

LICENSING COMMITTEE

Thursday, 6 April 2017

Present: Councillor Backhouse (Chairman)
Councillors 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: Councillor Basu.

APOLOGIES FOR ABSENCE

LC36/15 Apologies for absence were recorded from Councillor Mrs Cobbold.

DECLARATIONS OF INTEREST:

LC37/15 There were no declarations of interest.

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

LC38/15 There were no visiting members who had registered to speak.

TO APPROVE THE MINUTES OF THE MEETING DATED 6 DECEMBER 2016

LC39/15 **RESOLVED** – That the minutes of the meeting dated 6 December 2016 be noted as a correct record, except that the reference to Councillor Hills in the fifth paragraph of minute LC25/15 should be amended to read Councillor Hill.

TO APPROVE THE MINUTES OF THE ADDITIONAL SPECIAL MEETING DATED 31 JANUARY 2017

LC40/15 **RESOLVED** – That the minutes of the additional special meeting dated 31 January 2017 be noted as a correct record, except that reference to Councillor Woodhead in the second paragraph of Minute LC33/15 be amended to read Councillor Woodward.

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

LC41/15 The Head of Environment and Street Scene submitted a report and this was presented at the meeting by the Licensing Partnership Manager, who confirmed that it followed on from earlier report to the meeting on 31 January and the subsequent consultation period. She confirmed that the Council had consulted with the trade, advertised details in the local press and on the Council's website, and emailed the licencees. Two objections had been received and these together with the officer responses were detailed in appendix A of the report. The recommendation remained unaltered.

Mr H Altinbas (secretary/treasurer of the TW Taxi Association) had registered to speak at the meeting and his main points included the following:

- Very few of the drivers from the rank had heard about the fee increases – only Toni Conlon and himself.
- Drivers had made a concerted effort to keep their fares down and from 5th highest in the country were now 39th and more competitive overall. But during that period the Council's fees had increased every year, some by 30 to 40%.
- Changes to the rules for the self-employed meant they had been affected by both tax and fee increases.
- They did not understand the Council's aim of cost neutrality for taxi licensing when the fees kept increasing, and he also thought that with 300/400 taxis, there were too many of them anyway.
- They were therefore against the fee increases.

Mr Harris responded on a number of the points raised. He explained that Taxi fares were not for discussion at this meeting and it was for the trade to put forward any proposed changes to the fare structure if they wished these to be considered by the Council. The self-employment tax issue was also not a matter for discussion at the meeting and had in fact been since reversed by the Government. He referred to the Licensing Officers to answer the other issues raised.

Mrs Degiorgio advised that legislation only required the Council to advertise consultations in the local paper and this was confirmed by Mr Harris. Mrs Degiorgio advised that details were also displayed on the Council's website. Additionally, although not required to do so, she confirmed that all members of the trade who had supplied email addresses for contact purposes were also notified by email.

Mrs Perry advised that detailed explanations of how the fees were calculated had been provided at the previous meeting on 31 January and were covered in the minutes and summarised in paragraphs 2.1 and 2.2 of the agenda report. Costs included officer and councillor time undertaking all the tasks required to support and administer the taxi licensing function, in accordance with the rules laid down for calculating the fees. The Council's aim remained to achieve a cost neutral position as the Licensing service was still partly covered by Council Tax income. She and Mr Stevenson had both confirmed at the previous meeting that they were looking in more detail at the cost basis and would continue to pursue the objective of cost neutrality. She also pointed out that additional administrative costs were incurred by the Council as a result of additional work undertaken at the request of the trade itself to ensure compliance with the various licensing rules and regulations. Changes in legislation in December 2016 had also resulted in the need for extensive checks to be undertaken to ensure any applicant's right to work in the UK.

Mr Harris also explained that the ability of the taxi trade to pay for itself was also affected by the Hackney Carriage trade's desire to limit the number of available license plates, which in itself restricted the number of potential fee payers and incurred the necessity and cost of an independent survey to assess demand every 3 years

Councillor Hills suggested an audit of the Licensing Partnership to reassure the trade and Mr Stevenson confirmed this was already a regular function undertaken by the Council and took place only last year. He reiterated his commitment at the previous Committee meeting to review the Council's internal cost allocations and revisit the assessment of total service costs. He

undertook to circulate a copy of the last audit report to members of the Committee. Councillor Hills also asked for this report to be provided to members of the Taxi Trade. Mr Stevenson noted the request but confirmed that provision of full details would be subject to advice on those elements that were within the public domain.

Councillor Sloan asked how long it would be before the service became cost neutral. Mr Stevenson stood by his statement made at the last Committee meeting when he explained his intention to review the cost base. This review would be based on 3 years figures including those for the financial year 2016/17, once they were available. He confirmed that he still anticipated reaching cost neutrality within the next 2 years. The Chairman indicated that he was aware of a Government review of Licensing fees but Mr Harris clarified that these would not impact on the matter of the fees under discussion here.

Councillor Hill asked about the incident leading up to the fine incurred by Toni Conlon and her implied complaint over the inefficiency of the Licensing Partnership. Mrs Perry advised that, although it would have been easier to investigate if this complaint had been raised at the time of the incident back in December of last year, she had since been able to ascertain the sequence of events and related these to the Committee. In the main, the process had been undertaken by officers as quickly as possible but there were timing issues that could have been better managed by both parties.

Councillor Podbury acknowledged that the Council did more to advertise the consultation process than they were required to by legislation but suggested that a paper notice might additionally be displayed at the taxi rank for their information. Mrs Degiorgio advised that the Trade representatives had definitely been advised and she would have expected that they would have communicated the matter to their members. Officers could, however, consider putting up a paper notice in the future, if Committee members were so minded. Councillor Lidstone supported this suggestion as a low cost and practical manner of engaging with the trade. Mr Harris acknowledged the suggestion for that purpose but reminded that for the consultation to be valid, the law still required the consultation to be published in the local paper. He also pointed out that the onus was on individual members of the trade to ensure that their registered contact details remained correct and up to date. Councillor Heasman noted that officers already had gone well beyond the legal notification requirements.

Councillor Hill asked who were the trade representatives and Mrs Degiorgio confirmed that the organisation had a Chairman and Secretary, the latter being Mr Altinbas who had spoken at the meeting. She had sent out over 150 notification emails to these, including Toni Conlon a former Chairman.

Councillor Dawlings considered that substantial efficiencies were being achieved but wondered how the trade might become better informed. Mr Harris explained that was the reason for both the consultation and this meeting to allow the matter to be dealt with in a public forum. Mr Stevenson confirmed to Councillor Dawlings that the cost base in relation to the calculation of the fees only included those elements relevant to the Hackney Carriage and Private Hire side of the Licensing Partnership.

There being no further matters for discussion, the Chairman accepted a proposal from Councillor Woodward, seconded by Councillor Huggett in line with the recommendation of the agenda report.

RESOLVED – That having given consideration to the written objections received from the Taxi Trade, the proposed fees and charges and associated costs for licenses in respect of the hackney carriage drivers and vehicles and private hire drivers, vehicles and operators, as set out in paragraph 2.8 of the agenda report, be approved for implementation with effect from 10 April 2017.

GAMBLING ACT 2005: LICENCE FEES 2017/2018

LC42/15 The Head of Environment and Street Scene submitted a report on the fees for administration of the Gambling Act 2005 and this was presented at the meeting by the Licensing Partnership Manager.

Councillors Huggett, Woodward and Lidstone raised a number of queries relating to the figures shown in the table attached as Appendix A and Mrs Perry explained the spreadsheet had become slightly misaligned and would read correctly if the data in columns 3,4,5 & 6 of the top table was simply moved down one line. Mrs Perry also confirmed to Councillor Hills that there were currently neither any large nor any small casinos in Tunbridge Wells. Councillor Hills noted that there was a further application for an additional betting shop anticipated in Paddock Wood and assumed that would impact on the future fee structure.

Councillor Sloan acknowledged the recently agreed Gambling Policy and received confirmation from Mrs Perry that there was no need for consultation in respect of the fees.

There being no further matters for discussion, the Chairman accepted a proposal from Councillor Dawlings, seconded by Councillor Jamil in line with the recommendation of the agenda report, slightly amended to take account of the re-alignment of the table of fees as noted above.

RESOLVED – That the Licensing Committee approves fee levels as set out in Appendix A of the report once correctly aligned for implementation on 10 April 2017.

SEXUAL ENTERTAINMENT ESTABLISHMENT - LICENCE FEES 2017/2018

LC43/15 The Head of Environment and Street Scene submitted a report on the licence fees relative to the administration of the Local Government (Miscellaneous Provisions) Act 1982 and this was presented at the meeting by the Licensing Partnership Manager. Mrs Perry confirmed that the fees model was similar to the one used to set the Gambling Act fees. The fees would be relevant for the licensing of a Sexual Entertainment Establishment but there were none a present in the Borough.

There being no further matters for discussion, the Chairman accepted a proposal from Councillor Jamil, seconded by Councillor Hills in line with the recommendation of the agenda report.

RESOLVED – That the Licensing Committee approves the fee levels as set out in paragraph 2.4 of the agenda report for implementation on 10 April 2017.

URGENT BUSINESS:

LC44/15 **RESOLVED** – That there were no matters of urgent business under the terms of Section 100B(4) of the Local Government Act 1972.

DATE OF NEXT MEETING

LC45/15 **RESOLVED** – That the next Licensing meeting be held on Tuesday 6 June 2017, at 6.00pm.

NOTE: The meeting concluded at 6.45 pm.