

LICENSING COMMITTEE

Tuesday, 31 January 2017

Present: Councillor Backhouse (Chairman)

Councillors Mrs Cobbold, Dawlings, Heasman, Hill, Hills, Huggett, Jamil, Lidstone, Noakes, Nuttall, Podbury, Sloan (Vice-Chairman), Williams and Woodward

Officers in Attendance: Sharon Degiorgio (Senior Licensing Officer), Robin Harris (Senior Lawyer (Contentious)), Claire Perry (Licensing Partnership Manager), Gary Stevenson (Head of Environment and Street Scene) and Cheryl Clark (Democratic Services Officer)

Other Members in Attendance: None

APOLOGIES FOR ABSENCE

LC29/15 There were no apologies for absence.

DECLARATIONS OF INTEREST:

LC30/15 There were no declarations of interest.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

LC31/15 No visiting members had registered to speak.

*** REVISED STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY**

LC32/15 The Head of Environment and Street Scene submitted a report and this was presented at the meeting by Ms Degiorgio, Senior Licensing Officer. The report considered the outcome of the recent 12 week public consultation exercise on the revised statement of principles for Gambling Act 2005 Policy. Members previously considered the draft policy at the meeting on 6 September 2016. The Council had since received 3 responses and these were as summarised with proposed amendments in Appendix B to the report. Additionally the response from Gosschalks (representing the Association of British Bookmakers) was provided for members' information in its entirety. The draft policy had been updated with the proposed amendments for agreement by members and recommendation to Full Council for approval.

Councillors Podbury and Heasman questioned whether the age verification policy level as indicated in Gosschalks letter was 21 or 25 and whether it should be reflected in the Council policy. Councillor Backhouse understood it was age 25. Ms Degiorgio advised that it was not necessary to specify within the Council policy as it was already operated as standard. Mr Harris endorsed this position and confirmed that it was already mandatory.

Councillor Mrs Cobbold proposed acceptance of the officer recommendation and this was seconded by Councillor Dawlings and agreed by the Committee. Although the Policy seemed correct, Councillor Lidstone advised that he personally did not agree with the underlying legislation and would therefore abstain. Councillor Jamil also advised he would abstain having arrived after the discussion was complete.

Councillor Sloan advised that members might be interested in a Local Government Association publication which provided background and guidance on key issues. Mrs Perry undertook to circulate details to members for information.

RESOLVED:

1. That the 12 week consultation responses having been considered the proposed Tunbridge Wells Borough Council's Statement of Licensing Principles/Gambling Policy be drafted in accordance with the Gambling Commissions 5th edition guidance.
2. That the amended Policy be recommended to Full Council for adoption.

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING: LICENCE FEES AND CHARGES FEES 2017/2018

LC33/15 The Head of Environment and Street Scene submitted a report and this was presented at the meeting by Mrs Perry, Licensing Partnership Manager. The aim was to set fees which would eventually enable the authority to be self-financing in respect of the Hackney Carriage and Private Hire service. She clarified that the figures provided in Appendix A relating to the 2015/2016 period had not yet taken into account the previous year's increase in fees nor the benefits of reduced costs following the expansion of the partnership to include the London Borough of Bexley, which would both come through in the 2016/17 accounts. Approval was being sought from members to consult with the trade on the revised rates as shown in paragraph 2.10 and assuming there were no unresolved objections the revised fees would be effective from 1 April 2017.

Councillor Backhouse noted the increases to fees were minimal. Councillor Sloan noted the explanations provided but asked when effective cost recovery would be achieved. Mr Stevenson advised there were no statutory limitations on the maximum level of fees that could be set and he expected it would be a couple of years before they achieved breakeven point. The previous year's increases were only starting to filter through and further annual reviews would be undertaken to ensure that the overheads from the Town Hall and partnership contributions were correctly allocated. Councillor Backhouse also reminded members that the partnership would not benefit cost wise from the inclusion of Bexley in relation to taxis fees as this work was conducted by Transport for London. Councillor Woodhouse noted the net cost of the service for 2015/16 was 35% of revenue, 2014/15 was 36% and 2013/14 was 37%. He therefore thought it would be substantially more than 2 years before breakeven point was achieved. Mr Stevenson was still confident that the substantial fee increases the previous year and the review of overhead allocations once known would impact significantly and he drew attention to the level of the accruals from the different periods indicating the increase in fee income.

Councillor Backhouse also drew attention to the cost saving that would be achieved through increased use of the on-line taxi licence application process. Councillor Heasman suggested that more regular accounting updates could be provided to members for information but Mr Stevenson

pointed out that the final position was only available once the actual overhead costs for the year had been posted and re-allocated by the Council's financial accountants. He undertook to challenge these in more detail in the future. (by comparison, Mr Harris noted that Legal Services operated a service specific weekly time recording system).

Councillor Heasman also commented that, although going forward savings might be achieved through on-line processing, he felt that significant costs in officer time were incurred due to the number of sub-committee hearings held. Mr Stevenson acknowledged Councillor Heasman's comments in this respect. He was aware that some other local authorities undertook a far greater number of delegated decisions than at Tunbridge Wells and he suggested that if members were so minded a review of officer delegated authority could be considered.

Councillor Lidstone questioned differing totals within Appendix A and Mr Stevenson confirmed the correct totals to be those in the right hand column of the table.

Councillor Huggett asked about appeal procedures and Mr Harris explained that some matters such as officer delegation levels could be controlled through the Council's Constitution but legislative matters such as a legal right to appeal would, by definition, be outside the Council's control.

Councillor Heasman proposed acceptance, seconded by Councillor Woodward, and a vote was taken to agree the officer recommendations.

RESOLVED:

1. That the proposed fees and charges and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators, as set out in paragraph 2.10 of the agenda report be approved for formal consultation with the trade and public; and
2. That subject to the consideration of any unresolved objections, these be implemented with effect from 1 April 2017.

URGENT BUSINESS:

LC34/15 There were no items of urgent business.

DATE OF NEXT MEETING

LC35/15 **RESOLVED:**

That the next Licensing committee meeting take place on Thursday 6 April 2017, at 6pm.

NOTES:

1. Councillor Jamil arrived after the start of the meeting and consequently did not take part in the discussion or the voting on agenda item 4(a).
2. The meeting concluded at 6.40 pm.