

## LICENSING COMMITTEE

### Minutes of the meeting of the Licensing Committee held on 1 February 2012 commencing at 6.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Clark, Cooke, Mrs. Dawson, Firth, Fittock, Hogarth, Mrs. Parkin, Piper, Raikes and Walshe

Apologies for absence: Cllr. Davison

1. APOLOGIES FOR ABSENCE.
2. MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 26 OCTOBER 2011 AND OF THE SUB-COMMITTEE HELD ON 8 NOVEMBER 2011

A Member enquired whether the Magistrates Court had received appeals to the Committee's decisions at its meeting on 26 October 2011. Officers advised that the appeal hearings were expected in early April 2012. An appeal had also been submitted to a decision made under delegated authority prior to Christmas 2011.

Regarding the Taxi Licensing Policy a Member was concerned that, in his experience, Liquefied Petroleum Gas vehicles had insufficient space to carry wheelchairs. The Chairman confirmed this matter had been considered.

Resolved: That, the minutes of the meeting of the Licensing Committee held on 26 October 2011 and the Sub-Committee held on 18 November 2011 be approved and signed by the Chairman as correct records.

3. DECLARATIONS OF INTEREST

All Councillors present declared a personal interest in Minute Item 21 by virtue of knowing Cllr. John Underwood, who was a taxi driver in the District.

Cllr. Clark declared a personal interest in Minute Item 21 by virtue of knowing Graham Maxted, who was a taxi driver in the District.

Cllrs. Mrs. Dawson, Mrs. Parkin, Pett and Piper declared a personal interest in Minute Item 21 by virtue of knowing Colin Annetts, who was a taxi driver in the District.

Cllr. Mrs. Dawson declared a further personal interest in Minute Item 21 as taxis were her main mode of transport.

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### 4. ACTIONS FROM THE PREVIOUS MEETING

The Licensing Partnership Manager advised that the weight of opinion was falling against reducing the minimum number of passenger in the Taxi Licensing Policy to allow the use of smaller vehicles. Any such reduction could increase safety concerns. The proximity of drivers and passengers in 2-seater vehicles also raised difficulties, especially as drivers often carried cash. Officers would continue to investigate the matter.

The action was noted.

### 5. GAMBLING ACT 2005 - FEES FOR 2012/13

The Licensing Partnership Manager introduced the report and explained that fees had been set annually since 2007. Proposed fees were based on cost-recovery plus inflation. Officers had used the Local Authorities Coordinators of Regulatory Services (LACORS) toolkit to calculate the costs for the Licensing Team over the year while assessing the risk of any additional costs. Inflation was set at 3% in line with the Council's budget. She was satisfied that fees should be set at cost-recovery level only because these would be more defensible if challenged.

In response to a question she advised that the statutory maximum fees had not been changed since they were introduced. However, Sevenoaks District had only 8 betting premises and the fees for these were not at the statutory maximum. The Council would have difficulty successfully arguing for higher limits.

The fees for both the Gambling Act and Hackney Carriage and Private Hire were based on cost-recovery. This did not apply to Licensing Act 2003 fees and so the Licensing Partnership was still endeavouring to make efficiencies. The Police Reform and Social Responsibility Act 2011 had been passed and would allow Council to set their own fees under the Licensing Act 2003, but the Council needed to await secondary legislation.

It was unanimously:

Resolved: That the Gambling Act 2005 fees for 2012/13, as set out in bold in Appendix B of the report, be adopted.

### 6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENSE FEES 2012/13

The Licensing Partnership Manager confirmed that, as under the Gambling Act, the taxi licensing service was self-financing. Proposed fees were based on assessing income and expenditure over the past year plus a 3% inflationary rise in line with the Council's budget.

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Some fees, such as the initial and renewal application fees for Hackney Carriage Driver's Licences had not risen in 3 years and so had risen accordingly. The Council was now able to insist on enhanced Criminal Records Bureau (CRB) searches and the £44 fee reflected this.

Following a cost analysis the fee for a replacement vehicle plate had fallen to £23 and the cost of a replacement identification badge was aligning with other Authorities in the Licensing Partnership.

Two amendments were made to the proposed fees as set out in the report. The replacement identification badge costs was to be £9 and the fee for a change of address or name on a licence was to be £11.

The Medical Provider fee was not set by the Council directly but the contract was currently out for tender. It was thought the fee may fall. She replied to a Member of the Committee that the tender took account of female drivers, who made up approximately a third of the drivers in the District, and allowed them to be examined by female practitioners.

The Licensing Partnership Manager answered Members questions. She explained how the "knowledge test" worked and the process for receiving a licence. It was possible for drivers to learn the routes for one area of the District but then to move. Officers believed they had processes in place to prevent people fraudulently taking the tests on behalf of others.

The enhanced CRB checks did not prohibit those with criminal records from becoming drivers but they were less likely to be allowed if they had committed a sexual offence, particularly on minors.

She explained that she did not expect complete harmonisation between the Licensing Partnership Authorities for fee levels, but she would try to bring them closer. There would be some difference because, for example, Tunbridge Wells and Maidstone Borough Councils both had unmet demand surveys. The Head of Environmental and Operational Services added that the governance section of the Partnership Agreement stated that each Authority reserved the right for their Committee to set its own fees. There would be no requirement for harmonisation.

Resolved: That from 1 April 2012 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 as amended.

THE MEETING WAS CONCLUDED AT 6.47 pm

Chairman