

LICENSING COMMITTEE

MINUTES OF A MEETING of the Licensing Committee held on Tuesday, 13 January 2015 at 9.30 am in the Council Chamber, the Guildhall, Portsmouth.

Present

Councillors Ken Ellcome (Vice-Chair)
Margaret Adair
Ken Ferrett
Margaret Foster
David Fuller
Frank Jonas
Eleanor Scott
Phil Smith
Les Stevens
Sandra Stockdale
Julie Swan

1. Apologies for Absence (AI 1)

Apologies for absence were received from Councillors Hannah Hockaday, Linda Symes and Lee Mason. Apologies for absence were also received from standing deputy Councillor Hugh Mason.

2. Declarations of Members' Interests (AI 2)

Councillor Robert New declared an interest in agenda item 3 - Local Government (Miscellaneous Provisions) Act 1976 - review of vehicle and operator licensing fees - consideration of objections - in that a member of his extended family works for Aqua Cars.

3. Local Government (Miscellaneous provisions) Act 1976 - review of vehicle and operator licensing fees - consideration of objections. (AI 3)

The Licensing Manager introduced the report and explained that at its meeting on 21 November 2014, the committee agreed to an immediate increase in fees to achieve full cost recovery and that the approved fees be implemented immediately. Delegated authority was granted to advertise such fees and charges that were subject to any formal public consultation. The purpose of this report is for members to consider objections that have been made in response to the proposed variation to the level of fees in respect of private hire and hackney carriage licences.

Deputations were heard from the following trade representatives;

Mr Chris Dixon, Hackney Carriage trade representative included the following points in his representations:

- Proposals were given last year with minimal consultation.

- The feeling was so strong amongst the trade that the then leader of the council met with the trade to explain the reasoning behind the proposals.
- The council have to make cuts and the taxi trade need to do their bit but not to the extremes proposed.
- Would urge members to continue with a 5year cost recovery.

Mr Viv Young, Hackney Carriage trade representative who included the following points in his representations:

- The room is packed with a number of disgruntled drivers who work 12-15 hour days to survive.
- Many need financial assistance to help make ends meet.
- The taxi industry has never been as quiet, particularly so after 10pm, as it is at the moment.
- The city is a ghost town.
- All the drivers are increasing their working hours but for what?
- The taxi trade does not have the benefit of being subsidised like the buses.
- Appreciate that the council are under huge financial pressures.
- Apologise for the number of emails I have sent but I believe this shows my passion for the industry.

Mr Perry McMillan, Unite trade union representative included the following points in his representations:

- We are in a time of recession and taxi work is a difficult job to be in.
- There is a misunderstanding; taxi drivers do not earn a lot these days certainly not in this city.
- There is a huge amount of trust in our line of work.
- Members have let us down and need to build that trust back up in the city.
- These drivers are the city's eyes and ears.

Mr Dave Griffiths, Unite trade union representative included the following points in his representations:

- The trade were not happy with the previous decision but accepted that spread over 5years was the better deal.
- Would urge members to do the same today.

Mr Bruce Hall, General Manager Aqua Cars Limited included the following points in his representations:

- Drivers understand that the council need to recover costs and that the 5year option was the better deal.
- Not one member knows how much a driver licence costs. Still waiting for FOI response from Portsmouth.
- Would urge members to keep to the 5year plan.

RESOLVED

- (1) That the committee considered the objections received in response to the proposed variation to licensing fees.**
- (2) To introduce an immediate increase in fees to achieve full cost recovery for private hire vehicle and driver licenses be implemented.**
- (3) The fees for private hire operators, hackney carriage vehicle and driver licences be recovered over a period of 5 years to achieve full cost recovery.**

4. Licensing Act 2003 - Local Neighbourhood Notification Scheme - Proposed Amendments (AI 4)

The Legal Advisor introduced the report and explained that following changes to both the Licensing Act 2003 and statutory guidance in relation to the withdrawal of the "vicinity" test for valid representations to be made and considered, and legal advice regarding the "Albert Hall" case it is proposed to amend the current system of notifications of licensing applications to members of the public. Members of the public are also now able to receive notification of licensing applications via registering with the public access on the council website.

RESOLVED that the Licensing Committee minute 5/2006 be rescinded and substituted with:

(1A) That, as a matter of local policy, the Head of Health, Safety & Licensing be authorised to continue with an amended neighbourhood notification scheme for the grant (and major variation) of premises licences and club premises certificates pursuant to section 2, Local Government Act 2000 in order to promote the social well-being of the area and to bring licensing applications to the attention of persons likely to be affected;

(1B) That the Head of Health, Safety & Licensing be given delegated authority to administer the neighbour notification scheme for licensing applications consistent with those mentioned in (1A) above by way of:

- **Notification of licensing applications to all members via the weekly Members' Information Service (MIS) and notification of licensing applications to ward councillors'.**
- **Notification of licensing applications via public access on the council website.**
- **Notification of licensing applications via site notices at the discretion of the Head of Health, Safety & Licensing and after having regard to the circumstances of any individual application received.**

5. Schedule 5, Local Government (Miscellaneous Provisions) Act 1982 and sections 115A - 115K Highways Act 1980 - Provision of Highway Amenities - Determination of Delegation Powers and other Associated Matters (AI 5)

The Licensing Manager explained to the committee that following legal advice from the City Solicitor the policy itself does not need council approval but those matters relating to delegation to the Licensing Committee and officers still require ratification by Council. Therefore members were requested to rescind the previous Licensing Committee minute 9/2014 and substitute that decision with the recommendations outlined in the report.

RESOLVED that Licensing Committee minute 9/2014 be rescinded forthwith and substituted with:

- 1) **The Licensing Committee formally adopts the highway amenity policy and recommends to full Council the delegation of this function to the Licensing Committee together with:**

- **Delegation to the Head of Health, Safety and Licensing to carry out the administration of all highway 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 and 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.**
 - **Delegation to the Head of Health, Safety and Licensing to refund such fee(s) for unsuccessful applications as considered appropriate on individual merit.**
 - **Delegation to the Head of Health, Safety and 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 and Licensing to establish, amend, vary and/or substitute any hearing procedures, application forms, notes of guidance and other documentation commensurate with these proposals.**
- 2) **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.**

The meeting concluded at 11.20 am.

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Signed by the chair of the meeting,
Councillor Ken Ellcome