

## Licensing and Health and Safety Committee

Minutes of a Meeting of the Licensing and Health and Safety Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the 7<sup>th</sup> January 2013.

### Present:

Cllr. Feacey (Chairman);  
Cllrs. Mrs Bell, Chilton, Galpin, Mortimer, Shorter.

In accordance with Procedure Rule 9.3 Councillor Mortimer attended as a Substitute Member for Councillor Davey.

### Apologies:

Cllrs. Davey, Hodgkinson, Mrs Martin.

### Also Present:

Licensing Manager, Licensing Officer, Member Services & Scrutiny Support Officer.

## 277 Declaration of Interest

Councillor	Interest	Minute No.
Feacey	Announced an 'Other Interest' as the Managing Director of Energyshift Ltd who worked with members of the taxi trade.	279 and 280

## 278 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 9<sup>th</sup> January 2012 be approved and confirmed as a correct record.**

## 279 Proposed Fee Levels for 2013/14 Applications

The Licensing Manager introduced his report which recommended the proposed fees for gambling applications, sex establishment fees and the hackney carriage, private hire service and operator licence fees for the financial year 2013/14.

### Gambling Related Fees

The report recommended that no changes be made to the fees associated with gambling related applications for 2013/14. The expenditure fluctuated due to the amount of staff time allocated to gambling related matters. No new applications for betting premises were anticipated in 2013/14.

In response to questions from Members, the Licensing Manager advised that the types of casino were based on the floorspace covered and the number of machines and gaming tables. There were no plans for a casino in the Borough. The cost of

enforcement or monitoring could not be included within the fee structure. Visits to gambling premises were carried out on a pro-rata basis often in association with the Gambling Commission.

### **Sex Establishment Fees**

Following a recent High Court case and the Council's adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the licensing of Sexual Entertainment Venues, the fees for sex establishments were required to be determined annually. The report proposed an increase across the fees of 3.3%.

In response to a question from a Member, the Licensing Manager advised that premises required a licence to sell 'R18' rated DVDs. Many premises did not require a licence, such as Ann Summers, as they did not sell DVDs of that nature.

### **Hackney Carriage and Private Hire Licensing Fees**

It was proposed to maintain fees at the current levels; this was a result of income remaining above the budget and a surplus being generated in previous years. During 2012/13 three year driver licences were introduced, care had been taken to ensure that this implementation was staggered to ensure that there would not be an abundance of applications in one year and minimal applications in the two following years.

In response to questions from Members, the Licensing Manager advised that if there were to be a significant change to fees the taxi trade would be consulted. The cost bandings for different levels of vehicles took into account the inspection of records and were based upon previous fee rates.

Following significant discussions Members felt that the rates for multiple vehicles should be reduced.

### **Recommended:**

- (i) **That the fees used for gambling applications and notices as given below be approved.**

### **RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2013/14**

<b>Premises Type</b>	<b>New Application (£)</b>	<b>Annual Fee (£)</b>
New Small Casino	<b>6285</b>	<b>3575</b>
New Large Casino	<b>7540</b>	<b>7215</b>
Regional Casino	<b>11880</b>	<b>11140</b>
Bingo Club	<b>2160</b>	<b>670</b>
Betting Premises (excluding Tracks)	<b>2160</b>	<b>430</b>
Tracks	<b>1690</b>	<b>670</b>
Family Entertainment Centres	<b>1690</b>	<b>580</b>
Adult Gaming Centre	<b>1690</b>	<b>670</b>
Temporary Use Notices	<b>200</b>	<b>N/A</b>

	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (provisional Statement holders) £	Copy Licence £	Notification of Change £
New Small Casino	2580	1500	1260	6285	2240	25	50
New large Casino	3410	1760	1985	7540	3700	25	50
Regional Casino	5570	4055	4055	11880	5785	25	50
Bingo Club	1475	820	820	2160	890	25	50
Betting Premises (excluding Tracks)	1245	820	820	2160	890	25	50
Tracks	1130	820	820	1690	890	25	50
Family Entertainment Centres	760	820	820	1690	735	25	50
Adult Gaming Centre	760	820	820	1690	890	25	25
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25	N/A

(ii) That the fees used for sex establishment applications as given below be approved.

#### RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2013/14

Current Fees:

Grant: £2,994

Transfer: £546

Renewal: £546

Taking into account the above, the recommended fee levels for sex establishments for 2013/14 are as follows:

Grant: **£3,095**

Transfer: **£565**

Renewal: **£565**

(iii) That the fees used for hackney carriage and private hire vehicle, driver and operator applications, as amended at the Meeting and given below be approved for the purposes of public consultation.

**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES  
2013/14**

	<b>CURRENT FEES</b>	<b>PROPOSED FEES</b>
	<b>2012/13</b>	<b>2013/14</b>
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£49.00	<b>£49.00</b>
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£75.00	<b>£75.00</b>
Additional driver's licence (adding a licence)	£20.00	<b>£20.00</b>
Hackney Carriage Knowledge Test & Re-test	£30.00	<b>£30.00</b>
Replacement badge	£15.00	<b>£15.00</b>
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£290.00	<b>£290.00 – New £270.00 - Renewal</b>
Internal Vehicle Plate	£15.00	<b>£15.00</b>
Transfer of Vehicle Licence (with or without vehicle plate)	£20.00	<b>£20.00</b>
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>Max £28.00</i>	<b><i>Max £28.00</i></b>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No charge</i>	<b><i>No charge</i></b>
Private Hire Operators Licence - New or Renewal (for 3 years)	1-3 vehicles : £73 4-10 vehicles : £310 11-20 vehicles : £620	<b>1-3 vehicles : £73 4-10 vehicles : £240 11-20 vehicles : £480</b>
To increase number of vehicles licensed during duration of Operators Licence		<b>Differences between the categories (£163 &amp; £240)</b>
Replacement Badge	£15.00	<b>£15.00</b>
Fee for Returned (Bounced) Cheques	£16.00	<b>£16.00</b>

**280 Review of the Hackney Carriage Fare Scale 2013/14**

The Licensing Manager introduced the report which reviewed the hackney carriage fare scale and recommended a 10 pence increase to the starting fare (drop rate) and a 3 percent increase to the fare scale for 2013/14. The recommendations had arisen

following debate at the September Taxi Forum, a subsequent questionnaire of hackney carriage drivers and operators, the responses to which were set out in the report and were discussed at the November Taxi Forum. The proposed increases were modest.

In October 2012 the average price per litre of unleaded fuel for the South East was 135.7 pence. This was approximately the same price for unleaded fuel as of October 2011 with diesel prices remaining approximately the same as of October 2011. Prices had risen during that 12 month period, however had fallen recently.

The Licensing Manager distributed a table detailing a comparison of fees for Local Authorities in Kent as of December 2012. Ashford was shown to be mid-way between the Authorities that had responded.

In response to questions from the Committee, the Licensing Manager advised that he would investigate alternative ways of undertaking the questionnaire of drivers and operators to try to increase the level of responses. It should be noted that Ashford was believed to be the only Local Authority in Kent to carry out such consultations.

**Recommended:**

**That the hackney carriage and private hire vehicle, driver and operator licence fees structure as given in the table below be approved.**

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## PROPOSED FARES FOR 2013/14

### (a) Fares for distance or time

	<u>£</u>
<b>Rate 1</b>	
If the distance does not exceed 700 yards, for the whole distance or for the first 220.5 seconds of waiting time	2.80
For each subsequent 171.8 yards or uncompleted part thereof	0.20
Or for each subsequent period of 54.5 seconds of waiting time or uncompleted part thereof	0.20

### (b) Surcharges for certain times and days:-

#### Rate 2

- |   |             |
|---|-------------|
| a) For each hire commenced between 12 midnight and 7 am   | 1½ x Rate 1 |
| b) For each hire undertaken on <b>GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY</b> or any other specifically declared Bank Holiday only. | 1½ x Rate 1 |

#### Rate 3

- |  |            |
|--|------------|
| c) For each hire undertaken on a <b>CHRISTMAS DAY, BOXING DAY</b> or <b>NEW YEARS DAY</b><br>Note: When the holiday charge (b) or (c) is payable the Night Charge (a) is <b>NOT</b> payable. | 2 x Rate 1 |
|--|------------|

#### Extras - up to a maximum of £1.20

- |  |      |
|--|------|
| d) for each person (excluding infants in arms) carried in excess of two persons (two children under 10 years of age count as one person) irrespective of distance. | 0.20 |
|--|------|

**Note: For the purposes of counting the number of persons that the vehicle is licensed to carry, children under 10 years of age should each be counted as a person. A babe in arms should not be counted as a person.**

- |   |      |
|---|------|
| e) for each article of luggage conveyed outside the passenger compartment of the carriage | 0.05 |
| f) for perambulators  | 0.05 |
| g) for dogs   | 0.10 |

## **281 Licenses issued under Delegated Authority for the period 1<sup>st</sup> December 2011 to 30<sup>th</sup> November 2012**

The Licensing Manager introduced the report which summarised the licences issued under delegated authority. If no representations were received then Officers must grant applications. Only those applications which received representations were brought before Members for consideration at Licensing Sub-Committee hearings.

Members felt that it would be useful to receive the report on an annual basis.

### **Resolved:**

**That the report be received and noted.**

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After the conclusion of the Meeting the Licensing Manager drew the Committees attention to a number of proposed amendments to the Licensing Act. These were:

- Review of mandatory licensing conditions, minimum pricing and the possibility of banning drinks promotions.
- Enhanced closure powers under the Anti-Social Behaviour Bill.
- Changes to street trading and pedlar licensing rules.
- A new act for scrap metal dealer registration and regulation.
- The Plastic Glasses and Bottles (Mandatory Use) Bill 2012-13.
- Changes to charitable collections licensing legislation.
- New draft legislation for taxi/private hire licensing legislation.

The Committee would be kept updated with any changes as and when they were proposed.

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Queries concerning these minutes? Please contact Kirsty Liddell:  
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