

LICENSING COMMITTEE

THURSDAY 18 JULY 2013
7.00 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the Meeting Held on 14 March 2013**

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4. **Taxi Licensing Fees Increase**

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Emergency Evacuation Procedure – Outside Normal Office Hours

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Committee Members:

Councillors: Thacker (Chairman), Peach (Vice Chairman), Allen, Kreling, Nawaz, Serluca, Jamil, Saltmarsh, Miners and Davidson

Substitutes: Councillors: Simons, Johnson and Harrington

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

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**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 14 MARCH 2013**

Members Present: Councillors Thacker (Chairman), Peach (Vice Chairman), Hiller, Serluca, Nawaz, Kreling, Jamil, Saltmarsh, Miners and Davidson

Officers Present: Peter Gell, Strategic Regulatory Services Manager
Adrian Day, Licensing Manager
Kerry Leishman, Licensing Development Officer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Allen.

Councillor Kreling was in attendance as a substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 14 February 2013

The minutes of the meeting held on 14 February 2013 were approved as a true and accurate record.

3.1 Minutes of the Sub-Committee Hearings held in January 2013

The following minutes from the Sub-Committee Hearings held in January 2013 were approved as true and accurate records.

- i) 07/01/13 – 86-88 Lincoln Road, New Premises Licence
- ii) 28/01/13 – Super Poli, 613 Lincoln Road, Review of Premises Licence

4. Cumulative Impact Policy, Late Night Levy and Early Morning Restriction Orders Consultation

The Committee received a report which had been compiled as a result of the consultation carried out on the proposed amendment to the Council's Statement of Licensing Policy to include a Cumulative Impact Policy in respect of the area in the city known as the Operation CAN-do area.

The Committee was requested to consider the contents of the report which included the representations and evidence received following the public consultation and it was further requested to provide a recommendation in respect of the extent of the special policy and whether to include all licensed premises, off sales only, on sales only, or on and off sales and also whether to include Late Night Refreshment.

In December 2012, concern had been expressed by Council Officers as to the perceived saturation of licensed premises within the Operation CAN-do area and to the negative effect these premises were having on the Licensing Objectives.

The Licensing Committee met on 21 January 2013 and approved the commencement of a consultation on the review of the Statement of Licensing Policy to include a special policy in the Operation CAN-do area.

A consultation had been carried out with Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Authority and those persons/bodies representing the trade and businesses as well as local residents both by way of direct communication and by publicity on the Council's website and local press. The consultation had commenced on 22 January 2013 and ended on 4 March 2013.

The responses to the consultation had been positive in nature and included 22 responses from local residents and representatives of residents, and a petition. Responses had also been received from the Neighbourhood Delivery Team, Public Health and Cambridgeshire Constabulary and a vast amount of evidence had been submitted in support of the responses.

It was highlighted that under the guidance issued to Licensing Authorities under Section 192 of the Licensing Act 2003, there should be evidential basis for the decision to include a special policy within the Statement of Licensing Policy. The Committee was therefore requested to determine whether sufficient evidence had been presented in order for a recommendation to be made to Full Council to include a special policy for the Operation CAN-do area within the Council's Statement of Licensing Policy.

Members debated the report. Comments and responses to questions included:

- The local residents who had responded to the consultation were situated throughout the Operation CAN-do area;
- A number of maps had been submitted alongside the committee report which detailed the locations of crime and anti-social behaviour in the area. These were extremely informative;
- Since the changes in the licensing regime, there had been a substantial increase in the numbers of premises selling alcohol;
- There was an inordinate amount of crime in the area which had increased with the influx of licensed premises;
- The implementation of a Cumulative Impact Policy would increase the Sub-Committees powers of refusal;
- It would be possible to implement additional Cumulative Impact Policies in the future to cover other areas of the city, however the need for such a policy would need to be evidenced;
- The review mechanism was available for premises not adhering to or promoting the Licensing Objectives.

Following debate and questions to Officers, Members commented that the report was extremely well informed and the consultation responses were encouraging. The issues being faced in the area needed to be addressed and the implementation of a Cumulative Impact Policy would go some way towards this.

RESOLVED:

The Committee:

1. Recommended to Council that a Cumulative Impact Policy (Special Policy) in the Operation CAN-do area, be adopted under the guidance issued under the Licensing Act 2003; and
2. Approved the content of the special policy in respect of the type of licensed premises to be included within the policy, this being the inclusion of all licensed premises and Late Night Refreshments.

Reasons for the decision:

The decision was made to comply with the statutory requirements regarding amendments to the Statement of Licensing Policy in order to include a Cumulative Impact Policy with a view to making sustainable improvements in the Operation CAN-do area.

7.00pm – 7.20pm
Chairman

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LICENSING COMMITTEE	AGENDA ITEM No. 4
18 JULY 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste – Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer(s):	Adrian Day, Licensing Manager	Tel. 454437

TAXI LICENSING FEES INCREASE

R E C O M M E N D A T I O N S	
FROM: Adrian Day, Licensing Manager	Deadline date : N/A
That the Committee notes the contents of the report and sets a further date on which the variation to taxi licensing fees, with or without modification, is to take effect having had due regard to representations received.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee in accordance with the statutory requirement under section 70 paragraph 3(a) of the Local Government (Miscellaneous Provisions) Act 1976.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide Members with the background information surrounding the proposed increase in taxi licensing fees.
- 2.2 The purpose of this report is also to provide Members with the details of representations received during the statutory notice period for the increase of taxi licensing fees.
- 2.3 To ask Members to note the contents of the report and consider the representations received and to set a further date, not later than two months after the first specified date (01 August 2013), on which the variation shall come into force with or without modification.
- 2.4 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3 (a) "To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely", "hackney carriage and private hire vehicle licensing".

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. BACKGROUND

- 4.1 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") sets out the procedure for increasing the fees for vehicle and operators' licences and any other sums as determined by the council.

- 4.2 The fees charged by the council should be sufficient to cover the service provided and must not result in a profit.
- 4.3 A report (attached at **Appendix A**) produced by the council's finance team sets out the profit and loss for taxi licensing for year 2012/13. The department is actually running on a deficit of nearly £35K.
- 4.4 The only way to address the deficit within taxi licensing is to increase the income brought in, as may not be used from elsewhere, thus since there has not been an increase in taxi licensing fees since 2009 one has been proposed as appropriate.
- 4.5 Also since the last fee increase an internal review of the service took place which identified there were a number of areas within the regime that were not sufficiently covered by the current fees charged therefore considered was necessary to adjust and in some cases add new charges e.g. administration fee to a DBS check.
- 4.6 A schedule of the proposed taxi licensing fees has been included in this report (attached at **Appendix B**).

5. CONSULTATION

- 5.1 In accordance with sec.70 para 3(a) of the Act a statutory notice was placed in the Peterborough Telegraph on 20 June 2013 setting out the proposed changes and the manner in which objections can be made.
- 5.2 A notice was also made available to view within the customer area of Bayard Place for a period of 28 days from the date of the first publication.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that a further date will be set for the proposed variation of fees with or without modification.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Statutory requirement.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 In order to address the deficit where an increase is not agreed the option is to go forward with staff redundancy which would result in a reduced level of service to both the licensed trade and members of the public and would have an adverse effect on public safety.

9. IMPLICATIONS

- 9.1 Corporate Resources

Financial – There are costs associated with public consultation.

Legal – Legal Services will be required to ensure that the decision making process is implemented in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Local Government (Miscellaneous Provisions) Act 1976

APPENDIX A

Taxi Licensing Profit and Loss Accounts 2012 / 2013	
Expenditure	
Employees	£167,206.38
Premises	£0.00
Transport	£146.76
Supplies & Services	£72,628.79
Support Services.	
- Business Support	£44.02
- Business Relations	£1,670.77
- Commercial Services	£11,686.71
- Communications	£2,034.71
- Corporate Services	£28,358.38
- Fraud	-£0.37
- HoS & Unions	£923.01
- Legal – Commercial	£2,920.55
- Reward	£380.16
- Shared Transactional Services	£5,327.79
- Strategic Improvement	£543.49
- DCE & CE Office	£225.58
- Training and Development	£508.87
Other absorbed costs charged elsewhere but relating to taxi and private hire licensing.	
Legal Costs	£7,333.46
Total Expenditure	£301,939.06
Income	
Fees and Charges	£266,939.20
Total Income	£266,939.20
Showing a deficit for 2012 / 2013	-£34,999.86

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APPENDIX B

THE CITY OF PETERBOROUGH
Local Government (Miscellaneous Provisions) Act 1976
LICENCE FEES

NOTICE is hereby given that the Council of the City of Peterborough under Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 has passed a Resolution to vary the fees payable for licenses granted under the said 1976 Act as follows:

SCHEDULE AND FEES AND CHARGES YEARLY
For the Licence Year Commencing 01 August 2013

	<u>Existing Charge</u>	<u>Proposed Charge</u>
HACKNEY CARRIAGE DRIVERS	£100	£110
PRIVATE HIRE DRIVERS	£100	£110
CHANGE FROM PRIVATE HIRE TO HACKNEY CARRIAGE DRIVER	£60	£65
HACKNEY CARRIAGE VEHICLE LICENCE	£210	£231
PRIVATE HIRE VEHICLE LICENCE	£180	£198
<u>PRIVATE HIRE OPERATORS</u>		
1 TO 5 VEHICLES	£155	£171
6 TO 10 VEHICLES	£315	£347
11 TO 15 VEHICLES	£475	£523
16 TO 20 VEHICLES	£630	£693
20 OR MORE VEHICLES	£790	£869
<u>MISCELLANEOUS</u>		
REPLACEMENT VEHICLE PLATE	£31.50	£34
PLATFORM FOR MOUNTING PLATE	£16	£18
FULL FIXING BRACKET	£21	£23
HALF FIXING BRACKET	£10.50	£12
REPLACEMENT DRIVERS BADGE	£26.50	£30
REPLACEMENT VEHICLE	£65	£72
SIX MONTH TEST	£65	£72
DBS CHECK ADMIN CHARGE		£20
PH REPLACEMENT DOOR STICKERS		£5
METER SEAL		£15
DATA REQUEST		£30
REINSTATEMENT OF SUSPENDED VEHICLE		£34
PLATE TRANSFER		£34
CHANGE OF ADDRESS		£11
DVLA		£10
FARE CARD		£4
THIRD & SUBSEQUENT VEHICLE TESTS WITHIN 14 DAYS	£21	£23
THIRD & SUBSEQUENT VEHICLE TESTS AFTER 14 DAYS	£42	£46
REPLACEMENT EXEMPTION CERTIFICATES/DRIVERS LICENCE	£16	£18
THIRD & SUBSEQUENT DRIVERS TEST	£42	£46

A copy of this notice may be inspected at these offices at any time during normal office hours free of charge. If you wish to object to the revised fees you should send your written objections to the undersigned no later than 17 July 2013 setting out your grounds for objection.

Dated this 20 day of June 2013
PAUL PHILLIPSON
EXECUTIVE DIRECTOR OF OPERATIONS
PETERBOROUGH CITY COUNCIL
BAYARD PLACE
PETERBOROUGH
PE1 1HZ