

Licensing and Public Safety Committee

Wednesday, 19 March 2014

Present: Councillor Marion Lowe (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Jean Cronshaw, Matthew Crow, David Dickinson, Doreen Dickinson, Danny Gee, Keith Iddon, Hasina Khan, Adrian Lowe, Steve Murfitt, Pauline Phipps, Alan Platt and Ralph Snape

Also in attendance

Officer: Simon Clark (Head of Environment), Alex Jackson (Senior Lawyer), Jodi Fitzpatrick (Solicitor), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)

14.LPS.67 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Geoff Russell, Mick Muncaster and John Walker.

14.LPS.68 MINUTES

RESOLVED – That the minutes of the Licensing and Public Safety Committee meeting held on 6 March 2013 be held as a correct record for signing by the Chair.

14.LPS.69 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interest.

14.LPS.70 APPROVAL OF THE MINUTES OF THE GENERAL LICENSING SUB COMMITTEE MEETINGS

RESOLVED – That the minutes of the General Licensing Sub Committee meetings held on 6 March, 18 March, 17 July, 14 August, 6 November, 4 December 2013 and 8 January, 5 March 2014 be held as a correct record for signing by the Chair.

14.LPS.71 APPROVAL OF THE MINUTES OF THE LICENSING ACT 2003 SUB COMMITTEE MEETINGS

RESOLVED – That the minutes of the Licensing Act 2003 meetings held on 7 August, 14 November 2013 and 5 March 2014 be held as a correct record for signing by the Chair.

14.LPS.72 TAXI LICENCE FEES AND CHARGES - REVIEW OF COST APPORTIONMENT

The Director of People and Places submitted a report advising the Committee of a review that was currently being undertaken of the cost apportionment of fees and charges for hackney carriage and private vehicle related licences and to seek approval for officers to undertake further work to identify where such fees and charges could be revised to ensure compliance and best practice.

Locally set licence fees have been subject to challenge in a number of local authorities to ensure that they are reasonable and are not used as a means of raising revenue. The Council's current fee structure, in terms of cost apportionment was set several years ago and has only been subject to inflationary increases or frozen subject to Members decision in any particular year.

It was now appropriate to review how the fees and charges are calculated and costs apportioned for several reasons. Local Authorities are being increasingly challenged to demonstrate that their fees and charges meet legislative requirements, recent case law has provided some clarity on some of the principles against which fees and charges can be set, it has been several years since a review of this nature has been undertaken and a review of this nature is seen as good practice. Representatives of Chorley's Hackney Carriage and Private Hire trade have requested the Council undertake this review to demonstrate how fees and charges are arrived at for the variety of taxi related licences.

A significant piece of work had already been undertaken by Financial Services to establish the activities and costs relating to each taxi licence type. The outcome of this review had identified a number of licences where the current fee is undercharged and conversely some licences where the fee charged exceeds the costs of processing and administering the licence.

RESOLVED

- 1. That the report be noted.**
- 2. That approval granted for further work be undertaken to produce a revised fees and charges structure for hackney carriage and private hire vehicle related licences to be brought back to this Committee for approval.**
- 3. That approval granted for officer discussions to take place with taxi trade representatives on the outcome of the review and the impact of future changes to the fees and charges structure.**

14.LPS.73 AMENDMENT TO THE SCHEME OF DELEGATION

The Director of People and Places submitted report that sought approval to recommend to full Council the proposal to extend the scope of the Council's Scheme of Delegation in relation to existing private hire and hackney carriage drivers to complement the existing powers delegated to the Director of People and Places relating to those applying for the granting of a drivers licence.

In September 2009, Members of the Licensing and Public Safety Committee had approved to amend the scheme of delegation to enable the then Corporate Director of Neighbourhoods to consider and make decisions to grant Driver Licence applications in limited circumstances in consultation with the Chair of the Licensing and Public Safety Committee.

Following a staff restructure in 2010, the delegated powers of the Corporate Director of Neighbourhoods are now exercised by the Director of People and Places. The amendment to the scheme related solely to applications for the granting of a private hire or hackney carriage drivers licence which fall outside of the usual policies for approval.

The delegated powers have been utilised on several occasions since its approval resulting in a more expedient determination of the applications without the need to convene a Sub Committee for straight forward matters. However, it is considered that there are other occasions when similar delegated powers could potentially be utilised

in relation to existing private hire and hackney carriage drivers licences to allow a decision to be made about minor breaches of the Councils Driver Licensing Conditions.

RESOLVED – That the Licensing and Public Safety Committee recommend full Council to approve the proposed changes to the delegated decisions scheme to incorporate existing hackney carriage and private hire drivers so that the Director of People and Places in consultation with the Chair and Vice Chair of the Licensing and Public Safety Committee is authorised to exercise the powers of the General Licensing Sub Committee to issue written warnings as to future conduct to lie on the driver’s licensing file in relation to drivers who already hold a private hire driver licence or hackney carriage driver licence.

14.LPS.74 REVIEW OF VEHICLE INSPECTION PROCESSES

The Director of People and Places submitted a report in relation to a review of vehicle inspection processes and asking the Committee to consider the current Private Hire/Hackney Carriage vehicle inspection arrangements and alternative options available to the Council with regard to both the pre-inspection of vehicles and the Council’s Taxi Test arrangements.

Representations had been received at a recent meeting of the Licensing Liaison Panel in relation to the Private Hire/Hackney Carriage Vehicle application and testing arrangements with regard to separating the MOT vehicle test from the Council’s Taxi Test.

The current vehicle inspection and testing regime is largely proactive and there are a number of policy documents in place that control the entry for specific types of vehicles to be granted Chorley Private Hire/Hackney Carriage Vehicle Licenses, there are six designated garages for conducting Taxi Tests located throughout the Borough.

The recent review of services with the Health, Environment and Neighbourhoods team had given the Council an opportunity to review these licensing processes to ensure that the Council is operating efficiently and with the appropriate level of resilience to ensure best value for customers.

There is the potential to review many aspects of the process, including the pre-application stage, enforcement inspections and current administrative arrangements. Any changes may impact on the on the costs and resources available to the Council for this function.

The Committee agreed that a full review of the processes needed to be undertaken so that the full impact of any changes made could be assessed.

RESOLVED – That the Council undertake a review of its vehicle inspection processes in consultation with representatives of the taxi trade and the Councils nominated garages.

14.LPS.75 BELOW COST SALES OF ALCOHOL - ENFORCEMENT APPROACH

The Committee received a report of the Director of People and Places advising Members of recent guidance published by the Home Office on the banning of the sale of alcohol below the cost of duty plus VAT (below cost sales) and seeking approval for a proposed enforcement approach to the issue.

The issue of alcohol pricing has been the subject of much debate and revolves around the impact that price control on alcohol sales could have on consumption of alcohol

and in turn any resultant improved health outcomes for citizens who consume alcohol above the recommended daily intake.

Following consultation, in July 2013 the Government revised its approach in terms of price control to a 'below cost' approach. The below cost approach essentially bans the sale of alcohol at a price which falls below the cost of that alcohol in terms of exercise duty plus VAT and details of the guidance to suppliers and enforcers in terms of this approach was provided within the report.

RESOLVED

- 1. That the report be noted.**
- 2. That reactive approach to the enforcement of below cost sales be approved.**

14.LPS.76 CONSULTATION: RELAXATION OF LICENSING HOURS DURING THE FIFA WORLD CUP, 2014

The Government are consulting on whether to relax licensing hours nationally to mark England's participation in the FIFA World Cup 2014 (the World Cup) in June and July 2014, or whether to rely on the existing system of Temporary Event Notices (TEN) which gives the local police and environmental health officers a say in decisions on whether local premises should extend their licensing hours, based on local circumstances.

The consultation was being run for two weeks from 13 – 26 March 2014m, so the Council needed to be expedient with their response in order to meet the deadline.

RESOLVED – That in consultation with officers, the Councils response be delegated to the Chair and Vice Chair of the Licensing and Public Safety Committee.

14.LPS.77 THANK YOU AND BEST WISHES

The Chair informed the Committee that Zeynab Patel, Senior Solicitor for Chorley Council was leaving the Council to take up a new position at Woking Borough Council.

The Committee thanked Miss Patel for her contribution to the work of the Licensing and Public Safety Committee and associated Sub Committees and wished her all the best in her new role.

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Chair