approved with effect from 1 April 2011 and that an inflationary increase be applied to the annual fees in subsequent years.

27. GAMBLING ACT 2005 FEES FOR 2011/12 (Item No. 5)

The Licensing Partnership Manager told Members the fees were based on the Local Authorities Coordinators of Regulatory Services (LACORS) model. This allowed a calculation of Officer and legal time spent on each application so that costs could be calculated and recovered. This contrasted with many Authorities who merely imposed the statutory limits for the fees and could be open to legal challenge.

He accepted a suggestion by a Member that next year a third table should compare the current year's fees to the proposed fees.

Members enquired whether it was possible to raise all fees to the limits. The Chairman reminded Members the fees should not be to shape behaviour but should only recover costs. The Assistant Licensing Partnership Manager added that the fees already represented good value for the work the Authority did.

Resolved: That the Gambling Act 2005 fees for 2011/12 as set out in Appendix B of the report be approved.

28. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING LICENSE FEES 2011/12 (Item No. 6)

The Licensing Partnership Manager highlighted to Members that hackney carriage and private hire licensing for 2011/12 had to be self-financing. The costs for drivers' licences had been set for 3 years in 2009 and therefore could not yet be changed. Most were set to increase at 2% to cover inflation. An external fee directly payable by applicants had also increased. The Driving Standards Agency had raised their prices to cover the VAT increase. Medical fees to The Cedars Surgery may change when the matter next goes to tender later in the year.

He said relevant accounts were published each year to the trade.

Resolved: That from 1 April 2011 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as set out in the report.

THE MEETING WAS CONCLUDED AT 5:56 P.M.

Chairman

