

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in Council Chamber, Nutholt Lane, Ely on Wednesday, 12th October 2016 at 9.30am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Sue Austen
Councillor Mike Bradley
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Chris Morris
Councillor Carol Sennitt
Councillor Alan Sharp

OFFICERS

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

1 member of the public

11. **APOLOGIES**

Apologies were received from Councillors Christine Ambrose Smith and Mike Rouse.

12. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 20th July 2016 be confirmed as a correct record and be signed by the Chairman.

14. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements

15. **REVIEW OF LICENSING FEES**

The Committee considered a report, R98 previously circulated, which set out the statutory fees the Council was required to charge and the proposed revised discretionary fees for the period 1st April 2017 to 31st March 2018.

The Senior Licensing Officer advised the Committee that the report reviewed the discretionary fees the Council could charge and informed about the statutory fees. It set out the charges made under current legislation and proposed new fees for all types of licences. Any proposed fees for hackney carriage vehicles had to go through a set procedure, as there could be objections.

A review of fees had to be completed annually and fee levels had to account for the relevant work done by Council officers relating to the specific licences, so the Council could recover its costs. Recent high profile court cases had shown that Councils who did not do this review resulted in their fees being declared illegal. The previous recommendation, to increase fees so that the Council could recover the current deficit, had not changed.

All administration costs associated with dealing with licences could be recovered by charging an appropriate level of fees, but the Council could not charge more than was necessary to cover its costs. Each revenue stream had been looked at separately with a view to attributing the relevant resources to each licensing regime. This had been done in 2015, but only included one year's worth of figures. Time had been spent analysing the statistics and the financial model used had been reviewed. Staff had used a work log to record the time they spent on each different licence type and this had shown that the estimate figures used in 2015 were not far adrift. The 2015/16 model and data collection exercise had been used to provide a clear picture of the situation.

It had been anticipated that a maximum 85% of costs could have been recovered, but some things could not be charged for. Now 88% could be recovered but only 63% was actually being recouped, with the shortfall covered by the general budget. Income for 2015/16 was £132K due in part to the effect of the increased licence fees, but also due to the one-off recovery of some sundry debts. The shortfall for 2015/16 was £77K. The proposals were to increase costs of the service for 2016/17 by 8.7%, due to increases in central recharges and artificially low salary figures from 2015/16.

During 2015/16 there had been the biggest shake-up in the department because of changes in licensing, amendments in the street trading regime, re-allocation of resources and the range of different applications being dealt with. For 2016/17 a bigger deficit was expected, which meant that the period for recovery of the deficit had been put back to 2022, when the service could be cost neutral. The cost increases could not be predicted but it was hoped that it would be around 1.5%.

Appendix 4 included scrap metal licence fees, the responsibility of which had been passed over to the licensing department. Resources needed to deal with this work had been assessed as between 1 and 1½%, so the fees would be based on that and previous experience. This could be adjusted next year if needed.

Councillor Elaine Griffin-Singh had been surprised by the salaries being classified as low and wondered whether this had been compared with figures for 2013/14 and earlier. The Senior Licensing Officer stated that during that period a staffing re-structure had taken place with officers' duties being changed, which had resulted in a change to salaries. This did not explain the central charging costs increase, but this was a one-off event only.

Councillor Mike Bradley queried the actual income figure for Licensing Act activities and questioned whether this was a figure fixed by Government. He thought the figures for the deficit should read £61K. The Senior Licensing Officer ran through the calculations, and agreed that the report layout could be revised in future years to avoid confusion about the figures. Councillor Bradley asked a further question, in relation to taxi rates, were there any plans to include what they could charge?

The Committee was informed that fees for activities under the Licensing Act did not increase, as they were statutory. Taxi fares were controlled but were only reviewed if requested by the trade or a member of the public. If a request was received the trade would be consulted for its opinion and fares investigated. This could result in the fares going up or down. Reviewing the fares was a big piece of work and was last looked at in 2013. One of the major factors in fare setting was the costs to the trade, petrol in particular. The price of petrol was still substantially lower than in 2013, when the fares were set, and inflation had been low.

Councillor Chris Morris noted that the total income was going up, but was concerned about the fees for catteries and kennels and questioned whether the 2016/17 increase could be justified for these establishments. The Senior Licensing Officer explained that justification of fee levels was based on an assessment of time taken to process licence applications for each activity and a calculation of costs to be recovered. As the service moved forward, if resources changed and less time was spent on applications then the figures may change. It was acknowledged that some fees were substantially higher than before, but the fees had not been increased for several years prior to last year.

Councillor Julia Huffer queried whether there was control over the charges those establishments could make. The Committee was informed that they could charge what they wanted, but this would be controlled by market forces.

It was resolved:

- (i) That the statutory fees that East Cambridgeshire District Council was required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Appendix 1 and Appendix 2 be noted, and to agree to implement these fees (or if subject to statutory amendment, the relevant amended fees) on the 1 April 2017;

- (ii) That Officers be instructed to implement, as appropriate, any other statutory fees that may be brought into force during the 2016/17 financial year;
- (iii) That Officers be instructed to include the agreed fees in the 2017/18 annual fees and charges report that is presented to full Council;
- (iv) To agree to implement, with any necessary modification, the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees, as set out in Appendix 3 and Appendix 4, on the 1 April 2017;
- (v) To agree to implement immediately, with any necessary modification, the proposed fees relevant to scrap metal licences, as set out in Appendix 4, with an understanding that if Council do not approve the measure, refunds will be given;
- (vi) That Officers be instructed to include the fees in the 2017/18 annual fees and charges report that is presented to full Council;
- (vii) To agree to implement immediately, with any necessary modification, the proposed fees relevant to driver licences, as set out in Appendix 5, with an understanding that if Council do not approve the measure, refunds will be given;
- (viii) To agree to implement, with any necessary modification, the proposed fees relevant to hackney carriage vehicle, private hire vehicle and operator licences, as set out in Appendix 5;
- (ix) That Officers be instructed in accordance with the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, to publish a notice in a local newspaper setting out those fees that it is proposed will be varied to be advertised for a period not less than 28 days;
- (x) That Officers be instructed to include the proposed fees, as set out in Appendix 5, in the 2017/18 annual fees and charges report that is presented to full Council, and that in respect of those fees that are to be advertised in accordance with Section 70 mentioned above these are recorded in the said annual report as 'provisional fees under consultation to be confirmed by 31 March 2017'.

16. **LICENSING OFFICERS UPDATE**

The Committee considered a report, R99 previously circulated, which updated the Licensing Committee on the work of officers.

The Senior Licensing Officer reminded the Committee that his report was just for information to highlight the work being done, including the numbers of applications, inspections and suspensions being dealt with.

Something unexpected had turned up, as the Driver Vehicle Standards Agency (DVSA) had decided it would not continue to provide a DSA test for drivers from 31 December 2016. All drivers were required to take a Driver Standards Agency (DSA) test but all the slots had been filled. In the short-term the Council would be using the Blue Lamp charity, which provided advanced driving tests, which was equivalent to the previous test, for a fee. The charity had been contacted and the Council would register with them, though they were being inundated with requests. In the longer-term, the Council was considering providing this test itself. This would take some time to set up and would be brought to this Committee for consideration.

Councillor Mike Bradley wondered whether a driver who failed the test to be offered by the charity had the right to challenge that. The Senior Licensing Officer commented that the DVSA had only been a supplier, as would the charity be, so there would be no challenge to the Council.

Councillor Elaine Griffin-Singh thought the number of enforcements was high. The Committee was informed that the figure was not necessarily related to complaints but included visits to taxi establishments, public houses, and taxi ranks.

The Senior Licensing Officer advised that there had been an incident with an ECDC taxi and a motor-cyclist. Another one of the district's taxi drivers, Mr Kevin Henderson, had assisted the injured motor-cyclist using the first aid kit carried in his vehicle until the ambulance services had arrived. The actions of Mr Kevin Henderson should be highlighted.

The officer's update report was noted.

17. **FORWARD AGENDA PLAN**

The Senior Licensing Officer requested a change to the next Committee's meeting date, as a Licensing Annual Training Conference would be held on 16th November. The Committee agreed to change the date to 14th November.

The forward agenda plan was noted.

The meeting closed at 10:34am.