

**RECOMMENDATIONS TO CABINET 3 NOVEMBER 2015 FROM THE JOINT MEETING OF THE REGENERATION & DEVELOPMENT AND ENVIRONMENT & COMMUNITY PANEL MEETING HELD ON 28 OCTOBER 2015**

RD&EC76      **CABINET REPORT - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING FEES**

The Barrister presented the Cabinet report explaining that the Deregulation Act 2015 had introduced changes to hackney carriage and private hire legislation. Changes included the duration of hackney carriage and private hire driver's licences to three years, the duration of private hire operator's licences to five years and the ability for private hire operators to sub contract bookings to a private hire operator licensed by another local authority.

The Barrister explained that the introduction of the new licence durations required a fee to be set. The last review of fees was in 2011 so the Licensing Department had reviewed all hackney carriage and private hire fees at the same time. The proposed fees and how they had been calculated was set out in the report.

The Barrister referred to the appendices contained within the report which included objections from members of the trade in relation to the increase in fees.

The Chairman thanked the Barrister for her report and invited questions and comments from both Panels, as summarised below.

Councillor Smith commented that he had read through all of the correspondence and felt that a lot of the objections could have been avoided if information had been made available at the outset on how the figures had been calculated.

Councillor Smith referred to the legislation which allowed for operators to sub contract out to operators licensed by another local authority. He asked if the operators would have to adhere to the Borough Council's standards and if there was a difference in the standards set between different local authorities. The Barrister explained that there would be variations in the requirements of different local authorities, but they should all follow the same standard requirements such as the fit and proper test and take account of the guidance available and case law.

The Chairman commented that one of the differences could be the age and mileage of vehicles which were allowed to be licensed.

The Barrister explained that any complaints received would be considered and action could be taken against the driver if required.

The Chairman reminded those present that this was a new piece of legislation and Members would have to monitor its impact. If significant problems arose, Members could lobby the relevant Minister and Local MP's.

The Chairman reminded those present that the recommendations set out within the report were to approve the new fee structures. The ability for private hire operators

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to sub contract bookings to a private hire operator licensed by another local authority was set out in legislation so had been included within the report for information.

Councillor Bubb asked why the fees had increased as a longer duration licence should take no more time to administer. The Barrister referred to the report which set out the reasons why the fees had increased.

Councillor Smith requested that the Panel be kept updated on the impact of the new fees be provided to the Panel in 12 months' time.

Councillor Kunes suggested that the metre rates could be increased which would cover the increase in fees. The Portfolio Holder for Community, Councillor Lawrence explained that there needed to be a balance and not all members of the trade may want to see the metre rate increased as they could lose business.

Councillor Mrs Squire asked if there were statistics available on the amount of new licenses granted in the last 12 months and the Barrister agreed to circulate the information.

**RESOLVED:**

- (i) That an update on the ability for private hire operators to sub contract to another local authority operator be provided to the Panel in 12 months time.
- (ii) That the Regeneration and Development & Environment and Community Panel support the recommendations to Cabinet as follows:

1. The Council approves the new fee structure for drivers of hackney carriages and private hire vehicles;
2. The Council approves the new fee structure for private hire operators.
3. The Council approves the new fee structure for vehicles and other sundry matters attached in the fee structure.

**RD&EC77      CABINET REPORT - GAMBLING ACT POLICIES**

The Barrister presented the Cabinet report and explained that the Gambling Act 2005 required all local authorities to publish a Statement of Principles each three year period. The Borough Council's current policy was approved by Full Council on 29<sup>th</sup> November 2012.

The report set out the organisations and individuals who had been consulted on the revised Statement of Principles and the Barrister explained that the draft Statement had been available on the website and comments had been invited.

The changes to the Policy were set out in the report and related to Local Area Profiling and Small Society Lotteries.

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The Barrister explained that the consultation had ended on 9<sup>th</sup> October 2015 and no responses had been appended to the report.

The Chairman thanked the Barrister for her report and invited questions and comments from the Panels, as summarised below.

Councillor Smith referred to Local Area Profiling and asked if the Council carried out checks to ensure that they were mitigating risks. The Chairman explained that checks would be carried out.

**RESOLVED:** That the Regeneration and Development & Environment and Community Panel supported the recommendation to Cabinet as set out below:

That the Council be invited to adopt the Statement of Principles in accordance with the requirements of the Gambling Act 2005.

RD&EC78      **CABINET REPORT - LICENSING ACT POLICIES**

The Barrister presented the Cabinet report and explained that Section 5 of the Licensing Act 2003 required licensing authorities to prepare and publish a statement of licensing policy every five years. A review of the statement had been carried out, taking into account new revised guidance issued by the Secretary of State for the Department of Culture, Media and Sport and guidance issued by Local Government Regulation.

Proposed changes to the policy were set out in the report. The Panel was informed that before determining the policy the Act stated that the Council must consult with certain individuals and organisations. The details of the review were also published on the Borough Council's website.

The Chairman thanked the Barrister for her report and invited questions and comments from the Panels. There were no questions from the Panel.

**RESOLVED:** That the Regeneration and Development & Environment and Community Panel support the recommendations to Cabinet as set out below:

That the Council be invited to adopt the revised Statement of Licensing Policy in accordance with the requirements of the Licensing Act 2003.