

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday, 20th January 2016 at 9.35am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Christine Ambrose Smith
Councillor Sue Austen
Councillor Mike Bradley
Councillor Paul Cox
Councillor Julia Huffer
Councillor Chris Morris
Councillor Mike Rouse
Councillor Carol Sennitt

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes –Democratic Services Officer

39. APOLOGIES

No apologies were received.

40. DECLARATIONS OF INTEREST

There were no declarations of interest.

41. MINUTES

The Democratic Services Officer had inadvertently missed Councillor Sue Austen off the list of attendees for the last meeting although she had been there, so the minutes needed amending accordingly. Profuse apologies were offered for that oversight. This amendment was agreed.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 18th November 2015, as amended, be confirmed as a correct record and be signed by the Chairman.

42. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Licensing Committee scheduled for 10th February had been cancelled.

43. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (“1982 ACT”) – STREET DESIGNATION RESOLUTION**

The Committee considered a report, Q168 previously circulated, that proposed a resolution to designate and re-designate streets within the district.

The Senior Licensing Officer reminded the Committee that at its November meeting it had considered a report and had decided to publish a notice relating to the designation and re-designation of streets within the district for street trading. The notice was published and officers consulted the relevant parties. Although there were a number of enquiries for clarification, no formal comments were received. All existing licence holders would not be affected by the proposed changes. Therefore it was recommended to designate and re-designate streets as per the resolution and authorise officers to publish a further two additional advertisements.

Councillor Elaine Griffin-Singh queried which people had made enquiries and what had been their outcomes. The Senior Licensing Officer stated that the existing licence holders had been concerned that their rights would be removed, which would not be the case.

Councillor Christine Ambrose Smith joined the meeting at this point, 9:40am.

The Senior Licensing Officer continued and stated that they had been reassured and were pleased that fee levels might drop if more traders came in. The City of Ely Council had been supportive of the new changes, as this would allow more events to be lawful, and the level of the fees suggested.

It was resolved:

- (i) That all streets (as defined by section 1(1) of schedule 4 of the Local Government (Miscellaneous Provision) Act 1982 (“the 1982 Act”)) within the East Cambridgeshire district be designated as consent streets with the exception of the A10, A11 and A14 trunk roads which shall be designated as prohibited streets whilst within the boundary as effect from 1 April 2016;
- (ii) That Officers be authorised to place an advert publishing the resolution. This advert to appear on two consecutive weeks, the first of which to be published within 28 days of the resolution being passed.

44. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“1976 ACT”) HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

The Committee considered a report, Q169 previously circulated, which showed the objections received relating to the proposed taxi and private hire fees agreed by the Licensing Committee on 18 November 2015.

The Chairman reminded the Committee that it had been tasked with ensuring that the Licensing Service became cost-neutral.

The Senior Licensing Officer advised the Committee that it had to consider any objections made against the level of fees agreed. The Committee had looked at all fees at its previous meeting. Officers had been authorised to undertake a consultation and this had been widened to include drivers about their associated fees. The Committee had decided to increase the fees immediately. This was part of a staged approach over a 5 year period, as the levels set would not fully recover the costs of the service initially, to mitigate the impact on the licence holders.

Two objections had been received but the Committee should only consider the comments relevant to the fees, and not the other matters mentioned. The decision about fees had already been made but the Committee could overturn that decision if it considered that there was sufficient cause to do so. If the decision was overturned then the taxpayers would have to make up the shortfall. The fees were considered fair to the taxpayers and the licence holders, therefore it was recommended to implement the fees immediately.

Councillor Elaine Griffin-Singh noted the objections to the proposed percentage increase in fees and asked whether the Council had written to the objectors in response. The Senior Licensing Officer had placed public notices and had spoken to the main taxi operators, as well as dealing with some enquiries. A formal response to the objections had been given, so they understood the situation, but they still wanted their objections put before the Committee for Members to consider.

Councillor Carol Sennitt thought that the percentage increase seemed a lot but reminded the Committee that taxi fares had not reduced, even though inflation was down and fuel costs were lower. The Senior Licensing Officer said that fares were a different matter but agreed that inflation and fuel prices had been lower. The Council had not increased taxi fees since 2011, so he was comfortable with the suggested level of fees as it was fairer to deliver a staged approach.

Councillor Mike Bradley reminded the Committee that it had discussed the rationale behind the increases and that a balanced rate of recovery was needed. Had the Licensing Department checked with other neighbouring local authorities about their fee levels? Why were three 1-year licences cheaper than a 3-year one?

The Senior Licensing Officer declared that the Council was not allowed to check with other authorities. Contemporaries had been met and a discussion held about how fees were analysed but any bench-marking would be open to legal challenge. Other local authorities were also reviewing their fee levels and it was believed that our fees were not far out from others. Each licence fee had to cover its costs. The 3-year licence would go through two fee reviews without changing, although there would be subsequent increases in 1-year fees, so this would give a financial advantage during that 3-year period.

Councillor Mike Rouse was concerned that there had been no increase over a 5-year period and hoped there were plans in place to avoid this happening again. Was there any limit to the number of taxi licences or was it left to market forces?

The Committee was informed that there was no regulated market for taxi licences, so it was determined by the market forces. Best practice suggested that not having a regulated market was the best solution, as introducing one was very expensive to implement. The problems with the Licensing Service had been addressed through the re-structuring so those issues about missed increases should not occur again.

Councillor Chris Morris noted that some miscellaneous fees had come down. This had been the result of the Service review that had taken place.

It was resolved:

- (i) To implement the proposed Taxi and Private Hire fees as advertised;
- (ii) That the proposed fees come into immediate effect.

45. **LICENSING OFFICERS UPDATE**

The Committee considered a report, Q170 previously circulated, which updated the Licensing Committee on the work of officers.

The Senior Licensing Officer advised the Committee that Driver and Vehicle Licensing Agency (DVLA) checks would take much quicker now due to the use of a new on-line system. Previously checks had taken two weeks to complete, but now were done in a matter of minutes. This system also flashed up if there were any issues, such as notifications of penalty points, suspensions or revocations of DVLA licences. This was a better and more efficient system, allowing decisions to be made quicker, without being more expensive.

During November and December the Service had been very busy and had dealt with 140 licence applications, 94 inspections and issued 17 suspension notices. The large number of inspections had all been completed in time and licences issued.

Councillor Elaine Griffin-Singh wanted to know how the figures compared with previous figures. The Committee was informed that the figures were up on the last report but had not been checked with last year's. Temporary events notices were on a par to previous, though suspensions were down possibly due to more action being taken resulting in more compliance. The re-organisation of the department meant that the right people were now doing the right jobs and more efficient methods had been introduced.

The Environmental Services Manager stated that officers' time was being used more effectively so officers 'on the ground' were doing what they should as the

new Senior Licensing Officer had taken over the other tasks, including checking legislation. This was why the team was now more efficient and effective.

Councillor Mike Rouse declared a personal interest, as his daughter had applied for a personal licence. He thought that having one point of contact had made things really efficient and the service had proved to be very helpful and supportive.

In response to Councillor Elaine Griffin-Singh's query, it was disclosed that there had been no requirements to hold any Sub-Committee hearings recently as there had been no objections to licence applications and officers had dealt with matters under their delegated authority. Unless there was an element of doubt with a person making an application it was decided by officers, after holding an interview and checking with the Environmental Services Manager.

The report was noted.

46. **FORWARD AGENDA PLAN**

The Chairman reminded the Committee that the February Committee meeting was now cancelled.

The forward agenda plan was noted.

The meeting closed at 10.14am.