

REGULATORY PANEL

WEDNESDAY 14 OCTOBER 2015 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Bowman S, Layden, Morton, Mrs Parsons, Shepherd, Cape, Ms Franklin, Mrs Stevenson and Wilson.

OFFICERS: Assistant Solicitor
Licensing Manager

RP.32/15 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

RP.33/15 DECLARATION OF INTEREST

There were no declarations of interest submitted.

RP.34/15 MINUTE'S SILENCE

It was with deep sadness that the Chairman reported the death on 11 October 2015 of Councillor Terry Scarborough who had served on the City Council from 2003 representing Botcherby Ward.

The Chairman indicated that Councillor Scarborough's passing was indeed a sad loss to the City and Members stood for a minute's silence as a mark of respect to the memory of Councillor Scarborough.

RP.35/15 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 9 September 2015 be agreed as a correct record of the meetings and signed by the Chairman.

RP.36/15 DEREGULATION ACT 2015 – CHANGES TO DRIVER AND OPERATOR LICENSING

The Licensing Manager submitted report GD.66/15 which set out the changes to the duration of Hackney Carriage and Private Hire driver licences and Operator licences following the implementation of the De-regulation Act 2015.

The Licensing Manager reported that the De-regulation Act amended the Local Government (Miscellaneous Provisions) Act 1976 and introduced, for Private and Hackney carriage driver licences, a 3 year licence, and, for Private Hire Operators, a 5 year licence. There was an option for the Council to grant a licence for a lesser period where the District Council thought it was appropriate in the circumstances of the case.

Carlisle City Council issued annual licences which ensured the appropriate checks were undertaken each year and three yearly checks were undertaken with external agencies such as criminal record and driving licence status checks.

To date guidance had not been issued from the Department of Transport in relation to the changes and guidance was being sought from the Institute of Licensing and the Local Government Association on all aspects of the implementation.

The Licensing Manager stated that discussions with the Trade had indicated that they would prefer to maintain annual licences. A detailed time and activity exercise was being undertaken to quantify the nature of the tasks performed by the Licensing Section which would allow the calculation of the appropriate fee for three yearly driver licences and five yearly operator licences.

In addition the Council needed to consider the circumstances under which a licence may be issued for a 'lesser period' and what the lesser period may be.

A Member asked if it would be possible to change both the driver licences and operators licences to three years and the Licensing Manager explained that it was possible to consider three years for both, however, the operators licences did not cause a lot of administration or issues with compliance.

The Panel raised concerns that the change to three years may have an adverse effect on the high standard of taxi drivers within the District.

RESOLVED –1) That report GD.66/15 be welcomed;

2) That the existing arrangements with regard to the issuing of Hackney Carriage and Private Hire driver licences and Private Hire operators licences continue until such time as guidance from the Department of Transport is published, guidance from the Institute of Licensing and the Local Government Association is obtained, consultation has been completed and costings are available to calculate fees;

3) That an updated report be presented to the Regulatory Panel at its meeting on 27 April 2016.

(The meeting ended at 2.15pm)

REGULATORY PANEL

WEDNESDAY 18 NOVEMBER 2015 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Bowman S, Cape, Ms Franklin, Mrs Parsons, Ms Patrick (as substitute for Councillor Stothard), Shepherd, Miss Sherriff, Mrs Warwick and Wilson.

OFFICERS: Assistant Solicitor
Licensing Manager

RP.37/15 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Layden, Morton and Stothard

RP.38/15 DECLARATION OF INTEREST

There were no declarations of interest submitted.

RP.39/15 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.40/15 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meetings held on 9 September 2015 be noted.

RP.41/15 REVIEW OF CHARGES 2016/17 - LICENSING

The Licensing Manager submitted report GD.64/15 setting out the proposed fees and charges for areas falling within the responsibility of the Licensing Section of the Governance Directorate with the exception of those under the Scrap Metal Dealers Act 2013 which falls to the Executive.

The Licensing Manager reported that the Corporate Charging Policy, which was part of the Strategic Financial Framework approved by the Executive and full Council, set out the City Council's policy for reviewing charges.

She added that it was recognised that licence fees (that could be determined by local authorities) could only be set at a level which recovered the cost of administration, inspection and in some cases compliance of existing licences which arose out of carrying out their licensing functions under the various legislation. New Licence fees could not include an element of enforcement against unlicensed operators. The case of Hemming v Westminster City Council 2013 confirmed this but the case had been referred to the European Court of Justice. The case did confirm in April 2015 that enforcement costs were lawful within an existing licence granted and was consistent with European Directive.

It was the Council's policy to maximise charges to maintain full cost recovery wherever possible, and this should be the case when setting charges. Licensing were operating at an income level that was achieving full cost recovery.

Recognition should be made of the risk that licensing income levels could be subject to market forces out with the Council's overall control, including new responsibilities and the repeal of other legislation. This reinforced the message that any practice of simple annual increments in line with inflation was inappropriate without taking into account local factors as well as the Council's priorities.

In addition the Policy recognised that each Directorate was different and required Directors to develop specific principles for their particular service or client groups.

The Licensing Manager then outlined for Members the summary of income generated and the proposed increases to vehicle and Miscellaneous licences, as detailed within her report.

In response to Members questions the Licensing Manager explained that the Auctioneer licences covered auctioneers who sold livestock. She also explained that Live and Recorded Music Licences were the responsibility of the Performing Rights Society and Phonographic Performance Licence Ltd not Local Authorities.

RESOLVED – That the fees and charges for areas falling within the responsibility of the Licensing Section of the Governance Directorate, as set out in Appendices A and B to Report GD.64/15, be agreed with effect from 1 February 2016, with the exception of the Scrap Metal Act fees which had been determined by the Executive and be effective from 1 December 2013, subject to any required advertising for hackney carriages and no objections being received.

(The meeting ended at 2.12pm)