

LICENSING COMMITTEE
24th November 2015

Present: Councillors: Jim Sanson (Chairman), Roger Clarke (Vice-Chairman), Karen Burgess, Peter Burgess, Philip Circus, Roy Cornell, Paul Marshall, Christian Mitchell

Apologies: John Blackall, Christine Costin, Ian Howard, David Jenkins, Adrian Lee, Tim Lloyd, Connor Relleen

LI/10 **MINUTES**

The minutes of the meeting held on 15th July 2015 were approved as a correct record and signed by the Chairman.

LI/11 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LI/12 **ANNOUNCEMENTS**

The Chairman advised that there had been no representations received during the consultation period for the draft Gambling Licensing Policy, which had been considered by the Committee on 15th July 2015, and therefore the draft policy would be recommended to Council for adoption.

LI/13 **RELAXATION OF LATE NIGHT REFRESHMENT – DEREGULATION ACT 2015**

The Environmental Health and Licensing Officer advised Members that the Deregulation Act 2015 gave local authorities the power to exempt premises, in certain circumstances, from the requirement to have a licence to provide hot food or hot drink to members of the public between 11pm and 5am.

The powers were intended to allow local authorities to exempt premises where there were no problems with antisocial behaviour or disorder associated with the night time economy. Licensing authorities were under no obligation to use exemptions and it was noted that several nearby local authorities with a similar demographic to Horsham District Council had chosen not to make use of these powers.

RESOLVED

That the Council continues to require all late night refreshment providers to be licenced.

LI/13 Relaxation of Late Night Refreshment – Deregulation Act 2015 (Cont.)

REASONS

- (i) To ensure compliance with legislative requirements.
- (ii) To ensure openness and transparency in the Council's decision making.
- (iii) To ensure that any anti-social behaviour or disorder associated with the night time economy continues to be prevented as far as possible by the imposition of licence conditions and regulation under the Licensing Act 2003.

LI/14 DURATION OF TAXI AND PRIVATE HIRE LICENCES – DEREGULATION ACT 2015

The Environmental Health and Licensing Officer advised Members that the Deregulation Act 2015 required local authorities to offer both one-year and three-year driver licences, and one-year and five-year operator licences. The Council currently only offered one-year licences. In order to accommodate this requirement a fee structure for the longer duration licences was required.

The Council's current fees for one year licences had been agreed for the three year period from 1st April 2015 to 31st March 2018 and were subject to an increase of 2% each year. The proposed fees for licences for more than one year would charge the same amount for each year of the licence, thus saving the licensee the 2% annual increase. This small saving would be similar to the amount saved by the Council in administration costs. It was noted that the frequency of driver's checks would remain unchanged.

RESOLVED

- (i) That the changes to Hackney Carriage & Private Hire licence durations for Drivers and Operators be noted.
- (ii) That the fee for the longer duration licences to be the fee for the year of application multiplied by the number of years' duration of the licence but without the 2% per annum increase.

LI/14 Duration of Taxi and Private Hire Licences – Deregulation Act 2015 (Cont.)

REASONS

- (i) To ensure compliance with legislative requirements.
- (ii) To allow drivers and operators to decide the length of licence subject to statutory requirements.
- (iii) To ensure that the Council is authorised to receive the appropriate licence fee following the implementation of these changes.

LI/15 TAXI AND PRIVATE HIRE LICENSING CRIMINAL CONVICTIONS POLICY

The Environmental Health and Licensing Officer presented the report which sought approval for a Taxi and Private Hire Licensing Criminal Convictions Policy. The council currently had regard to best practice and guidance when determining whether or not an applicant or existing licence holder was a fit and proper person to hold a licence, but had not formally adopted a policy.

The Council had a statutory obligation to provide protection for the travelling public by ensuring that hackney carriage and/or private driver or operator licences were only held by those considered to be 'fit and proper'. Consideration of criminal convictions was an important part of this decision making process and the proposed policy would formalise the existing procedure, encourage consistency, and provide information to applicants and existing licence holders on the Council's approach.

Members considered the implications of the proposal, in particular regarding non-conviction information where an applicant or licence holder had been arrested or charged but not convicted. Members were assured that any such case would be carefully considered by Officers who would seek legal advice as required.

RESOLVED

That the Taxi and Private Hire Licensing Criminal Convictions Policy, as submitted, be approved.

REASON

To ensure openness and transparency in the Council's decision making process.

LI/16 **LICENCE FEES FOR 2016/2017**

The Environmental Health & Licensing Manager reported on the proposed fees for various licences issued by the Environmental Health & Licensing Department. The fees, if approved by the Committee, would take effect on 1st April 2016.

The individual licence fees were calculated to recover the cost of issuing the licence and enforcing the requirements of the legislation. The fees were calculated taking into account officer time, transport and any external costs that the Council incurred. The fees could not make a profit for the Council and could not include the cost of enforcement. There were other licenses issued by the Environmental Health & Licensing Department, the fees for which were set by statute and could not be changed.

The proposed fees and charges would increase the current costs by 1.5% for the financial year commencing 1st April 2016, to allow for inflation and increased costs. It was noted that the proposed fees were in keeping with those set by other Councils.

RESOLVED

That the fees for licences issued during 2016/17 be approved, as submitted, to take effect from 1st April 2016.

REASONS

- (i) The setting of fees for licences is the responsibility of the Licensing Committee.
- (ii) To ensure openness and transparency in decision making.

The meeting ended at 6.25pm having commenced at 5.30pm

CHAIRMAN