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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 16 March 2016

Present: Councillor WJ Davies (Chair)
Councillors S Niblock C Spriggs
J Salter A Hodson

Deputy: Councillor G Ellis (in place of L Fraser)

33 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were requested to declare whether they had any disclosable pecuniary interests and/or any other relevant interest in the item on this agenda and, if so, to declare it and state the nature of such interest.

No such declarations were made.

34 MINUTES

Resolved - That the minutes of the meeting held on 25 February 2016, be approved.

35 CHAIRS ANNOUNCEMENT

The Chair indicated that at the conclusion of Item 5 of the agenda he would be taking an item of 'Any Other Urgent Business' and would be proposing that the Committee moves that the public be excluded from the meeting to enable Members to consider further information received in relation to the Independent Assessment of the Supply and Demand for Hackney Carriage Vehicles on Wirral on the grounds that disclosure may involve financial information.

36 PERIODIC REVIEW OF LICENSING FEES FOR MARRIAGE PREMISES LICENCES

The Strategic Director of Regeneration and Environment reported upon a requirement to review and approve the licence fees in respect of Marriage Premises with effect from 1 April 2016.

The Licensing Manager reported that the Council were legally entitled to charge such a fee for licences that they considered reasonable with a view to recovering the costs of the issue and administration of the licence.

Members were advised that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the cost of a licence must be related to the cost of the licensing scheme itself. It would therefore be appropriate for the Council to recover their administrative and other associated costs.

The Licensing Manager reported that estimated costs to the Licensing Section of licensing such premises had previously been calculated at £362 per application. A review of the costs had been undertaken and it had been identified that there would be no increase in the costs of licensing such premises and it was recommended that the licence fee of £370 remains unchanged.

In response to Members comments the Licensing Manager advised that a caveat could be put in place to ensure that in the event of the costs relating to the issuing and administration of the licences needing to be reviewed this could be brought back to Members for a further review.

In response to a Members question in relation to applications received, the Licensing Manager indicated that there was currently an outstanding application for a Marriage Premises Licence which could not comply with the current Licensing Policy due to the lack of disabled access to the venue. She asked that this Committee delegate the consideration of this application to the Licensing Panel to be dealt with under its delegated authority.

In response to a Members suggestion that the application be considered by a Sub-Panel of the Committee, the Legal Advisor indicated that Members did not have the authority to initiate Panels or Sub-Committees without such arrangements having been agreed by Council, he further suggested that as this Committee was not due to meet until June 2016, the application could be dealt with by a meeting of the Licensing Panel.

Upon the legal advice received, Members agreed that a meeting of the Licensing Panel be arranged to consider the outstanding application for a Marriage Premises Licence.

Resolved – That

- (1) the Marriage Premises Licence fee to remain unchanged at a fee of £370 be approved with effect from 1 April 2016 with a caveat that in the event of the costs relating to the issuing and administration of the licence needing to be reviewed this be brought back to the Committee for a further review; and**
- (2) a meeting of the Licensing Panel be arranged to consider the outstanding application for a Marriage Premises Licence.**

37 **PERIODIC REVIEW OF LICENSING FEES FOR SEXUAL ENTERTAINMENT VENUE LICENCES**

The Strategic Director of Regeneration and Environment reported upon a requirement to review and approve the licence fees in respect of Sexual Entertainment Venue Licences with effect from 1 April 2016.

The Licensing Manager reported that the Local Government (Miscellaneous Provisions) Act 1982 enabled the authority to charge the applicant for the grant, renewal or transfer of a licence, a “reasonable fee” and that all costs of providing the service should be included in the fee so that there would be no subsidisation by council tax payers.

The Licensing Manager reported that the current application fee and renewal fee for a Sexual Entertainment Venue Licence was £1226 and a review of the costs of administering this process and ensuring compliance had been undertaken and it had been identified that there would be no increase in the costs of licensing for Sexual Entertainment Venues and it was recommended that the licence fee of £1226 remain unchanged.

Resolved – That the Sexual Entertainment Venue licensing fee of £1226 be approved with effect from 1 April 2016 with a caveat that in the event of the costs relating to the issuing and administration of the licence needing to be reviewed this be brought back to the Committee for a further review.

38 **PERIODIC REVIEW OF LICENSING FEES FOR TAXIS AND PRIVATE HIRE VEHICLES**

The Strategic Director of Regeneration and Environment requested that Members review and approve the licence fees in respect of Hackney Carriage, Private Hire and Operators Licences with effect from 25 April 2016. It was reported that the fees must be reviewed on an annual basis to determine whether the income received for the previous year had been in line with the cost of delivering the service.

The Licensing Manager circulated an amended Appendix 1 and explained that it contained a more comprehensive list of Hackney Carriages and Private Hire Licence fees which provided further clarity both for officers and Members.

The Licensing Manager reported that the cost of a licence must be related to the cost of the licensing scheme itself and it would therefore be appropriate for a local authority to recover their administrative and other associated costs.

The Licensing Manager advised that a review had been undertaken and it had been identified that the projected income received for the financial year 2015-2016 would not cover the costs of delivering the service.

Members were advised that a review of the fee structure for the functions undertaken in the administration of licences for Hackney Carriage and Private Hire vehicles, drivers and operators had been undertaken and it had been identified that the current fee structure did not reflect the administration costs of all the processes that were currently undertaken by the Licensing Service in respect of Private Hire and Hackney Carriage functions, however, the cost of these processes had been calculated and the proposed fees which were set out within the amended Appendix 1 which was circulated at the meeting.

It was also reported that a 4% increase in the fees is considered to be an appropriate rise in order to recover the shortfall in the costs of the service. Members were therefore requested to approve a 4% increase in the current licensing fees and to approve the fees set out in the amended Appendix 1 which was circulated at the meeting.

The Licensing Manager advised that no representations had been made by any member of the licensing trade and that they had been made aware of the proposed fees at the Joint Consultative Committee. Members were further advised that increases in respect of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences must be advertised for a period of 28 days and should any objections be received, they would be reported back to this Committee for consideration.

Resolved – That the licence fees in respect of Hackney Carriage, Private Hire and Operator Licences be approved with effect from 25 April 2016, as set out the amended Appendix 1 which was circulated at the meeting, subject to any objections being received as part of the consultation process.

39 **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

It was moved by Councillor WJ Davies and seconded by Councillor J Salter that -

“The public be excluded from the meeting during consideration of the following item (Minute 40 Independent Assessment of the Supply and Demand for Hackney Carriage Vehicles in Wirral) on the grounds that disclosure may involve financial information.”

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of this item of business (Minute 40 refers) only on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test had been applied and favoured exclusion.

40 **INDEPENDENT ASSESSMENT OF THE SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLES IN WIRRAL**

The Licensing Manager updated Members on further information received in relation to the independent assessment of the Supply and Demand for Hackney Carriage Vehicles in Wirral which was discussed at the meeting held on 25 February 2016 (Minute 32 refers)

Resolved - That officers be requested to liaise further on the information received.

41 **LICENSING COMMITTEE MEMBERS**

The Chair indicated that this would be last Committee meeting for Councillors Fraser, Salter, Niblock and P. Williams.

Paying tribute to each Member, the Chair and Members in turn thanked the Councillors for their invaluable contributions and their excellent work during their time as serving Members to the Licensing Committee and wished them well for the future.

Resolved - That Councillors Fraser, Salter, Niblock and P. Williams be thanked for their invaluable work and their excellent contributions made during their time serving on the Licensing Committee and that on behalf of the Committee they all be wished well for the future.

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