



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY, 29TH JANUARY, 2007 AT 6.00 PM

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors A J Dent (Chairman), A N Blagg (Vice-Chairman),
Mrs R L Dent, Mrs K M Gall, M H Gill, Mrs J M L A Griffiths,
D Hancox, G H R Hulett, Ms J A Marshall, N Psirides, C R Scurrall,
G G Selway and E C Tibby

AGENDA

1. To receive apologies for absence and notification of substitutes
2. To receive the Minutes of the last meeting (Pages 1 - 6)
3. To consider the Report of the Head of Planning and Environment Services relating to non-confidential and non-exempt items (Pages 7 - 16)
4. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the Meeting and which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next Meeting.

K DICKS
Acting Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

18th January 2007.

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

Monday, 18th December 2006 at 6.00 p.m.

PRESENT: Councillors A.J. Dent (Chairman), A.N. Blagg (Vice-Chairman), Mrs. R.L. Dent, Mrs. K.M. Gall, M.H. Gill, Mrs. J.M.L.A. Griffiths, D. Hancox, G.H.R. Hulett, Ms. J.A. Marshall, N. Psirides J.P., C.R. Scurrall, G.G. Selway and E.C. Tibby.

7/06 **ANN MAY, LICENSING OFFICER**

Prior to the commencement of the business of the meeting, the Chairman welcomed Anne May, Licensing Officer, to her first meeting of the Committee since her recent appointment.

8/06 **MINUTES**

The Minutes of the Meeting of the Committee held on the 10th July 2006, were submitted.

RESOLVED that the Minutes be approved and confirmed as a correct record.

9/06 **REPORT OF THE HEAD OF PLANNING AND ENVIRONMENT SERVICES RELATING TO NON-CONFIDENTIAL AND NON-EXEMPT ITEMS**

The Report of the Head of Planning and Environment Services relating to non-confidential and non-exempt items was submitted.

Arising therefrom:

(1) **CODE OF PRACTICE - LICENSING MATTERS**

RESOLVED that the amendments proposed to the existing Code of Practice relating to Licensing Matters, as set out in Appendix 1 to the Report, (i.e., to include references to the

Gambling Act 2005), be noted and approved and commended to the Executive Cabinet for adoption.

(2) **SCHEME OF DELEGATION – GAMBLING ACT 2005**

RESOLVED that, in order that the Council can carry out its functions under the Gambling Act 2005, the updated Scheme of Delegations for both Members and Officers, as set out in Appendix 2 to the Report, be noted and approved and commended to the Executive Cabinet for adoption.

(3) **ANIMAL WELFARE ACT 2006**

RESOLVED that the information set out in the Report relating to the Animal Welfare Bill, which received Royal Assent on 8th November 2006, together with the details of the Council's current responsibilities for animal welfare, be noted.

(4) **CHARITIES ACT 2006**

The Principal Licensing Officer reported that the Charities Bill had received Royal Assent on 8th November 2006, such legislation providing a new system for licensing charitable collections in public which would now include face-to-face fundraising, involving requests for direct debits. In this regard, Members were advised that the Charities Commission would have a new role in determining the suitability of applicants, and would be responsible for issuing Public Collection Certificates which would be valid for up to five years, and, once a charity had such certificate, it would then be able to apply to the local authority for a permit.

It was further reported that, insofar as Street Collections were concerned, the Act was extended to include some privately-owned land (e.g. Supermarket forecourts), and some "small scale" collections would be exempt from requiring either a certificate or a permit, although the local authority must still be informed that the collection was taking place.

Finally, Members were advised that, once the Regulations had been finalised, it may be necessary to amend the existing policies relating to both House to House and Street Collections, and that, if so, a further report would be submitted in due course. Despite having some reservations, it was nevertheless

RESOLVED that the report be noted.

(5) GAMBLING ACT 2005 - UPDATE

Members were advised that the Council's Statement of Gambling Principles was adopted by the Council on 14th November 2006, and had now been published.

It was still expected that the Act would be brought fully into effect on 1st September 2007 – consequently, Licensing Authorities would begin to accept applications for premises licenses from 30th April 2007, which would allow for a short period of transition.

Details of the fee structure for the new licensing regime were yet to be finalised by the Department of Media, Culture and Sport, although it was envisaged that local authorities would be able to set their own fees within minimum and maximum fee bands, and a further report would be submitted on this matter in due course.

RESOLVED that the report be noted.

(6) ADVERTISING ON LICENSED VEHICLES

Members were reminded that, in December 2004, it had been agreed that permission would be granted on the rear passenger doors of licensed vehicles, providing that the advertising material did not promote items such as cigarettes, junk food, alcohol, items of a sexual nature, and that they complied with the appropriate codes set down by the Advertising Standards Authority.

In this regard, the Principal Licensing Officer reported that an approach had been received from a licensed Hackney Carriage and Private Hire Driver, who was seeking permission to advertise a local hotel on his vehicle, however the proposed artwork would cover the whole of his vehicle, with the exception of the windows. Accordingly, it was

RESOLVED that the current policy be amended to allow external advertising on any part of a vehicle with the exception of the windows, subject to the approval of the Principal Licensing Officer, and providing that the type and nature of the advertising was not contentious, as previously agreed.

(NOTE: Councillor Selway wished it to be recorded that he had abstained from voting on this matter insofar as the applicant had drawn his attention to this item earlier in the day).

(7) **FEES FOR TAXI LICENCES**

RESOLVED that the review of the fees for Hackney Carriage and Private Hire Vehicle Licenses for 2007-08 be deferred to the January 2007 meeting of the Committee, pending the receipt of further information (such details to include a breakdown between the proportion of costs relating to taxi licences only, as against the rest of the operation).

10/06

LOCAL GOVERNMENT ACT 1972

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant paragraphs of that part being as set out below:-

<u>Minute No.</u>	<u>Paragraphs</u>
11/06(1)	4 and 12
11/06(2)	4 and 12

11/06

REPORT OF THE HEAD OF PLANNING AND ENVIRONMENT SERVICES CONTAINING CONFIDENTIAL OR EXEMPT ITEMS

The Report of the Head of Planning and Environmental Services containing confidential or exempt items was submitted.

Arising therefrom:

(1) **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE – REFERENCE D.1083**

The Principal Licensing Officer outlined the circumstances surrounding this case, and the driver, together with his representative, answered questions from Members. Whereupon it was

RESOLVED that, having previously received a formal warning from the police in this regard, no further action be taken.

(2) **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE – REFERENCE D.1083**

Further to the report previously circulated in this matter, the Principal Licensing Officer submitted a verbal update outlining further information subsequently received.

RESOLVED that a written warning be issued to Hackney Carriage and Private Hire Vehicle Driver D.1083, and that, in view of the circumstances now reported, a copy of such letter be sent to his representative present at this meeting.

The Meeting closed at 8.30 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

29th JANUARY 2007

REPORT OF THE HEAD OF PLANNING AND ENVIRONMENT SERVICES RELATING TO NON-CONFIDENTIAL AND NON-EXEMPT ITEMS

1. FEES FOR TAXI LICENCES

Members may recall that the meeting of the licensing committee held on 18th December 2006, Members received the following report:

“Each year the Council reviews the charges which it makes for Hackney Carriage and Private Hire vehicle licences and other associated licences.

The cost of providing the service as stated in the budget for 2005/06 was approximately £47,000 (excluding establishments costs, such as heating, lighting etc) and approximately £46,000 was recouped in licence fees.

In accordance with Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may charge such fees as they consider reasonable with a view to recovering the costs of issue and administration associated with taxi licences.

The Council’s present fees, together with the fees charged by other Council’s in this area are set out in Appendix ‘3’. Members may recall that last year the fees were increased by 15% so that they fell in line with those charged by neighbouring authorities as well as reducing our ‘subsidy’ and generating additional income.

This year it is suggested in view of the constraints of the legislation which allow LA’s to set the Taxi licence fees it is recommended that no increase is applied to the current fees as the income exceeds the current expenditure associated with taxi licensing, however, the increase of the taxi vehicle tests imposed by the depot (£12.50) and the meter tests should be incorporated in the fees for 2007/08. This has been necessary because the proposed increase brings the cost of the vehicle ‘MOT’ test up to the maximum fees set by the Department of Transport.

Furthermore, the Depot have also increased the cost to the Council of checking that taxi meters are properly calibrated to the Council’s approved table of fares for Hackney Carriages, from £17.00 to £21.00.

Taking these additional costs into account, this would give the following fees:

Licence Type	Current fee	0% increase*	2.5% increase	5% increase
Hackney Carriage Vehicle	£255.00	£267.50	£274.00	280.00

Licence				
Private Hire Vehicle Licence	£232.00	£244.50	£250.00	256.50
Mid term vehicle test	37.50	£50.00*	£50.00*	£50.00*
Vehicle Re-Test if MOT certificate is required (Minor or major items)		£50.00	£50.00	£50.00
Meter Test	£17.00	£21.00	£21.00	£21.00
Conversion of vehicle licence to Private Hire or Hackney Carriage	£20.00	£20.00	£20.50	£21.00
Replacement vehicle plate	£10.00	£10.00	£10.50	£10.50
Hackney Carriage/Private Hire Driver's Licence	£80.00	£80.00	£82.00	£84.00
Replacement Driver's Licence	£6.00	£6.00	£6.00	£6.00
Private Hire Operator's Licence	£253.00	£253.00	£260.50	£266.00
Trailer Test	£17.50	£17.50	£18.00	£18.50

* The mid term vehicle test has been increased by £12.50, this reflects the increase in cost of the Depot carrying out the 'MOT' vehicle test. The frequency that each vehicle has to undergo a mid term test depends on the age of the vehicle. At present, any vehicle aged over 4 years old has to have a test every six months; a vehicle over 7 years old has to have a test every four months.

The proposed fees relating to the vehicles licences, combined drivers licence and operator's licence will need to be advertised. All fees and charges will come into effect as soon as possible after 1st April 2007."

At the meeting held on 18th December 2006, the Committee agreed to defer consideration of the fees pending further information.

In view of this request, Appendix 'A' sets out the expenditure associated with taxi licensing; Appendix 'B' sets out the estimated income based on the current taxi licence fees, together with projected income levels of 2.5% and 5%.

Background Papers:

(1) None

2. HACKNEY CARRIAGE FARES

To consider increasing the fares charged by Hackney Carriage owners.

The Council carries out an annual review of the table of Hackney Carriage Fares, which applies in the District. This involves consultations with local taxi owners.

The current table of fares is set out at Appendix 'C'.

When the review was carried out last year, the following increases were applied, which was in accordance with the views expressed by most taxi owners:

- £1.00 - For hirings begun between midnight and 2.00 a.m. on days other than those specified;
- £2.00 – For hirings begun between 2.00 a.m. and 4.00 a.m. on days other than those specified; and
- £3.00 – for hirings begun between 4.00 and 6.00 a.m. on days other than those specified.

There are presently 29 individuals or firms in the District, which own Hackney Carriages. They have 47 vehicles between them. The results of this year's consultation are:

- 1 respondent (owning 1 vehicle) favour NO increase
- 1 respondent (owning 1 vehicle) favour an increase of 25% for the first mile.
- 1 respondent (owning 2 vehicles) favour an increase of 5%

The remaining owners have not responded to the consultation letter. The low level of response reflects the levels of responses received in previous years and it is not suggested that any further consultations should be undertaken.

Comparisons with other nearby Councils, based on the cost of a 2-mile journey, are as follows:

Bromsgrove	£4.60
Birmingham	£5.30
Dudley	£4.80
Malvern Hills	£5.20
Redditch	£4.12
Solihull	£5.30
Worcester	£4.20
Wychavon	£4.60
Wyre Forest	£4.00

The national average is £4.50 for a 2-mile journey.

Based on these comparisons, and on the views expressed by those owners who have responded to the consultation, and that the cost of 2-mile journey in Bromsgrove is just over the national average, Members may wish to consider not increasing the table of fares for 2007/08.

There are no direct financial implications arising from this report.

There is potential for those who are affected by the proposal to challenge the Council, by arguing that the proposed increases are unreasonable and that the Council has undertaken the exercise in an unreasonable way. It is felt that the likelihood of this is low and the risk can be accepted.

Background Papers:

Responses to consultation on fares letter sent in December 2006.

D. HAMMOND
Head of Planning and
Environment Services

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

18th January 2007.

Expenditure

	Base Budget for the Licensing Section 2006/07	Taxi Licensing costs for 2006/07	Taxi licensing costs for 2007/08 based on 2.5% increase	Comments
Employee Costs	87,802	30,000	30,750	80% of Licensing Officer; 20% of Principal Licensing Officer
Premises Costs	0	0		These costs are included in Support Services
Transport costs	2,416	2137	2190	80% of costs
Supplies and Services				
- Training	311	100	102	33% of costs
- Printing	316	158	162	50% of costs
- Equipment	525	262	268	50% of costs
- Telephone	105	84	86	80% of costs
- Computer costs		48	50	50% of costs
- Advertising	1320	660	677	50% of costs
- General expenses	5043	0	0	
Contract Costs (vehicle tests)	1322	11,358	16,400	Actual cost for 2005/06. This figure will rise to approx. £16,400 for 2007/08
Support Services	6672	3336	3419	50% of costs
Capital	3271	1635	1676	50% of costs
TOTAL	105,832	49,778	55,780	

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Appendix 'B'

Income for Taxi Licensing

	Current fees for 2006/07	0% increase	2.5% increase	5% increase	Volume as at Jan 2007
Hackney Carriage Vehicles	255	267.50	274	280	58
Private Hire Vehicles	232	244.50	250	256.50	99
Private Hire Operator	253	253	260.50	266	13
HC/PH Driver Licence	80	80	82	84	164
Mid Term Test	37.50	50	50	50	147
Replacement Vehicle Plate	10	10	10.50	10.50	varies
Replacement Driver Licence	6	6	6	6	varies
Conversion of vehicle Licence	20	20	20.50	21	varies
Transfer of vehicle	20	20	20.50	21	varies
Meter Test	17.00	21	21	21	varies
Trailer Test	17.50	17.50	18	18.50	1
Estimated Income levels	50,000	63,400	64,800	66,200	

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**DISTRICT OF BROMSGROVE
TABLE OF FARES FOR HACKNEY CARRIAGES**

(i)	MILEAGE		
	if the distance does not exceed one mile: for the whole distance	£3.00	
	If the distance exceeds one mile: for the first mile	£3.00	
	for each subsequent 114 yards or uncompleted part thereof	10p	
(ii)	WAITING TIME		
	For each completed period of 21 seconds	10p	
(iii)	EXTRA CHARGES		
	(a) For hirings begun between 6.00 pm on 24th December and 7.00 am on 27th December	Double meter charges	
	(b) For hirings begun between 6.00 pm on 31st December and 7.00 am on 2nd January	Double meter charges	
	(c) For hirings begun on Easter Monday, May Day Bank Holiday, Spring Bank Holiday and Late Summer Bank Holiday	1 ½ meter charges	
	(d) For hirings begun in severe weather conditions, or when visibility is less than 25 yards	Double meter charges	
	(e) For hirings when the hirer arranges in advance by letter or telephone or otherwise, with the proprietor or driver for the hire of a hackney carriage where no part of the trip passes within 1 mile of any hackney carriage rank in the Bromsgrove District	1 ½ meter charges	
	(f) For hirings begun between midnight and 2.00 am on days other than those specified in (a), (b) and (c) above	£1.00	
	(g) For hirings begun between 2.00 am and 4.00 am on days other than those specified in (a), (b) and (c) above	£2.00	
	(h) For hirings begun between 4.00 am and 6.00 am on days other than those specified in (a), (b) and (c) above	£3.00	

(iv) **FOULING OF THE VEHICLE**

To cover valetting:

(a) For vehicles licensed to carry less than five passengers	1 ½ meter charges plus 1 ½ extra charges derived from (a), (b), (c), (d), (e), (f), (g) and (h) above	£50.00
(b) For vehicles licensed to carry five or more passengers		£66.00

PLANNING & ENVIRONMENT SERVICES

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