

## 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 **17<sup>th</sup> January 2011**

### **Present:**

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

### **Apology:**

Cllr. Mrs Bell.

### **Also Present:**

Licensing Manager, Member Services & Scrutiny Support Officer.

Prior to the commencement of the Meeting the Chairman advised of a change to the order of business of the Meeting.

## **344 Declarations of Interest**

| <b>Councillor</b> | <b>Interest</b>   | <b>Minute No.</b> |
|-------------------|---|-------------------|
| Feacey            | Code of Conduct - Personal but not Prejudicial – as the Managing Director of Energyshift Ltd who worked with members of the taxi trade. | 346 and 347       |

## **345 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 20<sup>th</sup> January 2010 be approved and confirmed as a correct record.**

## **346 Review of the Hackney Carriage and Private Hire Driver, Vehicle and Operator Fees 2011/12**

The Licensing Manager introduced his report which recommended the proposed fees for the Hackney Carriage and Private Hire Service for the financial year 2011/12. The Chairman explained that representatives from the taxi industry had been invited to attend and introduced Mr Joy who was in attendance at the meeting.

The Licensing Manager explained that the report recommended that no fee increases were applied for 2011/12. This would be the third consecutive year that fees had been frozen and was in recognition that income was covering expenditure and that there had been a reduction in costs for the Council in the administration of

the vehicle and operator fees. There had also been an increase in the number of drivers that were licensed in the Borough.

In response to a question from a Member the Licensing Manager said that the Council had to ensure that the operational costs were recovered and that they were not passed onto the rate payer. They had been able to reduce costs in a number of areas, specifically the way in which the plates on licensed vehicles were manufactured. He advised that should the fees be reduced then this could ultimately cost the rate payer and would not be reasonable. The fees proposed were a reasonable balance. Mr Joy, a Taxi Trade Representative, advised the Committee that the Taxi Trade were supportive of the proposed fees contained within the report.

**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  
2011/12**

|   | <b>CURRENT FEES</b>   | <b>PROPOSED FEES</b>  |
|---|---|---|
|   | <b>2010/11</b>  | <b>2011/12</b>  |
| 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<br>4-10 vehicles : £310<br>11-20 vehicles : £620 | 1-3 vehicles : £73<br>4-10 vehicles : £310<br>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  |

**347 Review of the Hackney Carriage Fare Scale 2011/12**

The Licensing Manager introduced his report which reviewed the Hackney Carriage fare scale and recommended a 20 pence increase to the starting fare (drop rate) and a 3 percent increase to the fare scale for 2011/12. It was not proposed to change the Tariff Two times. 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 proposed increases were modest and had come about due to an increase in fuel prices which in turn meant that operational costs had risen.

In December 2008 the average price of petrol in the UK was 89.48p per litre and the average price for diesel was £101.93 per litre. According to the AA December 2010 fuel price report the UK average unleaded price was £122.10 and the average price of diesel was £126.20. This related to a 34% increase in the cost of unleaded fuel from December 2008 to December 2010 and a 24% increase in the cost of diesel. With the increase in fuel duty and the increase to a 20% rate of VAT at the start of January 2011, the average price of unleaded petrol had increased to £127.20 and the average price of diesel had increased to £131.44.

Mr Joy, a Taxi Trade Representative, advised the Committee that the proposed increase in the drop rate and the 3 percent increase in the fare scale would help to ease the pressure on the Trade. They were aware that if the prices were increased excessively then this would have an impact on the number of customers that would use their service. He felt that the proposals were a sensible balance.

**Recommended:**

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

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**(a) Fares for distance or time**

**£**

**Rate 1**

If the distance does not exceed 730.4 yards, for the whole distance or for the first 231.5 seconds of waiting time 2.60

For each subsequent 185.8 yards or uncompleted part thereof 0.20

Or for each subsequent period of 58.9 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 **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**

c) For each hire undertaken on a **CHRISTMAS DAY, BOXING DAY or NEW YEARS DAY** 2 x Rate 1

Note: When the holiday charge (b) or (c) is payable the Night Charge (a) is **NOT** payable.

**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

### **348 Proposed Fee Levels for 2011/12 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 2011/12. To gain permission for a Casino a bid to Government would need to be completed; this could only be done when Government invited bids for Casinos. At the present time bids were not being invited so it was unlikely that there would be a Casino in Ashford for the foreseeable future.

In response to a question from a Member, the Licensing Manager advised that there had been two new Betting Premises open in the last two years; these were located at Goat Lees and Stanhope. Internet gambling was outside of the remit of the Local Authority. Many internet gambling companies were based outside of England however could be accessed by residents throughout the Borough.

#### **Recommended:**

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

#### **RECOMMENDED PREMISES LICENCE FEES**

| <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>            |

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

Ashford Borough Council's Licensing Authority proposes the following fees as shown in bold type in the table above.

### **349 Proposed Sex Establishment Fees 2011/12**

The Licensing Manager introduced his report which reviewed sex establishment licence fees for the financial year 2011/12. 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.

The Council had recently carried out a consultation about whether to adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sexual Entertainment Venues, such as lap dancing clubs. The Executive had considered this and it would be considered by the Full Council on 17<sup>th</sup> February 2011. It was proposed that the same fees as those for sex establishments,

such as sex shops were used for sexual entertainment venue applications as the work involved for the Officers was very similar.

The Committee was advised at the start of 2008 Ashford had three sex establishments; Fantasy World in Willesborough and the Private Shop and Pillow Talk in Ashford Town Centre. Currently Ashford had one sex establishment; Pillow Talk, which recently changed location, with no objections to its new licence.

While there are no “grandfather” rights for premises currently operating as sexual entertainment venues, for the one premises currently providing lap dancing entertainment, there had been no complaints regarding the premises since it started operating in 2006. It was therefore proposed that applications made between the first and second appointed day (which were limited to those premises operating at present), the reduced fee of £517 would be required.

The issue of Sexual Entertainment Venues had been an emotive one and had resulted in Kent Feminista asking the Council to adopt a nil limit of venues in the Borough. As the majority of responses had agreed with the proposal to consider each application on its merits, the policy had been recommended that no limits were placed on any particular locality.

**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.**

|  |                  |
|--|------------------|
| <b>Grant</b>   | <b>£2,832.80</b> |
| <b>Transfer</b>  | <b>£1,867.10</b> |
| <b>Renewal</b>   | <b>£517</b>      |
| <b>Applications made between the 1<sup>st</sup> and 2<sup>nd</sup> appointed day</b> | <b>£517</b>      |

## **350 Licensing Act – Changes to the Act**

The Licensing Manager advised the Committee that the Coalition Government had proposed changes to the Licensing Act and these changes were going through readings at Parliament. There were a number of potential impacts that these changes would have although these could not be confirmed as it was possible that changes may continue to be made throughout the Reading process. Training on the changes would take place as soon as was possible and the Committee would be updated as to the progression of the changes.

The Chairman requested that the Committee’s thanks to the Licensing Manager and the Licensing Team for all their hard work behind the scenes and ensuring that that the Licensing Process was smoothly run be noted in the minutes.

The Licensing Manager advised the Committee that Brian Smith, Licensing Officer (Enforcement), who worked closely with the Taxi Trade, would be retiring in March 2011. The Committee agreed to send a letter to Mr Smith thanking him for all of his hard work and to wish him well in his retirement.



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