

Licensing and Health and Safety Committee

Minutes of a Meeting of the Licensing and Health and Safety Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **12th January 2009**

Present:

Cllr Goddard (Chairman);
Cllr Feacey (Vice-Chairman);
Cllrs. Mrs Blanford, Mrs Heaton, Holland, Kemp, Naughton, Woodford.

Apologies:

Cllrs. Link, Norris.

Also Present:

Licensing Manager, Environmental Health Manager (Commercial), Licensing Officer (Enforcement), Senior Member Services & Scrutiny Support Officer, Member Services & Scrutiny Support Officer.

371 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Code of Conduct - Personal but not Prejudicial – His company carried out work for the taxi industry	374, 375

372 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 25th January 2008 be approved and confirmed as a correct record.

373 Proposed Fee Levels for 2009/10 Gambling Act 2005 Related Applications

The Licensing Manager introduced his report which proposed fees for premises licences and temporary use notices in connection with premises used for gambling for the financial year 2009/10. He explained that the Secretary of State prescribed the maximum fee payable for gambling premises licences and temporary use notices, but that each Licensing Authority in England and Wales could determine their own fees for each category of licence. The Department for Culture, Media & Sport had asked Licensing Authorities to set fees that only ensured cost recovery and that did not generate a profit and there was case law to suggest that the Courts did take a dim view of Licensing Authorities who sought to make a profit from their fees. Income had been significantly higher in the last financial year, chiefly because of a new betting premises and four new adult gaming centres (although these were

all in existing locations where existing centres had been split into two to comply with laws about the number of £500 jackpot machines allowed in one premises). For the financial year 2007/08 expenditure had consisted of £20,196 and income had been £22,590. Therefore it was proposed that no changes were made to the fees associated with gambling related applications for 2009/10. The Portfolio Holder had been consulted and supported the recommendation.

A Member asked what was the position if, as was inevitable, the Licensing Authority made a slight profit or loss in a year. The Licensing Manager said that it was considered reasonable to take the position over a three year period and in that case the position should be about cost neutral. A small profit would not be considered unlawful if the position was redressed in future years.

Recommended:

That the fees used for gambling applications and notices as given below be approved.

RECOMMENDED PREMISES LICENCE FEES

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	6285 (8000)	3575 (5000)
New Large Casino	7540 (10000)	7215 (10000)
Regional Casino	11880 (15000)	11140 (15000)
Bingo Club	2160 (3500)	670 (1000)
Betting Premises (excluding Tracks)	2160 (3000)	430 (600)
Tracks	1690 (2500)	670 (1000)
Family Entertainment Centres	1690 (2000)	580 (750)
Adult Gaming Centre	1690 (2000)	670 (1000)
Temporary Use Notices	200 (500)	N/A

	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 (4000)	1500 (1800)	1260 (1800)	6285 (8000)	2240 (3000)	25 (25)	50 (50)
New large Casino	3410 (5000)	1760 (2150)	1985 (2150)	7540 (10000)	3700 (5000)	25 (25)	50 (50)
Regional Casino	5570 (7500)	4055 (6500)	4055 (6500)	11880 (15000)	5785 (8000)	25 (25)	50 (50)

Bingo Club	1475 (1750)	820 (1200)	820 (1200)	2160 (3500)	890 (1200)	25 (25)	50 (50)
Betting Premises (excluding Tracks)	1245 (1500)	820 (1200)	820 (1200)	2160 (3000)	890 (1200)	25 (25)	50 (50)
Tracks	1130 (1250)	820 (950)	820 (950)	1690 (2500)	890 (950)	25 (25)	50 (50)
Family Entertainment Centres	760 (1000)	820 (950)	820 (950)	1690 (2000)	735 (950)	25 (25)	50 (50)
Adult Gaming Centre	760 (1000)	820 (1200)	820 (1200)	1690 (2000)	890 (1200)	25 (25)	25 (25)
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25 (25)	N/A

Ashford Borough Council's Licensing Authority proposes the following fees as shown in bold type in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets.

374 Review of the Hackney Carriage and Private Hire Driver, Vehicle and Operator Fees

The Licensing Manager introduced his report which proposed fees for the Hackney Carriage and Private Hire Service for the Financial Year 2009/10. He directed Members' attention to Appendix A to the report which outlined the current fees and recommended fees for 2009/10. There were only two proposed changes and these related to a reduction in the fee for a Joint Drivers Licence (Hackney Carriage and Private Hire) and an increase in the maximum Vehicle Inspection Test Fee. The Council was proposing to issue applicants for Hackney Carriage Licences with a joint Hackney Carriage and Private Hire Licence to keep administration costs down and the trade was very much in favour of this. There was also a proposal to abolish the fee for a Vehicle Inspection Missed Appointment. The Portfolio Holder had been consulted and supported the recommendation. He welcomed the fact that there were no proposals to increase the majority of fees.

In response to a question about the abolition of the fee for a Vehicle Inspection Missed Appointment, the Licensing Manager said that this was a tendered contract and ultimately this was a decision for that company. They had proposed no fee for a missed appointment when their tender had come back and the contract had been operating since October 2008 without any problems. The Licensing Officer (Enforcement) explained that these inspections took place every six months and compliance was monitored by the Council. They gave the operators a deadline and were informed if appointments had been missed and this would result in the cars being removed from the road. So it was not in their interests to miss appointments.

The Licensing Manager stated he would provide the Committee Members with the total income and expenditure figures for the last financial year for the taxi budget.

Recommended:

That the Hackney Carriage and Private Hire Vehicle, Driver and Operator Licence Fees structure as given in the table below be approved as a basis for public consultation.

**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2009/10**

	CURRENT FEES	RECOMMENDATIONS
	2008/9	2009/10
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£49.00	£49.00
Joint Drivers licences	£60.00	£49.00
Additional driver's licence (adding a licence)	£16.00	£16.00
Hackney Carriage Knowledge Test & Re-test	£30.00	£30.00
Replacement badge	£15.00	£15.00
Vehicle Licence - New or Renewal (including vehicle plate) for 1 year	£290.00	£290.00
Vehicle Plates or Brackets	£17.00	£17.00
Internal Vehicle Plate	£15.00	£15.00
Transfer of Vehicle Licence (including vehicle plate)	£25.00	£25.00
Vehicle Inspection - Test Fee	max £32.00	max £38.00
Vehicle Inspection - Missed Appointment	£32.00	No charge
Private Hire Operators Licence - New or Renewal (for 3 years)	1-3 vehicles : £73	1-3 vehicles : £73
	4-10 vehicles : £310	4-10 vehicles : £310
	11-20 vehicles : £620	11-20 vehicles : £620
Replacement Licence	£16.00	£16.00
Transfer of any Licence (without plate or badge)	£16.00	£16.00
Fee for Returned (Bounced) Cheques	£16.00	£16.00

375 Review of the Hackney Carriage Fare Scale

The Licensing Manager introduced his report which reviewed the Hackney Carriage fare scale. He directed Members' attention to paragraph 6 of the report which compared Ashford's fares with the rest of Kent. It showed that Ashford was 11th least expensive of the 13 Kent Districts and below the Kent average for all categories of fare. He explained that 2008 had been a "rollercoaster" year for motorists in terms of the price of fuel, with petrol and diesel prices rising to record levels and increasing at the fastest rate since records began. However, by December the average price of fuel in the UK had reduced significantly. This was a major factor for taxi drivers. Hackney Carriage drivers and operators had been consulted with over the fare options and the responses to that consultation were detailed at Appendix B to the report. As a result the proposed increases were for a 5% increase in fares and a 10p increase in the starting fare (drop rate) for 2009/10. This would still position Ashford as 11th in the County. The Portfolio Holder had been consulted and considered that the proposals were a good balance between the needs of the Council and the trade and would ensure that Ashford remained competitive.

In response to a question from a Member the Licensing Manager explained that the increases for the last few years had been as follows: - 2003/04 - no change; 2004/05 – no change; 2005/06 – 8% increase; 2006/07 – 5% increase; 2007/08 – 5% increase (and 10p increase in the drop rate); 2008/09 – 5% increase.

Members generally felt uncomfortable with the proposed 5% increase as it was above inflation and did not take into account reducing fuel costs. It was considered that 46% of the 26% who responded was not a clear mandate for a 5% increase and there was no justification for such an increase. The Licensing Manager noted that the rates of increase since 2005 had always been above Retail Price Index. He accepted that the running costs for vehicles were maybe lower than they had been in the summer, but the cost of living was still rising. It was also emphasised that the Council's fare was a maximum and drivers could charge less if they so wished.

After much discussion the Committee recommended a 3% increase in fares be made with no change to the drop rate.

Recommended:

That the Hackney Carriage Fares set out below be approved for the purposes of issuing a public notice: -

DELIBERATELY LEFT BLANK

Fares for distance or time

	<u>£</u>
<u>Rate 1</u>	
If the distance does not exceed 716.5 yards, for the whole distance or for the first 229 seconds of waiting time	2.50
For each subsequent 187.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 60 seconds of waiting time or uncompleted part thereof	0.20
(a) Surcharges for certain times and days:-	
<u>Rate 2</u>	
a) For each hire commenced between 12 midnight and 7 am	1½ x Rate 1
b) For each hire undertaken on GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only.	1½ x Rate 1
<u>Rate 3</u>	
c) For each hire undertaken on a CHRISTMAS DAY, BOXING DAY or NEW YEARS DAY Note: When the holiday charge (b) or (c) is payable the Night Charge (a) is NOT payable.	2 x Rate 1
<u>Extras</u> - 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 <u>that the vehicle is licensed to carry</u>, children under 10 years of age should <u>each be counted as a person</u>. 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

Queries concerning these minutes? Please contact Danny Sheppard:
Telephone: 01233 330349 Email: danny.sheppard@ashford.gov.uk
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