

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 **20th January 2010**

Present:

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

Apologies:

Cllrs. Mrs Bell, Ellison, Kemp.

Also Present:

Licensing Manager, Senior Member Services & Scrutiny Support Officer.

386 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Code of Conduct - Personal but not Prejudicial – Sub-contracted to United Taxis	390 and 391

387 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 12th January 2009 be approved and confirmed as a correct record.

388 Proposed Fee Levels for 2010/11 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 2010/11. He explained that gambling licence income had fallen this year but this was due to the multiple applications in the previous year which had resulted in a one-off increase in 2008/09. Income levels had now dropped to the expected levels and were now approximately equal to the expected expenditure. It was therefore proposed that no changes be made to the fees associated with gambling related applications for 2010/11 as the level of fees currently set would ensure full cost recovery. The Portfolio Holder had been consulted and supported the recommendation.

In response to a question from a Member, the Licensing Manager explained that the costs for applications reflected the costs of hearings as this had been built in. The

cost of appeals was built into the overall Licensing Budget. He also explained that the Council licensed individual lotteries outside of the National Lottery. These were generally for worthwhile causes and registered on an annual basis.

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

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	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.

389 Proposed Sex Establishment Fees 2010/11

The Licensing Manager introduced his report which reviewed sex establishment licence fees for the financial year 2010/11. He explained that this issue did not normally come before Members as in 1995 the Council's Environmental Health & General Purposes Committee had, when setting the fees, agreed the principle of amending the application fee annually in line with general inflation and in accordance with corporate licence fee review policies. This approach was endorsed by this Committee in 2003.

Whilst the current application and transfer fees were believed to be appropriate, a review of the renewal fee had indicated that it was too high and did not reflect the

relatively minimal amount of work associated with the renewal process (as outlined in the papers) and could be open to legal challenge. Therefore a reduced renewal fee was recommended. The Portfolio Holder had been consulted and supported the recommendation. The Committee was advised that Ashford currently only had one sex establishment – Pillow Talk in Ashford Town Centre.

A Member said she was concerned at the potential costs of the Committee's decisions on sex establishments being overturned at Appeal. Obviously this was a very emotive issue and as elected Members representing the public it was quite difficult to ignore large numbers of strong objections when they came in, even if the law said they should not bring emotive arguments into the equation. The Licensing Manager said he had some sympathy with the position Members found themselves in. There was often a dilemma about what they would personally like to do and what they could do in law. The Council had a Sex Establishment Policy and generally Members had followed this, and the other Licensing policies it had had to make decisions on, so they had not lost any appeals. Other Local Authorities had made more emotive decisions and these had been overturned on appeal to the Magistrates Court. The policy could be as lenient or robust as considered appropriate, but as long as it was sound, reasonable and Members followed it, it would be easier to defend any decisions the Council made. The policy was due for a review and the Licensing Manager said he hoped to do that later this year when the Government had made a decision where lap dancing clubs fitted into the process.

In response to a question from a Member the Licensing Manager explained that Ann Summers shops were not classed as a sex establishment in this way as only a minority of the products they sold were classed to be sex shop related.

Recommended:

That the sex establishment licence fees as given below be approved and that subsequent fees be amended in line with general inflation and in accordance with corporate licence fee review policies.

Grant of Licence	£2,737
Transfer of Licence	£1,804
Renewal of Licence	£500

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

The Licensing Manager introduced his report which recommended the proposed fees for the Hackney Carriage and Private Hire Service for the financial year 2010/11. The Chairman explained that representatives from the taxi industry had been invited to attend and address the meeting but they had decided not to come.

The Licensing Manager explained that the report recommended that no fee increases were applied for 2010/11. This would be the second consecutive year that fees had been frozen and was in recognition that income was covering expenditure and that more people were taking up driving to earn some extra money during the recession. A sizeable Private Hire company had also moved its premises into this

Borough during the last year which had increased income for the Council. The Portfolio Holder had been consulted and supported the recommendations.

A Member asked if anything could be done to improve the appearance of some of the drivers in the Borough. Had some sort of uniform clothing been considered? The Licensing Manager said that the Council did not employ the drivers and its only duty was to ensure protection of the public. A suggestion like this may have its merits but it would only work with the consent and support of a majority of the drivers and/or companies. There was a code in the Council's policy about being polite and smartly presented but it was not something that could be enforced at present. It was considered an interesting point to put to the Taxi Forum for discussion though.

In terms of checks on drivers, the Licensing Manager assured Members that any applicants had to undergo an enhanced Criminal Records Bureau check as well as a medical check. There was also an annual check on driving licences with the DVLA. In terms of applicants from outside the European Union at present there was no fail safe way of getting information about criminal convictions. At present they asked applicants to sign a legal declaration that they had not committed any crimes and if it was later found to be false they could face prosecution. They also had to be resident in this Country for at least one year and pass a language test. Obviously it was possible for people to "slip through the net" but he was confident that cases which had recently made the news nationally would not be able to happen under Ashford's policy. New Hackney Carriage drivers also had to undergo and pass a stringent knowledge test designed by the Council's Licensing Officer (Enforcement) as part of the application process.

Vehicles had a compliance test (enhanced MOT) twice a year and there was generally a limit of seven years life on each car (ten years for a TX (London Taxi)). There was the opportunity for an extra year's exemption if the vehicle was still in good condition but vehicles were generally expected to be replaced after seven years. It had improved the quality of the vehicles and seven years was seen as a good balance between quality and not being too restrictive. In terms of disabled accessibility any vehicle carrying a wheelchair had to have a safe and suitable ramp. The Licensing Manager said he personally hoped to add a provision to the policy in 2011 that drivers of such vehicles should be given training in disabled accessibility.

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 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2010/11**

	CURRENT FEES	RECOMMENDATIONS
	2009/10	2010/11
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£49.00	£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 £32.00
Vehicle Inspection - Missed Appointment	No charge	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

391 Review of the Hackney Carriage Fare Scale

The Licensing Manager introduced his report which reviewed the Hackney Carriage fare scale and recommended no increase to the starting fare (drop rate) and no percentage increase or Tariff Two time changes for 2010/11. The recommendations had arisen following a questionnaire of Hackney Carriage Drivers and selected

operators and the responses to that questionnaire were set out in the report. The Portfolio Holder had been consulted and supported the recommendations. The Committee said in future they would like to see the Portfolio Holder present at these meetings as they met very infrequently and they considered it would be of use to him.

Recommended:

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

LHSX1004

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Fares for distance or time

	<u>£</u>
<u>Rate 1</u>	
If the distance does not exceed 730.4 yards, for the whole distance or for the first 231.7 seconds of waiting time	2.40
For each subsequent 191.4 yards or uncompleted part thereof	0.20
Or for each subsequent period of 60.7 seconds of waiting time or uncompleted part thereof	0.20

(a) 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 GOOD FRIDAY, EASTER MONDAY, MAY DAY, SPRING BANK HOLIDAY, SUMMER BANK HOLIDAY or any other specifically declared Bank Holiday only. | 1½ x Rate 1 |

Rate 3

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

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| 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 |
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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.

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| 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:
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