

Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Telscombe Room, Southover House, Southover Road, Lewes** on **Monday 10 November 2014** at 2.00pm.

The meeting was followed by a training session for Members of the Licensing Committee on Street Trading which was led by Michael Moss, Licensing Officer and Ed Hele, Principal Environmental Health Officer.

Present:

Councillor P A Howson (Chair)
Councillors G R Amy, M A Cutress, S J Gauntlett, P Gander, J M Harrison-Hicks and R Robertson

Officers Present:

Ms Z Downton, Committee Officer
Ms J Fletcher, Solicitor
Mr E Hele, Principal Environmental Health Officer
Ms S Lindsey, Licensing Officer
Mr M Moss, Licensing Officer
Ms R Wynn, Principal Environmental Health Officer (Minutes 1 – 6)

| | Minutes | Action |
|----------|---|--------|
| 1 | Election of Chair of the Committee for this meeting <u>Resolved:</u> 1.1 That Councillor Howson be elected Chair of the Committee for this meeting. | |
| 2 | Minutes The Minutes of the meeting held on 16 April 2014 were approved as a correct record and signed by the Chair. | |
| 3 | Apologies for Absence/Declaration of Substitute Members An apology for absence had been received from Councillor J Stockdale. | |

4 Urgent Items

The Chair advised that it had been agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 154/14 entitled "Outsourcing Criminal Records and DVLA Checks" (Agenda Item 7 refers) be considered as a matter of urgency in order that the Committee could take its decisions based on the most recent information which was available.

5 Variation in the Order of the Agenda

Resolved:

- 5.1 That Agenda Item 9 entitled 'Mobile Homes Act 2013' be taken immediately before Agenda Item 7 entitled 'Outsourcing Criminal Records and DVLA Checks'.

6 Mobile Homes Act 2013

The Committee considered Report No 156/14 which informed councillors of the changes in legislation governing residential mobile home sites since the introduction of the Mobile Homes Act 2013, and which also sought approval of a proposed fee structure.

The Principal Environmental Health Officer (R Wynn) explained that the Caravan Sites and Control of Development Act 1960 had been amended by the Mobile Homes Act 2013 (The Act) and had come into force on 1 April 2014. The Act had brought about some important changes to the buying and selling of Mobile Homes, pitch fees and park rules, and enabled the Local Authority to serve compliance notices for breach of site licence conditions.

The new Act introduced powers for Local Authorities to charge fees for their licensing functions in relation to 'relevant protected sites' (RPS). A RPS was defined as land used as a caravan site other than where a site licence was granted for holiday use only, or that had conditions restricting the use of the site, for example planning conditions. Local Authorities could charge for applications for new site licences, applications to transfer or vary an existing licence and an annual fee for administering and monitoring licences.

The Committee noted that there were five RPS's in the Lewes District, three large residential mobile home parks and two single unit sites, all of which had planning permission.

Section 2.9 of the Report outlined three possible options for setting the fees, following guidance from the Department for Communities and Local Government (DCLG). The DCLG stated that no one option was better than another and that other approaches might be equally acceptable. The Committee considered the second fee setting option, based on site size bandings, to be the fairest and most transparent method available when

PEHO to
note
(R Wynn)

considering the sites within the District.

The table under section 2.13 of the Report summarised the proposed fee structure. The cost analysis associated with each application type was set out under Appendix 1.

The proposed implementation date of the new fee structure was 1 December 2014. In response to a suggestion by the Committee, the Principal Environmental Health Officer (R Wynn) responded that she would consider a later implementation date, such as 1 April 2015, which would be more in line with the implementation, annual assessment and review of other fees.

PEHO
(R Wynn)

Resolved:

- 6.1 That the new statutory powers available to Local Authorities under the Mobile Homes Act 2013, as set out in Report No 156/14, be noted; and
- 6.2 That the proposed fee structure as determined by the cost analysis and as set out in Appendix 1 of Report No 156/14, be approved.

7 Outsourcing Criminal Records and DVLA Checks

The Committee considered Report No 154/14 which sought approval from the Licensing Committee with a view to amending the existing procedure of checking an individual's criminal history and road traffic offences when assessing an person's suitability to drive a Hackney Carriage and/or Private Hire Vehicle.

The Licensing Officer (M Moss) introduced himself to the Committee and explained that, as part of the plan to improve the existing procedures and services provided by the taxi Licensing Department, the aim was to make information readily available, speed up the application processes and minimise the impact on resources to improve compliancy checks.

Under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (The Act), the Licensing Authority had a responsibility to assess an individual's suitability to drive a Hackney Carriage and/or Private Hire Vehicle. The Council's Licensing Department currently used the Royal Mail to make such 'data subject enquiries' and the paper application process took approximately 2 to 3 weeks for a response to be received. The proposal to use a third party organisation to manage those requests online would reduce the waiting time to 2 working days, at no additional cost to the Council.

The Licensing Officer also explained that Local Authorities would need to have in place a suitable plan for checking information online, as from January 2015 the DVLA would no longer be issuing the paper counterpart DVLA licence.

The Licensing Officer highlighted, under paragraph 1.4(e) of the Report, the benefits of outsourcing this specific area of work. He explained that competitive quotes from several third party organisations would be obtained for the Committee to consider at a future meeting.

In response to a councillor's question, the Licensing Officer explained that by using a third party organisation to carry out the checks, officer's time would be freed up to be used more efficiently, such as increasing on-street enforcement measures to combat Hackney Carriage and/or Private Hire Vehicle driver licence fraud in the District.

Resolved:

- 7.1** That the use of a third party organisation to undertake the administrative functions of processing applications to carry out individual driver's identity verification and criminal record checks to the Disclosure and Barring Service (DBS) and the Driver's and Vehicle Licensing Agency (DVLA), be approved; and
- 7.2** That the Licensing Officer be requested to obtain competitive quotations from third party organisations to undertake identity verification checks directly with the Driver's and Vehicle Licensing Agency (DVLA) and criminal record checks with the Criminal Records Bureau (CRB), and report back with details of a preferred provider to a future meeting of the Licensing Committee.

Licensing
Officer
(M Moss)

8 Review of Hackney Carriage Fare Tariff

The Committee considered Report No 155/14 which sought to commence a consultation exercise with the Hackney Carriage trade and to review the existing fares as set by the Licensing Committee on 15 January 2013.

Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority had the power to set fares for Hackney Carriages. Where fares were set by the Local Authority, that Authority had a responsibility to review those fares to ensure they remained fair and reasonable. The setting of Hackney Carriage fares was the function of the Licensing Committee under 'The Local Authorities (Functions and Responsibility) (England) Regulations 2000. The existing Hackney Carriage fares were formally adopted on 15 January 2013. The fares currently set had been in place for 20 months and the trade had requested a review of the current fare structure.

The Licensing Officer (M Moss) explained that it was the intention to begin the consultation exercise on 17 November 2014 for a five-week period. After which the results, including a proposed restructure of the fares, would be brought to a future meeting of the Licensing Committee for consideration.

The proposed consultation letter and questionnaire that was intended to be sent to all those directly affected by the Hackney Carriage fares was set out

under Appendix 1 of the Report.

In response to a councillor's suggestion, the Licensing Officer (M Moss) explained that he would add reference and/or questions to the questionnaire relating to the livery of Hackney Carriage vehicles operating within the District, as it was a matter he would be looking into for which feedback from drivers would be useful.

Licensing
Officer
(M Moss)

Resolved:

8.1 That the proposed five-week consultation exercise, to gauge the views of those directly affected by the Hackney Carriage fares, and the subsequent creation of a new Table of Fares, be approved; and

8.2 That the Licensing Officer be requested to report back the findings and conclusions of the consultation exercise into Hackney Carriage Fares to a future meeting of the Licensing Committee.

Licensing
Officer
(M Moss)/
PEHO
(E Hele)

9 Approval of Licensing Fees

The Committee considered Report No 157/14 which sought approval of the proposed scale of licensing fees to be applied from 1 April 2015, and the fees for the Caravan Site License fees to be applied from 1 October 2013.

The responsibility for setting the level of licensing fees and fares was a function of the Licensing Committee, having previously been that of the Executive (Cabinet).

The Principal Environmental Health Officer (E Hele) informed the Committee that the proposed licensing fees for 2015/2016 would be considered as part of a larger review of the Council's fees and charges that was being undertaken by the Director of Service Delivery. As such, he advised that he would feed back any recommendations of the Committee to the Director of Service Delivery.

Appendix 1 of the Report set out the proposed Licence Fees and Charges for 2015/2016, which included the Mobile Homes Act 2013 Fees and Charges.

The table, under paragraph 2.3 of the Report, summarised the estimated financial impact of the fees proposed to apply from 1 April 2015, as detailed in Appendix 1. The table also showed the estimated financial impact of changes in usage levels experienced during the current year, which were expected to continue into 2015/2016.

Resolved:

9.1 That the scale of proposed Licensing Fees to apply from 1 April 2015, as set out in Appendix 1 of Report No 157/14, be approved;

9.2 That the fees for the Caravan Site License Act 2013 to apply from 1 October 2013, as set out on page 30 of Appendix 1 of Report No 157/14, be approved; and

9.3 That, subject to any changes to the proposed Licensing Fees and Charges arising as part of the larger review of fees and charges by the Director of Service Delivery, the Licensing Committee recommends to Full Council that it formally ratifies the proposed new fares, as set out in Appendix 1 of Report No 157/14.

Director of
Service
Delivery/
PEHO
(E Hele)

10 Date of Next Meeting

Resolved:

10.1 That it be noted that the next meeting of the Committee would be called as necessary.

**All to
note**

The meeting ended at 3.10pm.

P A Howson
Chair