

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 **16th January 2017**

Present:

Cllr. Feacey (Chairman);
Cllr. Bradford (Vice-Chairman);
Cllrs. Bennett, Miss Martin, Shorter, Sims, Mrs Webb

In accordance with Procedure Rule 1.2 (iii) Councillor Miss Martin attended as Substitute Member for Councillor Krause.

Apologies:

Cllrs. Apps, Mrs Heyes, Krause, Pickering.

Also Present:

Environmental Protection and Licensing Team Leader, Senior Member Services Officer.

262 Declarations of Interest

Councillor	Interest	Minute No.
Feacey	Made a 'Voluntary Announcement' as he was the Managing Director of Energyshift who worked with members of the taxi trade, he was on the Management Committee of UK LPG and was Chairman of the Ashford Volunteer Bureau who ran its own cars.	264, 265

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As the full Committee only met on an annual basis the Chairman said he would like to update on a couple of issues raised at the last meeting. With regard to the call for evidence and detail from the trade when proposing increases to the fares, he advised that this point had been made on a number of occasions throughout the year and the quality of the evidence received had been disappointing. He advised that he and the Vice-Chairman would go back to the trade and explain what was needed more clearly and how the Committee would like it presented.

On the subject of scrap metal dealers and the request to supply some sort of badge for their vehicles, the Environmental Protection and Licensing Team Leader advised that they did require dealers to display their licence with their vehicles and this was the legal minimum. They did also supply the dealers themselves with an ID badge which was above and beyond, but this was not a legal requirement so its wearing could not be enforced. A Member said she would be interested in seeing the actual figures for those who had contravened the requirement to display their licence on

their vehicle and how many had been taken to task. A true and proper record would be useful.

Resolved:

That the Minutes of the Meeting of this Committee held on the 25th January 2016 be approved and confirmed as a correct record.

264 Proposed Fee Levels for 2017/18 Applications

The Environmental Protection and Licensing Team Leader introduced the report which recommended the proposed fees for licences for the financial year 2017/18. It covered: - Gambling Related Fees; Sex Establishment Fees; Hackney Carriage and Private Hire Fees; Scrap Metal Site and Collectors Fees; as well as summary of licences and permissions issued between 1st January and 31st December 2016. He advised there had been a general increase to the fares in line with inflation, with a couple of exceptions due to taking in to account efficiency savings and a review of the work involved.

Gambling Related Fees

The report recommended that the fees remained the same as the costs of processing these licences had not increased.

Sex Establishment Fees

The report proposed that a small increase of 1% be made to the fee for grant of licence this year but the fees for renewal or transfer of licence be decreased to £300 as this process was predominantly administrative and did not usually require a site visit.

Hackney Carriage and Private Hire Fees

The report recommended small increases as follows: - drivers licences by £1; vehicle licence grant and renewals by £3; private hire operators licences by between £1 and £8, depending on the number of vehicles held on the licence; transfer of vehicle licences by £1 due to increased administrative requirements over the replacement plate fee which was proposed to remain at the same fee of £25; and additional vehicles on operators licences by 0.95% and 1.03% in accordance with vehicle numbers.

The Chairman advised that five years ago this Committee had recommended reducing the Transfer of Vehicle Licence fee to £20, with a view to further reducing and eventually abolishing it because they wanted to incentivise companies to bring newer and cleaner vehicles in to their fleets. However he had noticed that the fee had increased again over the last two years and was now proposed to increase again to £26. He asked for this to again be reduced to £20 for 2017/18 with a view to abolishing it in the future. This was supported by the Committee.

Scrap Metal Dealers Fees

The report recommended an increase of 0.98% to 1.3% be made to fees this year.

Licensing Annual Summary

The Environmental Protection and Licensing Team Leader drew the Committee's attention to a 'Licensing Summary' for 2016 summarising the licences/permissions issued from 1st January to 31st December 2016 and a list of the new Premises Licences issued.

The following responses were given to questions/comments: -

- Licenses for 'skin piercing etc.' related to skin piercing, tattooing, semi-permanent make-up and other disciplines in the beauty sector. The issue of whether the Council could limit the number of similar establishments in any one area had been discussed before and it was noted that trade could not be restricted in this way.
- It was not anticipated that the extra checks necessary under the Immigration Act 2016 would have an impact on costs for the Licensing team. The Council already routinely undertook many of the checks in question therefore it was not expected to cause substantial extra work.
- The Environmental Protection and Licensing Team Leader would check the status of the licence issued at Homelands Stadium, as it was queried whether this was a new premises licence as it was understood that they previously held a licence.

Post Meeting Note: A premises licence was held but was closed when the prior company dissolved. As such a new licence was applied for and issued in 2016 to the new operators.

Recommended:

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

RECOMMENDED GAMBLING RELATED LICENCE FEES FOR 2017/18

Premises Type	New Application (£)	Annual Fee (£)
New Small Casino	6570	3730
New Large Casino	7860	7520
Regional Casino	12380	11610
Bingo Club	2250	700
Betting Premises (excluding Tracks)	2290	455
Tracks	1760	700
Family Entertainment Centres	1760	605
Adult Gaming Centre	1760	705
Temporary Use Notices	204	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	2690	1564	1314	6570	2335	25	50
New large Casino	3555	1835	2070	7860	3860	25	50
Regional Casino	5800	4230	4230	12380	6030	25	50
Bingo Club	1540	855	855	2250	930	25	50
Betting Premises (excluding Tracks)	1300	855	855	2250	930	25	50
Tracks	1180	855	855	1760	930	25	50
Family Entertainment Centres	795	855	855	1760	770	25	50
Adult Gaming Centre	795	855	855	1760	930	25	50
Temporary Use Notices	N/A	N/A	N/A	N/A	N/A	25	N/A

(ii) that the sex establishment fees as given below be approved.

RECOMMENDED SEX ESTABLISHMENT LICENCE FEES FOR 2017/18

	CURRENT FEES 2016/17	PROPOSED FEES 2017/18
Grant	£3204	£3236
Transfer	£350	£300
Renewal	£350	£300

- (iii) that the Hackney Carriage, Private Hire and Operator applications licence fees as given below be approved for the purposes of public consultation.

**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES
2017/18**

	CURRENT FEES	PROPOSED FEES
	2016/17	2017/18
Private Hire & Hackney Carriage Drivers Licence (for 1 year)	£50.00	£50.00
Private Hire & Hackney Carriage Drivers Licence (for 3 years)	£100.00	£100.00
Additional driver's licence (adding a licence)	£20.00	£20.00
Hackney Carriage Knowledge Test & Re-test	£50.00	£50.00
Replacement badge/Licence	£11.00	£11.00
Vehicle Licence - New (including vehicle plate) for 1 year	£305.00	£308.00
Vehicle Licence - Renewal (including vehicle plate) for 1 year	£285.00	£288.00
Vehicle Plate Internal/External	£25.00	£25.00
Transfer of Vehicle Licence (with or without vehicle plate)	£25.00	£20.00
<i>Vehicle Inspection - Test Fee (set by contract)</i>	<i>Max £28.00</i>	<i>Max £28.00</i>
<i>Vehicle Inspection - Missed Appointment (set by contract)</i>	<i>No charge</i>	<i>No charge</i>
Private Hire Operators Licence - New or Renewal (for 3 years)	1-3 vehicles : £125 4-10 vehicles : £420 11-20 vehicles : £840	1-3 vehicles : £126 4-10 vehicles : £424 11-20 vehicles : £848
To increase number of vehicles licensed during duration of Operators Licence	1-3 to 4-10 : £290 4-10 to 10-20: £420	1-3 to 4-10 : £293 4-10 to 10-20: £424
Fee for Returned (Bounced) Cheques	£16.00	£16.00

- (iv) that the scrap metal, site and collectors fees as given below be approved.

	CURRENT FEES 2016/17	PROPOSED FEES 2017/18
Grant Site Licence	£305	£308
Grant Collectors Licence	£205	£207
Renewal Site Licence	£205	£207
Renewal Collectors Licence	£102	£103
Variation	£77	£78
Replacement Licence	£11	£11

- (v) that the annual licensing summary be received and noted.

265 Review of the Hackney Carriage Fare Scale 2017/18

The Environmental Protection and Licensing Team Leader introduced the report which set out two different options for the Hackney Carriage fare scale for 2017/18. In December 1996 the Council had agreed that the Hackney Carriage fare scale would be reviewed annually. This year's process had started in September 2016 with consultation and discussion with the trade via the Taxi Forum and a subsequent internet based survey of drivers and operators. This survey had generated a 13% response rate, although one of those representations had been on behalf of an operator of a fleet of 20 Hackney vehicles, so the response had been better than it first appeared.

The two options proposed were either no change to the current tariff or an increase of 3% to the overall tariff. The rough implications for the cost of a journey for various distances on the basis of each of these options were outlined in the report. The responses of the trade were set out within the papers and there was overwhelming support for the 3% increase (92% of respondents).

In terms of other costs, as of November 2016, the average price per litre of unleaded fuel in the South East was 117.1 pence – a increase of 5.8 pence on the previous year. Diesel had been 119 pence per litre and LPG 55.9 pence and usually sat around 40% of the cost of unleaded petrol. These figures had generally increased month on month since February 2016 and it was noted that they were continuing to rise in to 2017.

The Portfolio Holder advised that he supported the 3% rise in taxi fares. This was based on Ashford's growing need for a reliable and professional transport system, including Hackney Carriage provision. The increase would also ensure that the fares were reflective of increased costs incurred by the trade. They had not had an increase for the last three years and it would enable the trade to continue improving the service they provided. He did want to point out that although the situation was improving and there were a number of examples where the Council was working more pro-actively with the trade, there was still quite a bit of apathy and he agreed with the Chairman that the evidence supplied this year had not been what was required and they would need to have further discussions with them during this year. A Member said that if drivers were not engaging with the process year after year, perhaps there was more onus on the Council to review the way they consulted with them and provide them with assistance in gathering their evidence if the Committee

needed it in a particular format. The Chairman said although he could not disagree with what had been said and he would be happy to engage further, this Council already went above and beyond and undertook a lot more consultation with the trade than many other Local Authorities. He considered that the comments about apathy were also fair.

A Member said that this had been an ongoing issue for the last two or three years and this Committee had always said that any case for an increase in fares should be backed up with firm details and evidence. Ashford already sat firmly in the top quartile nationally in terms of its fares and he did not consider it a high cost area so in his view any proposal for an increase needed a clear justification. Notwithstanding the fact that fuel and insurance costs had clearly increased, the low response rate from the trade and the lack of any good quality evidence of day to day cost increases, meant that he found it difficult to support a raise in fares – a cost that would ultimately be passed on to residents. Another Member agreed and said that in his view there was simply not enough evidence to support a 3% rise in fares.

Other Members said that they supported the proposed rise in fares due to increased fuel and insurance costs and a desire to work more constructively with the trade on an improved overall service. It should also be noted that the fares only set an upper limit and drivers could charge less or negotiate with passengers if they wished. A Member said that she regularly used taxis and would be happy to pay 3% more in order to maintain and enhance the already good service that the majority provided.

The Committee agreed to recommend a 3% increase to the overall tariff but requested that Officers, the Chairman and the Portfolio Holder continued to work with the trade and clearly explain to them what evidence was required ahead of making a decision next year.

Recommended:

That the Hackney Carriage fare scale for 2017/18 as given in the table below be approved for the purpose of issuing a public notice.

PROPOSED FARES FOR 2017/18

FARES FOR DISTANCE OR TIME

	<u>£</u>
<u>Rate 1</u>	
If the distance does not exceed 680 yards, for the whole distance or for the first 216 seconds of waiting time	2.80
For each subsequent 166.7 yards or uncompleted part thereof	0.20
Or for each subsequent period of 52.9 seconds of waiting time or uncompleted part thereof	0.20

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

Guide to Average Expected Fares for Journey Lengths

2 miles	-	£6.40
5 miles	-	£12.60
10 miles	-	£23.20

Extras - up to a maximum of £1.20

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| a) 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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| b) for each article of luggage conveyed outside the passenger compartment of the carriage | 0.05 |
| c) for perambulators | 0.05 |
| d) for dogs | 0.10 |

After the conclusion of the Meeting the Committee discussed the potential of Uber and similar companies operating in the Borough and the impact that may have on the Hackney Carriage and Private Hire trade and the Council's Licensing function. The Environmental Protection and Licensing Team Leader advised that legislation had not completely kept up to date with what was actually happening on the ground and this was something the Council and this Committee would need to keep a close eye on in the coming years.

Queries concerning these minutes? Please contact Danny Sheppard:
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