

## LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Friday, 21 November 2014 at 9.30 am at the Guildhall, Portsmouth

### Present

Councillors Hannah Hockaday (Chair)  
Ken Ellcome (Vice-Chair)  
Margaret Adair  
Ken Ferrett  
Margaret Foster  
Frank Jonas  
Lee Mason  
Phil Smith  
Les Stevens  
Sandra Stockdale  
Julie Swan

#### 4. Apologies for Absence (AI 1)

Apologies for absence were received from Councillors Gerald Vernon-Jackson, David Fuller and Stuart Potter. Standing deputy Councillor Colin Galloway was in attendance for Councillor Potter.

#### 5. Declarations of Members' Interests (AI 2)

There were no declarations of interest.

#### 6. Minutes of the Licensing Policy Committee meeting held on 10 January 2014 (AI 3)

The minutes of the meeting of the Licensing Policy Committee held on 10 January 2014 were agreed as a correct record and duly signed by the chair.

#### 7. Hackney Carriage and Private Hire Policy Review - Consideration of options for review of current policy guidelines (AI 4)

The Licensing Manager introduced the report and explained that the proposal to review the current policy guidelines originated from a request from members. The last major review was undertaken in 2001 and it was therefore felt to be appropriate for a further full review to be carried out.

DECISION: the committee resolved to;

- (1) Authorised the Head of Health, Safety and Licensing to undertake a thorough review of hackney carriage and private hire policy in relation to vehicles, drivers and operators and report back to a future meeting of the Licensing Committee.

- (2) Agreed that officers meet with recognised hackney carriage and private hire trade representatives, private hire operators and other relevant forums/bodies to discuss any proposed policy initiatives.

## **8. Annual Review of Licensing Fees (AI 5)**

The Licensing Manager introduced the report and explained that it has always been the aim of the committee to work towards total cost recovery where possible. The trade representatives had given a clear indication that they wished to continue with option 3 in the report, the staged approach over 5 years.

Additional information relating to hackney carriage and private hire fees and charges at other local authorities (of a similar demographic to Portsmouth) and a fees & charges table comparable with our neighbouring local authorities was circulated to members.

DECISION: The committee noted the contents of the report and agreed to an immediate increase in fees to achieve full cost recovery (as per Option 1 of the report) and the approved fees be implemented with immediate effect. The Head of Health, Safety and Licensing was granted delegated authority to advertise (where appropriate) such fees and charges that are subject to any formal public statutory consultation.

## **9. Schedule 5, Local Government (Miscellaneous Provisions) Act 1982 and sections 115A - 115K Highways Act 1980 - Provision of Highway Amenities - Determination of Policy, Guidelines and other Associated Matters (AI 6)**

The City Centre Manager was in attendance for this item.

The Licensing Manager introduced the report and explained that currently advertising boards are not permitted on the highway. However the number of A boards on the highway in the city is a continuing problem and of concern to officers. Poorly sited A boards can cause risk to those persons with mobility or sight problems.

The City Centre Manager added that under the current policy some businesses are putting out A boards in areas which cause a hazard to pavement users. There needs to be a tighter control over A boards but with a continuing support for local businesses.

### **RESOLVED:**

- (1) That the Licensing Committee noted and approved the highway amenity policy subject to the following minor amendments. The Licensing Committee agreed to consider granting amenity permissions on individual merit for the use of A boards on the public highway in respect of area(s) deemed to be both a low obstruction risk and located outside the stress areas identified within the amenity policy document as per Option 3 of the report.**

**Members requested that the wording in the policy in respect of the following matters be reviewed and clarified:**

**Page 5 - Barriers or similar structures must have solid horizontal bar/elements at about 100mm in height from ground level and also at about 800 mm above ground level so as to be detectable by a stick ("tapping rail").**

**Page 9 - A board Design/Size/Style Requirements.**

- **Should be temporary in nature - to include 'not to be screwed down and only to be situated when the business is in open/in operation'.**
- **Should be professionally designed and well maintained with sign writing/printed or painted material - to also include 'professional looking daily specials chalk boards are accepted'.**

**(2) That the Licensing Committee recommended to Council the formal approval and adoption of this report and the amended policy (together with all related matters) and further recommended the delegation of this function to the Licensing Committee together with:**

- **Delegation to the Head of Health, Safety & Licensing to carry out the administration of all highway amenity matters pursuant to sections 115A - 115K of the Highways Act 1980. To include the power to grant, vary, transfer and renew (but not to refuse or revoke) any individual highway amenity permission for a period of not more than 12 months and subject to such standard and special conditions as considered appropriate.**
- *Delegation to the Head of Health, Safety & Licensing to recommend to the Licensing Committee, from time to time, such fees and/or other reasonable expenses/charges as may be appropriate to recover the costs of administration and compliance with highway amenity permissions<sup>1</sup>*
- *Delegation to the Head of Health, Safety & Licensing to refund such fee(s) for unsuccessful applications as considered appropriate on individual merit<sup>2</sup>*
- *Delegation to the Head of Health, Safety & Licensing to give notice of intended refusal/revocation or non-renewal of any amenity permission on individual merit*
- *Delegation to the Head of Health, Safety & Licensing to establish, amend, vary and/or substitute any hearing procedures, application forms, notes of guidance and other documentation commensurate with these proposals*

**(3) That the Licensing Committee establishes a panel (drawn from not less than 3 members of the Licensing Committee) to determine and adjudicate on any contested highway amenity applications (where permission is likely to be refused, revoked or not renewed) and whose decision will be final;**

**(4) That the Licensing Committee reviews the adopted highway amenity policy every 3 years**

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<sup>1</sup> EU Services Directive 2006/123/EC

<sup>2</sup> Local Government Association - "Open For Business - Guidance on Fees"

To the Council:

(5) *That the Council notes and approves the recommendations of the Licensing Committee and resolves to delegate this function together with the scheme of delegations to the Licensing Committee and Head of Health, Safety & Licensing as appropriate.*

**10. Exclusion of the Press and Public (AI 7)**

There was no exclusion of the press and public due to the open nature of the following report.

**11. Prosecutions, Appeals and Enforcement Action - Licensing Matters (AI 8)**

**RESOLVED that the report be noted.**

The meeting concluded at 12.25pm.

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Signed by the chair, Councillor Hannah Hockaday.