



DEMOCRATIC AND ELECTORAL SERVICES

Dealt with by:	Democratic Services	Switchboard:	01895 837200
Your Ref:		Fax:	01895 837277
My Ref:		e-mail:	democraticservices@southbucks.gov.uk
Date:	24 June 2014	Direct Line:	01895 837225/837227

Dear Councillor

LICENSING COMMITTEE

The next meeting of the Licensing Committee will be held as follows:

DATE: **WEDNESDAY, 2ND JULY, 2014**
TIME: **6.00 PM**
VENUE: **ROOM 6, CAPSWOOD, OXFORD ROAD, DENHAM**

Only apologies for absence received prior to the meeting will be recorded.

Yours faithfully

Jim Burness

Director of Resources

To: The Licensing Committee

Mr Walters
Mrs Simmonds
Mr Brown
Mr Clark
Mr Denyer
Mr Egleton
Mr Griffin
Mr Pepler
Mrs Royston
Mr Samson
Mr D Smith
Ms Vigor-Hedderly



Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

(Pages)

1. **Apologies for Absence**
2. **Minutes**

To confirm the minutes of the meeting of the Committee held on 29 January 2014 and to receive the notes of the virtual meeting dated 26 March 2014. (1 - 6)
3. **Consultative Group**

To appoint four members to act as Consultative Body to deal with urgent matters arising between meetings of the Committee.

Statutory Functions - Licensing Act 2003
4. **Consultation on secondary legislation for the setting of fees locally in connection with the Licensing Act 2003**

To consider report of the Director of Services. (7 - 10)

Appendix (11 - 18)
5. **Licensing Act 2003 - Schedule of Licensing Sub-Committee Determinations and Appeals**

To note the report of the Director of Services. (19 - 20)
6. **Licensing Act 2003 - Officer Determinations**

To note the report of the Director of Services. (21 - 22)

Other Licensing Matters
7. **Consideration of South Bucks District Council's Adopted Policy Approach to Tinted Windows on Hackney Carriage and Private Hire Vehicles**

To consider report of the Director of Services. (23 - 28)

Appendix (29 - 30)

8.	Amendments to licensing delegations	
	To consider report of the Director of Services.	(31 - 34)
	<i>Appendix 1</i>	(35 - 38)
	<i>Appendix 2</i>	(39 - 40)
9.	Review of Hackney Carriage Fares	
	To consider report of the Director of Services.	(41 - 44)
	<i>Appendix 1</i>	(45 - 46)
	<i>Appendix 2</i>	(47 - 48)
	<i>Appendix 3</i>	(49 - 50)
	<i>Appendix 4</i>	(51 - 52)
10.	Hackney Carriage & Private Hire Licensing	
	To note the report of the Director of Services.	(53 - 54)
11.	Outcome of Consultative Body Decision re Mobile Homes Fee Policy	
	Members of the Consultative Body received, via email, a copy of the attached report and appendix seeking authority to consult on the proposed draft Mobile Homes Fees Policy attached to this report at Appendix 1. An urgent decision was sought in view of the need to commence the 4 week consultation process on 6 June which was prior to the Licensing Committee on 2 July.	(55 - 68)
	Having considered the report the Licensing Consultative Body AGREED that the proposed fees for 2014/2015 as set out in the Table and the draft Fees Policy attached to this report at Appendix 1 be the subject of a consultation exercise.	
	With regard to the other issues addressed in the report, the Licensing Committee is asked to RECOMMEND to FULL COUNCIL that	
	<ul style="list-style-type: none"> i. a Fee Policy is, adopted and published to take effect from 2014 and that fees now be charged from 2014. ii. the delegation to the Head of Health and Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources be amended to include consultation and once published subsequent reviews of the Fees Policy as follows - The Head of Health and Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources prepare, adopt and publish a Fees Policy having taken into consideration responses received from the consultation when undertaken in accordance with the Mobile Homes Act 2013 and undertake subsequent reviews of the published Fees Policy. 	
12.	Regulation of Sexual Entertainment Venues	
	To consider report of the Director of Services.	(69 - 70)

13. **Licensing of House to House Collections and Street Collections**

To note the report of the Director of Services.

(71 - 72)

14. **Any other Business**

To consider any other business the Chairman decides is urgent.

15. **Exclusion of Public**

The Chairman to move the following resolution:-

“That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act.”

16. **Licensing Sub-Committee (Hackney Carriage & Private Hire Licensing)**

(73 - 76)

Paragraph 1 - Information relating to any individual

To receive the Part II minutes of the meeting of the Licensing Sub-Committee held on 11 March 2014.

The next meeting is due to take place on Wednesday, 8 October 2014

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LICENSING COMMITTEE

Meeting - 29 January 2014

Present: Mr Walters (Chairman)
Mrs Simmonds, Mr Clark, Mr Denyer, Mr Pepler, Mrs Royston and
Mr D Smith

Apologies for absence: Mr Brown, Mr Egleton, Mr Samson and Ms Vigor-Hedderly

28. MINUTES

The minutes of the meeting of the Licensing Committee held on 9 October 2013 were confirmed and signed by the Chairman.

29. CONSIDERATION OF SOUTH BUCKS DISTRICT COUNCIL'S ADOPTED POLICY APPROACH TO TINTED WINDOWS ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Following the decision made at the last meeting the Committee considered a report setting out the results of the consultation carried out on a proposal to amend the Council's current adopted policy approach to tinted windows fitted in hackney carriages and private hire vehicles as follows:

"Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. All other windows including the rear windscreen must allow at least 70% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements"

14 responses to the consultation exercise had been received of which 8 were in favour of the proposed new policy approach with 6 not in favour. A petition signed by 35 private hire and/or hackney carriage drivers had also been received but it was unclear on whether it was in favour or against the proposal. The petition expressed concerns about the cost to drivers in replacing tinted glass and the covering letter stated that 8 of 10 vehicles are now manufactured with rear tints.

The report confirmed that the offer to hold a meeting with the petitioners had been accepted and the notes of the meeting held on 28 January 2014 attended by 14 drivers, the Chairman of the Committee and the Licensing Manager were circulated at the committee meeting.

As a result of the meeting it had been clarified that the 35 petitioners were not in favour of the proposed change with a consensus among them that a 70% tint should be allowed for all windows other than the front windscreen. Other issues raised at the meeting included the costs of the proposed policy change and the fact that there was no restriction on tinted windows for private hire vehicles licensed in London.

In the light of the comments received as a result of the consultation and after receiving information on the level of tint on new vehicles likely to be used in the future for taxis and private hire, members felt that the proposed change should be reconsidered with a view to allowing more tint. Members were advised that having considered all the responses to the consultation any proposal to allow tint above 50% would constitute a material change from that proposed in the consultation and would therefore need to be the subject of a further consultation exercise with a further report back to a future meeting of the Committee.

During the debate around the level of tint that should be permitted and after being reminded of the policies adopted by other Council's, including Chiltern District Council a motion to approve a 70% tint was moved by Councillor Smith and Seconded by Councillor Clarke. On being put to a vote the motion was declared carried following which it was

RESOLVED that the following proposed amendment to the policy be consulted upon:

"Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. Light transmitted through the front side windows of hackney carriages and private hire vehicles must be at least 70%. All other windows including the rear windscreen must allow at least 30% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements. Executive private hire vehicles meeting the dispensation requirements will be required to meet the requirement for 75% and 70% of light to be transmitted through the front windscreen and front side windows respectively".

30. MOBILE HOMES ACT 2013

The Mobiles Homes Act 2013 had received Royal Assent on 26 March 2013 with a majority of its provisions due to be implemented from 1 April 2014, and the Committee received a report explaining the Act and its implications for the Council and in particular for the Scheme of Delegation.

The Council currently has a statutory duty under the Caravan Sites and Control of Development Act 1960 as amended to licence caravan sites (including mobile home parks) which have planning permission. There is no discretion regarding the issue of a licence where planning permission has been granted.

There are ten licensed permanent multiple residential caravan sites (i.e. with more than one caravan) and 14 licensed permanent single residential sites in the South Bucks District. New applications are received infrequently - less than one application per year.

The aim of the Act is to provide powers to local authorities to ensure that they are properly funded for exercising their powers and have sufficient tools for enforcement action. The report provided details of these new powers which included powers to charge fees including an annual fee.

The Committee supported the proposal that no fees are charged in the first year 2014/15 for the reasons given in the report. The report set out a number of other proposals to amend Terms of Reference and the Scheme of Delegation and the adoption of the 2008 Model Standard Conditions for Caravan Sites in England including any future replacement thereof, a copy of which had been placed in the Members Room and available at the meeting) which the Committee also supported subject to the proposed new delegation relating to the adoption and publication of fees being amended to include the Resources Portfolio Holder.

The Committee accordingly

RECOMMENDED to COUNCIL

1. That the new local authority powers in the Mobile Homes Act 2013 be noted.
2. That the terms of reference of the Licensing Committee be amended to include the new functions introduced by the Mobile Homes Act 2013.
3. That the terms of reference of the Licensing Sub-Committee be amended to include conducting hearings and making determinations in relation to the licensing of caravan sites and related enforcement matters in circumstances where the Head of Health & Housing is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers.

4. That a fee policy is considered and developed during 2014/2015, to take effect from 1 April 2015, but that no fees be charged for the year 2014/15.
5. That a new delegation to the Head of Health & Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources be agreed to prepare, adopt and publish a fees policy in accordance with the Mobiles Home Act 2013.
6. That the 2008 Model Standard Conditions for Caravan Sites in England including any future replacement Model Standards specified and published by the Secretary of State be adopted as the Council's pool of Caravan Site Licence Conditions.
7. That the scheme of delegation be amended to give authority to the Head of Health & Housing to exercise the functions under the Caravan Sites and Control of Development Act 1960, as amended by subsequent legislation and the new functions introduced by the Mobile Homes Act 2013 with cases of doubt or difficulty being referred to the next available Licensing Sub-Committee for a decision.

31. SCHEDULE OF DELEGATED DETERMINATIONS / APPEALS TO MAGISTRATES AND CROWN COURTS

The Committee received reports on the following determinations made during the period 6 September 2013 and 8 January 2014:

- Delegated Determinations made by the Licensing Officer in respect of Personal Licences;
- Delegated Determinations made by the Licensing Officer in respect of Premises Licences; and
- Delegated Determinations made by the Licensing Sub - Committee in respect of Premises Licences.

RESOLVED that the reports be noted.

32. LICENSING ACT 2003 - PREMISES / CLUB PREMISES APPLICATIONS PENDING

The Committee received a report from the Director of Services of details of Premises (Variations) applications pending to date.

RESOLVED that the report be noted

33. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received a report from the Director of Services on details of licences issued during the period 6 September 2013 - 8 January 2014.

RESOLVED that the report be noted.

34. LICENSING OF HOUSE TO HOUSE COLLECTIONS AND STREET COLLECTIONS

The Committee received a report from the Director of Services showing the house-to-house collection permits issued for the period 6 September 2013 to 8 January 2014. The report also included details of street collection permits issued during the same period.

RESOLVED that the report be noted.

The meeting terminated at 6.55 pm

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LICENSING COMMITTEE

VIRTUAL MEETING – 26 MARCH 2014

In the absence of reports requiring a decision the meeting of the Licensing Committee was held virtually and members received the following items for information:

1. Licensing Act 2003 - Schedule of Licensing Sub-Committee Determinations and Appeals
2. Licensing Act 2003 - Officer Determinations
3. Licensing Sub-Committee – Minutes of the Meetings held on 11 December 2013 and 16 January 2014.
4. Hackney Carriage & Private Hire Licensing
5. Licensing of House to House Collections and Street Collections

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SUBJECT:	Consultation on secondary legislation for the setting of fees locally in connection with the Licensing Act 2003
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To advise the Licensing Committee of the Home Office consultation entitled “A consultation on fees under the Licensing Act 2003”.
- 1.2 To advise Members in respect of the Council’s response which were agreed by the Chair of the Licensing Committee.

2. Links to Council Policy Objectives

- 2.1 The provision of an efficient and effective licensing service contributes to the Council’s Corporate Plan Key Theme 3 of safe communities.

3. Background

- 3.1 As part of the Coalition Government’s proposals to ‘rebalance the Licensing Act’, fees to be set at a local level were the subject of consultation, as an alternative to the current national prescribed fees. The current fees have little relation to the costs of a licensing authority and have been unchanged since 2005. The ability for government to introduce locally set fees was included in the Police Reform and Social Responsibility Act 2011(the 2011 Act).
- 3.2 The fees that were being consulted on are specified in the Proposed Licensing Fee Cap as detailed in Table 1 of Appendix 1. These proposals considered the ‘main fees’ under the Licensing Act 2003. These are fees paid in respect of;
 - new premises licences and club premises certificates;
 - full variations to premises licences and club premises certificates and
 - annual fees in respect of premises licences and club premises certificates.
- 3.3 The scope of the Home Office consultation concerns:
 - The future of the current variable fee “bands” which are based on the National Non-Domestic Rateable value (NNDR) of the premises.
 - Alternatives to NNDR e.g. a variable fee amounts:
 - Exclusion of certain classes of premises from the liability for higher fee levels
 - Proposed licensing fee cap levels that will apply to each fee category.
 - Efficiency and the avoidance of the “gold-plating” of licensing services
 - A single annual renewal fee date.
- 3.4 The consultation period commenced on 13 February 2014 and closed on 10 April 2014

4. Discussion

The future of the current variable fee “bands” based on the national non-domestic rateable value (NNDR) of the premises

- 4.1 The current fee regulations prescribe different fee amounts for the “main fees” depending on the National Non-Domestic Rateable value (NNDR) “band” of the premises. NNDR represents the open market annual rental value of a business or non-domestic property - the rent the property would let for if it were offered on the open market.
- 4.2 The current “bands” are:
- Band A: no NNDR to £4,300;
 - Band B: £4,301 to £33,000;
 - Band C: £33,001 to £87,000;
 - Band D: £87,001 to £125,000; and
 - Band E: £125,001 and above.
- 4.3 A study of licensing authority costs by the Home Office did not support NNDR as a criterion for variable costs because the costs associated with a premises within each band is not significantly linked to cost incurred by the licensing authority.

Variable fee amounts: Alternatives to NNDR

- 4.4 The proposed criteria on which the Home Office consulted on were whether or not premises incur higher costs to a licensing authority when they are:
- a. authorised to provide licensable activities until a late terminal hour and/or
 - b. used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 4.5 Evidence was requested which would support either of these criteria, or a combination of both.

Exclusion of certain classes of premises from liability for higher fee levels.

- 4.6 The consultation sought views on whether licensing authorities should be able to exclude certain types of premises from higher fee levels. The exclusions could be: hotels; theatres and cinemas; bingo halls; community amateur sports clubs; and community premises, as these are generally considered to lead to less compliance work for the licensing authority.

Proposed cap levels

- 4.7 The Government has committed to set “caps” (the highest permitted fee level) for each fee category. The consultation invited views on the proposed cap levels. The aim of these caps is to provide reassurance to fee payers that fees cannot be set at excessive levels.
- 4.8 The caps are not intended to be recommended fee levels: locally-set fee levels would need to be based on local evidence of what is required for full cost recovery of undertaking the functions of the 2003 Act. It would be unlawful to merely set them at the level of the cap or at a proportion of the cap, without regard to the actual licensing costs incurred by an authority.

- 4.9 The suggested level of each fee cap was detailed within the consultation document and is based upon the highest reported costs from a sample survey conducted by the Home Office.

Efficiency and the avoidance of “gold-plating”

- 4.10 Licensing authorities are already under a duty to show that they have secured ‘economy and efficiency’ in their use of resources. Setting fees on a full cost recovery basis will bring new focus on the importance of keeping licensing costs as low as possible.
- 4.11 The consultation sought suggestions on practical steps that can be taken to secure efficiency. As South Bucks and Chiltern councils have now established a shared Licensing Service and are seeking to reduce costs through adopting electronic processes, this was incorporated as part of the Councils response to the consultation.
- 4.12 Gold plating was described in the consultation as activities that go beyond the duties of the 2003 Act and are not justified by proportionality. The consultation detailed specific actions which may or may not be considered to be gold-plating under this definition and asked respondents whether they agreed or not.

A single annual fee date

- 4.13 Annual renewal fees for premises licences and club premises certificates are currently paid on the anniversary of the date on which the licence or certificate was granted. Holders of premises licences, particularly operators who hold multiple licences granted at different times, have argued that it would be more efficient for them to be able to pay all their annual fees on the same date.
- 4.14 This could create a peak period in work, and there would certainly be a transitional cost in the first year. Under locally-set fees aimed at recovering costs, any increased costs would be passed on to fee payers. There could be a benefit to the council in that BACS or Direct Debit payments could reduce the cost of administration.
- 4.15 Although views were requested on a potential move to a single payment date, it is not intended that this would come into effect until a later date following implementation of the next locally set fees regime due to the complexities that this would bring.

Consultation Response

- 4.11 The Licensing Manager consulted with the Chair of the Licensing Committee and prepared a response to the consultation on behalf of the Council and the agreed response to the questions raised within the consultation document is attached to this report as Appendix A for Members to note.
- 4.12 The Home Office advised that responses received would be analysed and a ‘Response to Consultation Document’ published explaining the Government’s final policy intentions. It should be noted that all responses were to be treated as public.

5. Resource Implications

- 5.1 There are no financial implications from consultation but if introduced, a report detailing implications of the proposed approach will be provided.

6. Recommendation

- 6.1 This report is provided for information only following the consultation being responded to by the Licensing Manager in agreement with the Chair of the Licensing Committee.

Officer Contact:	Nathan March 01494 732056 nmarch@chiltern.gov.uk
Background papers:	Licensing Act 2003, as amended. Police Reform and Social Responsibility Act 2011. Home Office consultation document -A consultation on fees under the Licensing Act 2003

APPENDIX A

South Bucks District Council response to Home Office consultation “A consultation on fees under the Licensing Act 2003”

Variable fee amounts: the national non-domestic rateable value “bands”

Consultation Question 1:

Q. Do you agree or disagree that the use of national non-domestic rateable value bands as a criterion for variable fee amounts should be abandoned?

A. Agree. The licensing fees applied by the national non-domestic rateable value bands do not reflect the actual cost of administration to the licensing authority of the premises concerned. Costs incurred by an authority relate to the sale of alcohol, the ability of the management to comply with conditions and the potential impact on Public Nuisance and Safety.

Consultation Question 2:

Q. If you disagree, please provide evidence that higher national non-domestic rateable value is consistently linked to higher average costs to the licensing authority within individual licensing authority areas, keeping your views to a maximum of 200 words.

A. N/A

Variable fee amounts: alternative classes

Consultation Question 3:

Q. Do you agree or disagree that the criterion of whether or not a premises is authorised to provide licensable activities to a late terminal hour is linked to costs?

A. Agree in the case of initial application and if concerns are expressed during the licensing period that relate to compliance with conditions. This is not always the case as premises with reduced operating hours may significantly incur licensing costs to an authority if non-compliance with conditions occur and or there is significant public concern relating to the granting of an application.

Consultation Question 4:

Q. If you agree, please provide evidence for your answer in the box below, keeping your views to a maximum of 200 words.

A. A nightclub with late opening potential would incur higher costs to the licensing authority, but this doesn't always follow as a late opening hotel isn't likely to incur costs through non-compliance with conditions. Similarly a community pub open to normal operating hours may be a source of public nuisance and result in action for non-compliance with conditions.

Consultation Question 5:

Q. Do you agree or disagree that the criterion of whether or not a premises is authorised to provide licensable activities to a late terminal hour is sufficiently practical to implement?

A. Agree

Consultation Question 6:

Q. If you do not agree, please state your reasons in the box below, keeping your views to a maximum of 200 words.

A. N/A

Consultation Question 7:

Q. Do you agree or disagree that the licensing authority should be able to determine the hours during which the higher fee is payable within the boundaries of midnight to 6am?

A. Disagree

Consultation Question 8:

Q. If you disagree, please state the hours during which you think licensing authorities should be able to determine that a higher fee is payable.

A. A higher fee could be consider for premises that open beyond 23.00hrs

Consultation Question 9:

Q. Do you agree or disagree that licensing authorities that impose higher fees for premises which open later should have discretion to exclude premises that are authorised to open late only on certain nights per year?

A. Agree

Consultation Question 10:

Q. Please state your reasons, keeping your views to a maximum of 200 words.

A. There are a few nights each year where it is less likely than usual that premises staying open later will generate addition cost for the licensing authority due to the likelihood of the communities being involved in celebrations generally at those times e.g. New Year.

Discretion to vary fee amounts dependent on whether the premises is primarily used for drinking

Consultation Question 11:

Q. Do you agree or disagree that the criterion of whether or not a premises is used primarily for the sale of alcohol for consumption on the premises is linked to costs?

A. Agree

Consultation Question 12:

Q. Please provide evidence for your answer in the box below, keeping your views to a maximum of 200 words.

A. Premises that are focused on sale of alcohol and entertainment tend to be associated with increased problems, noise, crime and disorder etc, although not always the case for small community pubs that don't do food, so not always straight forward.

Consultation Question 13:

Q. Do you agree or disagree that the criterion of whether or not premises are exclusively or primarily used for the sale of alcohol for consumption on the premises is sufficiently practical to implement?

A. Agree

Consultation Question 14:

Q. If you do not agree, please state your reasons in the box below, keeping your views to a maximum of 200 words.

A. N/A

Relationship between the criteria: a combined class

Consultation Question 15:

Q. Do you agree or disagree that there should be discretion to apply higher fee amounts only where both criteria apply in combination?

A. Agree, a premises that is open late and is associated with the primary sale of alcohol is more likely to incur costs to the licensing authority

Discretionary exclusions from classes of premises subject to a higher fee amount

Consultation Question 16:

Q. Do you agree or disagree that, if a licensing authority has determined that different fee amounts should apply, it should have discretion to exclude certain types of premises from that higher fee amount?

A. Agree

Consultation Question 17:

Q. If discretion to exclude certain types of premises from a higher fee amount were available, what types of premises should be specified in the regulations as potentially excluded classes? Please give reasons for your answer, keeping your views to a maximum of 200 words.

A. Those highlighted in the consultation which can be evidenced to cause less cost to the licensing authority i.e. accommodation providers; theatres and cinemas; bingo halls;

Other Alternative Options

Consultation Question 18:

Q. Are there alternative options that should be available to licensing authorities to apply different fee amounts in their area? Please specify and set out your evidence in the box below, keeping your views to a maximum of 200 words.

A. Not aware of suitable alternative

Caps

Consultation Question 19:

Q. Do you agree or disagree that the proposed cap levels will enable your licensing authority to recover costs (shown in table 1 below)?

Table 1: Proposed Licensing Fee Cap

Question	Fee Category	Proposed cap	Current fee or maximum fee (for information only)	Agree/ disagree/ don't know
Processes that can result in hearings or include review hearings				
19 (a)	Application for the grant of a premises licence	£2,400	£1,905*	Agree
19 (b)	Application for a provisional statement	£2,400	£315	Agree
19 (c)	Application to vary a premises licence	£2,400	£1,905*	Agree
19 (d)	Application to vary premises licence to specify designated premises supervisor	£105	£23	Agree
19 (e)	Application to vary a premises licence to remove requirement for a designated premises supervisor	£105	£23	Agree

19 (f)	Application for the transfer of a premises licence	£65	£23	Agree
19 (g)	Interim authority notice	£114	£23	Agree
19 (h)	Annual fee payable by premises licence holder	£740	£1,050*	Agree
19 (i)	Application for the grant of a certificate	£2,400	£635*	Agree
19 (j)	Application to vary a certificate	£2,400	£635*	Agree
19 (k)	Annual fee payable by club premises certificate holder	£720	£350*	Agree
19 (l)	Application for grant or renewal of a personal licence	£114	37	Agree
Other processes under the 2003 Act				
19 (m)	Application to replace stolen, lost etc. premises licence	£46	10.5	Agree
19 (n)	Notification of change of name or address of premises licence holder	£46	10.5	Agree
19 (o)	Application for minor variation of a licence	£244	89	Agree
19 (p)	Application to replace stolen, lost etc. certificate	£46	10.5	Agree
19 (q)	Notification of change of name or change of rules of club	£46	10.5	Agree
19 (r)	Notification of change of address of club	£46	10.5	Agree
19 (s)	Application to replace stolen, lost etc. temporary event notice	£38	10.5	Agree
19 (t)	Application to replace stolen, lost etc. personal licence	£59	10.5	Agree

19 (u)	Notification of change of name or address of personal licence holder	£59	10.5	Agree
19 (v)	Notification of interest of freeholder etc. in premises	£50	21	Agree

Consultation Question 20:

Q. Do you have any other comments on the proposed cap levels? Please specify them in the box below, keeping your views to a maximum of 200 words.

A. Although a cap seems like a sensible way of preventing excessive levels of fees, this can be prevented through ensuring that there is a transparent fee setting process. Providing cap figures could give encouragement to some council's to set the maximum as their fees because they believe that they can do so.

Temporary Event Notices (TENs)

Consultation Question 21:

Q. Do you agree or disagree that the proposed cap of £100 will enable your licensing authority to recover costs?

A. Agree as the cost of administration of a TEN is nominal and only a few hearings would be required per year which can be incorporated in the overall cost.

Consultation Question 22:

Q. Please set out evidence for your answer in the box below, keeping your views to a maximum of 200 words.

A. Most temporary event notices do not require any significant time for the licensing authority to process, and this will be further reduced through electronic processing. However, where a hearing is necessary, costs will be significantly more than this, but the cost may be spread across all applications.

Licensing authority costs, transparency, consultation with fee payers and guidance on setting fees

Transparency and local consultation

Consultation Question 23:

Q. Do you agree or disagree that licensing authorities be required, before locally-set fees are implemented, to:

23a: publish their proposed fee levels?;

Agree

23b: publish the basis on which they have been calculated?

Agree

23c: publish the measures they have taken to keep costs down?

Agree

23d: invite comments from interested parties?

Agree, although need to be clear of purpose - for consideration at next fee setting. Need to ensure that this is a simple low cost process, e.g. simply consulting electronically to avoid significantly increasing costs through an expensive consultation process.

Encouraging economy and efficiency

Consultation Question 24:

Q. What practical steps can licensing authorities take to secure efficiency? Please state and give reasons for your answer in the box below, keeping your views to a maximum of 200 words.

A.

- Ensuring that a risk based approach is used for compliance work so staff time is not wasted on unnecessary visits.
- Use of modern technology so that any processes are not duplicated e.g. completing the same information in several programmes.
- Enable electronic application and renewal processes including online payments to reduce administration costs
- Enable electronic public access systems to alert communities to application in a specific area rather than using newspapers and letters to residents in a specific geographic locality.

Safeguards against excessive costs and gold-plating

Consultation Question 25:

Q. Do you agree or disagree that the Guidance should suggest that these areas present a particular risk of excessive costs or gold-plating?

25a: Notification of residents individually of licensing applications in their area by letter (given that the existing duties to advertise on the premises and on the licensing authorities' website enable the involvement of local residents, and that more cost efficient methods of further engagement may be available);

A. Agree, electronic public access systems to alert communities to an application in a specific geographic area are more effective than putting a notice in a local newspaper.

The cost to an applicant of a newspaper advert is high and is often of little benefit. The cost of advertising in the local paper is often more than the cost of applying for a licence.

25b: Central re-charges, such as payments from the licensing budget to legal services or external communications. These should relate to costs actually incurred in the delivery of functions under the 2003 Act and not, for example, a standard percentage of central costs

A. Agree, central recharges should relate to actual costs incurred e.g. the costs of IT, Legal and Committee Support provided in determining an application and the costs associated with delivering the licensing service e.g. a proportion of the building and staff related costs associated with running a licensing authority.

25c: The costs of discharging the statutory functions of licensing authorities that arise under other legislation, such as the duties arising under the Environmental Protection Act 1990. (Given that these functions are funded through taxation, and should not be funded by fees under the 2003 Act merely because they arise in respect of premises that hold an authorisation under the 2003 Act, see paragraph).

A. Disagree. The costs of dealing with a statutory nuisance by Environmental Health should not be included. The costs associated with investigating complaints relating to noise and disturbance including those associated with a licence review or determining if a licence should be reviewed and non-compliance with licence conditions need to be included.

Consultation Question 26:

Q. Do you think that there are other activities that may present a particular risk of excessive costs or gold-plating? Please state and give reasons for your answer in the box below, keeping your views to a maximum of 200 words.

A. We do not believe that supporting a licence holder to comply with conditions such as accessing training, advice and assistance should be considered as gold plating but should be applicable for cost recovery. Licence holders have advised the Council that they are willing to incur charges for advice and assistance to ensure they comply with legislative conditions.

A single national payment date for annual fees

Consultation Question 27:

Q. Do you agree or disagree that there should be a single national payment date for annual fees in England and Wales?

A. Agree, a single national payment date would be more workable for national chains, although needs some thought. What happens if someone has a licence granted on 1 March and the payment date is 1 April, doesn't seem fair when balanced against someone being granted a licence on 2 April and not having to pay annual payment again until 1 April. Some form of pro rata arrangement might need to be considered.

SUBJECT:	Licensing Act 2003 - Schedule of Licensing Sub-Committee Determinations and Appeals
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of the Report

- 1.1 To inform members of Licensing Sub-Committee determinations during the period 9 January 2014 - 3 March 2014.

<u>File Reference</u>	<u>Applicants/Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
Nil					

- 1.2 To inform members of all pending appeals/recently determined appeals against licensing decisions.

<u>File Reference</u>	<u>Applicants/Premises Name</u>	<u>Type of Application</u>	<u>Date Of Appeal</u>	<u>Date Determined</u>	<u>Outcome</u>
Nil					

2. Recommendation

- 2.2 It is recommended that the information in this report be noted.

Officer Contact:	Nathan March - 01494 732056 - nmarch@chiltern.gov.uk
Background Papers:	Service Application Files

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SUBJECT:	Licensing Act 2003 - Officer Determinations
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of the Report

1.1 To inform members of Officer Determinations during the period 4 March 2014 to 6 June 2014.

1.2 Personal Licences:

<u>File Reference</u>	<u>Applicants Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
14/01353/LAPER	Miss Penelope Baldwin	Personal Licence	29.05.14	04.06.14	Granted
14/01360/LAPER	Mr Andrew George Hodgson Keith	Personal Licence	19.05.14	30.05.14	Granted
14/01247/LAPER	Mr Richard James George Norval	Personal Licence	14.05.14	16.05.14	Granted
14/01143/LAPER	Mr Vinash Kaushal	Personal Licence	01.05.14	01.05.2014	Granted
14/01135/LAPER	Mr Stephen Andrew McCormack	Personal Licence	01.05.14	01.05.14	Granted
14/01133/LAPER	Mr John Petersen	Personal Licence	01.05.14	01.05.14	Granted
14/01131/LAPER	Mr Satinderjit Khaira	Personal Licence	01.05.14	01.05.14	Granted
14/00118/LAPER	Mr Darragh Christopher Carrick	Personal Licence	11.03.14	11.03.14	Granted
14/00114/LAPER	Miss Mary Marina Margaret Prien	Personal Licence	10.03.14	10.03.14	Granted
14/00113/LAPER	Mr Nitesh Davis	Personal Licence	10.03.14	10.03.14	Granted
14/00112/LAPER	Mr Marc Gerald Balding	Personal Licence	10.03.14	10.03.14	Granted
14/00110/LAPER	Mr Joga Singh Khera	Personal Licence	10.03.14	10.03.14	Granted
14/00108/LAPER	Mr Gianfranco Finicelli	Personal Licence	10.03.14	10.03.14	Granted

1.3 Premises licence grants and variations:

<u>File Reference</u>	<u>Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
14/00103/LAPVA	The Curzon Centre	Variation	05.03.14	18.03.14	Granted
14/01232/LAPRE	Luna Rossa	Premises Licence	13.04.14	13.05.14	Granted
14/01086/LAPRE	W H Smith	Minor Variation	23.03.14	24.04.14	Granted
14/01257/LAPRE	Mint Leaves	Premises Licence	17.04.14	15.05.14	Granted
14/01053/LAPRE	The Harvester	Minor Variation	20.03.14	04.04.14	Granted
14/00120/LAPRE	Benedicts Store	Premises Licence	13.03.14	08.04.14	Granted

1.4 Premises licence grants and variations pending:

<u>File Reference</u>	<u>Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>
14/01444/LAPRE	The Beaconsfield School	Premises Licence	04.06.14
14/01445/LAPRE	Pinewood Studios	Variation	03.06.14
14/01309/LAPRE	The Black Horse	Variation	16.05.14
14/01281/LAPRE	Sainsbury's Supermarkets	Variation	16.05.14
14/01232/LAPRE	Nando's	New	09.05.14

14/01082/LAPRE	Denham Green Garage	Variation	24.04.14
14/01276/LAPRE	Happy Kitchen	Premises Licence	08.04.14

1.5 In addition, 56 temporary event notices, NIL notifications of interest, 4 designated premises supervisor variations and 5 transfer of licence have been dealt with.

2. Recommendation

2.2 It is recommended that the information in this report is noted.

Officer Contact:	Nathan March - 01494 732056 - nmarch@chiltern.gov.uk
Background Papers:	Uniform Database

SUBJECT:	Consideration of South Bucks District Council adopted policy approach to tinted windows on hackney carriage and private hire vehicles
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To allow members to consider the results of a six week consultation exercise concerning proposals to amend the Council's current adopted policy approach to tinted windows fitted in hackney carriages and private hire vehicles.

2. Links to Council Policy Objectives

- 2.1 There is a link between an efficient taxi and private hire licensing service with appropriately licensed drivers and vehicles and the council's policy objective for safer and stronger communities.

3. Background

- 3.1 On 9 October 2013 the Licensing Committee considered a report concerning the Council's current approach to tinted windows on hackney carriages and private hire vehicles. The Committee determined that a new policy wording permitting only a 30% tint on rear vehicle windows of taxis and private hire vehicles was appropriate, but that no limits on tints on rear windows of vehicles meeting the Council's dispensation requirements would be imposed. A consultation exercise concerning the proposed new policy was subsequently undertaken.
- 3.2 On 29 January 2014 the Licensing Committee considered the results of the consultation exercise, along with notes of a meeting held on 28 January 2014 between the Licensing Manager, the Chairman of the Committee and 14 licensed drivers. Rather than recommending the policy wording approved on 9 October 2013 to full Council for approval the Committee resolved to undertake another consultation exercise seeking views on the following revised policy wording:

"Light transmitted through the front windscreen of hackney carriages and private hire vehicles must be at least 75%. Light transmitted through the front side windows of hackney carriages and private hire vehicles must be at least 70%. All other windows including the rear windscreen must allow at least 30% of light to be transmitted. Exceptions to this policy will be permitted for executive private hire vehicles which meet the Council's dispensation requirements i.e. vehicles which are exempt from displaying licence plates as set out in the Council's Hackney Carriage & Private Hire Licensing Policy. There will be no limit on the level of tint permitted on rear passenger windows and rear windscreen of private hire vehicles meeting the dispensation requirements. Executive private hire vehicles meeting the dispensation requirements will be required to meet the requirement for 75% and 70% of light to be transmitted through the front windscreen and front side windows respectively".

4. Discussion

- 4.1 The consultation exercise commenced on 4 April 2014 and concluded on 16 May 2014. Details of the consultation were posted on the Council's website, letters were sent to all

private hire and hackney carriage drivers and operators, South Bucks District Councillors, Parish Councils and a number of other individuals and organisation who officers believed may have been interested in contributing to this consultation. A link to the consultation was also posted on the Council's Twitter feed and an article concerning the consultation appeared in the Bucks Advertiser on Thursday 24 April 2014.

- 4.2 Seven responses to the consultation exercise were received, as detailed below. Of the responses received two appear in favour of the proposed new policy approach, three appear in favour of a more relaxed policy approach and two appear in favour of a more restrictive policy approach.
- 4.3 Responses in favour of proposed new policy wording:
- 4.3.1 Amir Davami, GX Cars - thanks for informing me about policies regarding use of tinted windows in private hire vehicles. I am in favour of passage of up to 30% light on the rear windows.
- 4.3.2 Steve Hay, Councillor, Chair of Highways & Partnerships Committee on behalf of Iver Parish Council - I think the 70% versus 30% argument is relevant but I'm a little concerned as to why South Bucks should be legislating this. I'd have thought a more 'national' legislation would be more logical as we're talking about vehicles, and they do, by design, move from area to area. So, any legislation should be considered against neighbouring authority legislation. Essentially, I'd say that this should be decided by central govt., rather by local authorities. It could bring differences of opinion into play, and imagine if a vehicle SBDC had said was good, was to drive into central London where the law was different, how difficult would that become. Anyway, I'd give the 70% my vote, ie, to allow 30% of light through the rear side windows. That is roughly the same as the sun-shield sold by most high-st car accessory stores, ie Halfords. It affords some privacy as well as protecting from the sun, but is not totally 'blacked' out.
- 4.4 Responses in favour of a more relaxed policy approach:
- 4.4.1 Ajaib Hussain - just want to let know my point of view for tinted windows, should be allowed factory fitted vehicles, anything else should be removed.
- 4.4.2 Abid Khan - I would like all the cars that are tinted at the factory floor to be passed by the Council. If it is all right by the companys that make the cars and the government it should be all all right by South Bucks Council. What are we supposed to do buy light meters when we have to change our cars to see what if is's above or below 70%.
- 4.4.3 Amjad Mahmood - I dont agree with the policy regarding having up to 70% rear tint windows . The council is dictating to me as to which taxi I am eligiable to drive. My car is up for renewal and I am interested in the Mercedes Viano which come with a higher tint percantage of 70% along with : Ford Galaxy, E350 CDI ,Volvo, Bmw 5 & 7 series. I believe that we in the UK are well known for Democracy however this Council is trying dictate to us. End of Democracy. All nearby council's except WDC dont have any rules against rear tint windows. We were told Chiltern's has 70% but a colleague of mine just changed his vehicle and the rear tints are above 85%. How is this possible? Not a single saftey issue has risen against any one in the District and yet this council wants to deprive us of the best cars available. I suggest All Manufactured Tints be allowed. The cost is just too much and some dont make less than 70% tint glass. Why fix something which is not broken?
- 4.5 Responses in favour of a more restrictive policy approach:

- 4.5.1 Ben Clarke, Licensing Co-ordinator, Thames Valley Police - The decision to switch to a 70% tint allowance surely undermines the purpose of having the restriction in the first place. The Councillors need to ask themselves why the law regarding the front windows is so much more restrictive. It is because anything heavier is deemed to dangerously restrict the driver's view of the road and other road users. I suspect that there are two reasons for wanting to ensure clarity of vision in the back. One is so that the passenger can more easily see out, thereby allowing them to tell whether they are taking the expected route to their destination. The other is so that others can see into the vehicle in the hopefully unlikely situation that the passenger is being subjected to criminality inside. I appreciate that these might be deemed very unlikely occurrences, but it does mean that it's a bit pointless having the policy if it doesn't achieve the aims. Clare's letter is a little ambiguous insofar as it's not clear when the policy would apply... I get that not applying the policy to existing vehicles is fair, but what's not clear is whether once licensed for the first time, a vehicle is ever tested/checked again. It would again seem pointless having the policy if, the day after the vehicle is licensed, the owner could have the vehicle modified.
- 4.5.2 Margaret Mathie, Town Clerk, Beaconsfield Town Council - The view of Beaconsfield Town Council is that there is no need for licensed vehicles to have tinted windows. Although the Town Council says there should be no tinted windows, they would be happy to accept 30% tint, ie 70% light coming through, as a compromise.
- 4.6 Officers make the following general comments in connection with the proposed new policy and specific comments in relation to the consultation responses that have been received:
- 4.6.1 The first and most important point to make is that the proposed new policy wording is not a significant departure from South Bucks District Council's current policy approach. The Council's Hackney Carriage & Private Hire Licensing Policy, adopted on 11 December 2007 and reviewed on 12 April 2011, states at paragraph 4.4 & paragraph 7.4 "Type of Vehicle", sub paragraph 9, on pages 15 & 40 "in the interest of Public Safety, tinted windows must be approved at inspection by a Licensing Officer prior to the licensing of the vehicle. Any vehicles inspected that give rise to concern for Public Safety shall be referred to the Licensing Sub Committee for determination" thereby giving discretion to members as to whether to grant a licence having considered all the circumstances relating to the application, the vehicle and public safety. For a considerable period of time licensing officers inspecting vehicles have adopted an approach of allowing reasonably heavily tinted windows provided it is possible to see in to the vehicle and observe passengers within. In practical terms the level of tint permitted has been similar to what is now proposed. If the proposed new policy wording is adopted it will have the added benefit of a specific level of tint being specified, rather than it being left to different licensing officers discretion whether to approve the level of tint or refer to the Licensing Sub Committee for determination, thereby creating improved consistency and certainty for applicants.
- 4.6.2 Mr Mahmood makes the point that the Council is dictating to drivers which vehicles can be licensed. This is no different to the current status quo in the district and the status quo in the vast majority of other local authority areas. There are numerous vehicles which are not suitable for use as hackney carriages or private hire vehicles due to various design factors and local authorities generally set standards that must be achieved in order for vehicles to be eligible for licensing. The Council has a legal duty not to grant a private hire vehicle licence unless satisfied that the vehicle is safe and suitable to be used as a hackney carriage or private hire vehicle. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that an application for a

private hire vehicle licence must be refused unless the Council is satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle, is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage, is in suitable mechanical condition and is safe and comfortable. Section 47 of this legislation allows a district Council to attach reasonably necessary conditions to the grant of a hackney carriage licence, including conditions relating to tinted windows.

- 4.6.3 The standard proposed allows a large number of vehicles regularly used as hackney carriages and private hire vehicles to be licensed as manufactured, for example Mercedes E Class, Seat Alhambra (unless fitted with Sunset windows), VW Sharan, Passat and Touran (even where fitted with privacy glass 35% of light through) and Toyota Avensis and Prius (even where fitted with privacy glass 40% of light let through).
- 4.6.4 With regard to the suggestion that the standard proposed by South Bucks is more stringent than other local authorities in the area, this is not correct. The majority of local authorities in this area require 70% of light to pass through rear windows of licensed vehicles. Appendix 1 gives further details of the policy approach of a number of local authorities in this area.
- 4.6.5 Some respondents make the point that vehicles with any factory fitted tints should be permitted to be licensed. Officers are of the view that this is not an appropriate policy approach. There would appear to be no justification for permitting vehicles with factory fitted tinted windows to be licensed whilst not licensing vehicles with the same level of tint that has been applied post manufacture.
- 4.6.6 One respondent asks whether drivers will have to buy light meters when purchasing vehicles in order to ascertain the level of tint on vehicle windows. In some cases it's possible to find out from vehicle manufacturers what level of tint has been applied to the vehicle windows at the time of manufacture, but in other cases drivers will be able to have the vehicles tested by Licensing Officers or by the Council's approved testing centres, all of whom have testing meters. Currently drivers who wish to licence vehicles that have tinted windows fitted can only determine whether the vehicle is suitable for licensing by presenting the vehicle for inspection by a licensing officer at the Council offices. Therefore, if the new policy standard is adopted it will be easier for drivers to ascertain whether or not a vehicle is able to be licensed prior to purchase.
- 4.6.7 In relation to the comments made by Thames Valley Police, even with very heavy levels of tint on windows, the view from the inside of the vehicle to outside is generally good and as a result officers don't believe that there's any risk of the passenger not being able to see the route where they are going. The Council's concern about tinted windows is largely relates to people outside the vehicle being able to see in. This may be licensing officers or police officers who may want to be able to see whether the vehicle is overcrowded, or whether occupants are wearing seat belts, or whether passengers are in difficulty at all and/or need assistance. Changes in levels of tints on windows would be picked up as vehicles are tested every year at testing stations approved by the Council, these garages will be expected to check window tints.
- 4.6.8 In response to Iwer Parish Council's point regarding whether this matter should be legislated for at a national level, whilst this may be desirable, currently it is not the way the law works. There are no national standards in respect of tinted windows for hackney carriages and private hire vehicles, but local authorities are permitted to exercise some control in this area if they feel it appropriate to do so.

5. Resource, Risk and other Implications**5.1 Resource:**

- 5.1 The cost of carrying out this review and undertaking the consultation exercise has involved staff time and resources, but these costs have been met from the existing budget.
- 5.2 If an applicant for a vehicle licence appeals against a decision of either officers or the Licensing Sub Committee to refuse to licence a vehicle due to the level on tint the vehicle windows this would result in legal fees to defend the appeal and further costs which we would seek to recover if the appeal was unsuccessful. In the event of a successful appeal the Council may also have to pay the applicants costs.

6.0 Recommendation.

- 6.1 It is recommended that members consider whether to approve the revised policy wording stated in paragraph 3.2 above as agreed on 29 January 2014.
- 6.2 It is further recommend that if the Licensing Committee approves the revised policy wording, it recommends adoption of this revised policy wording to full Council for approval at the meeting of 29 July 2014.

Officer Contact:	Clare Bradley 01895 837222 clare.bradley@southbucks.gov.uk
Background Papers:	<i>Hackney Carriage & Private Hire Licensing Policy & Associated Documentation Date of Adoption 11 December 2007, First Review 12 April 2011. Reports to Licensing Sub Committee 9 October 2013 and 29 January 2014 regarding Consideration of policy approach to tinted windows on hackney carriage and private hire vehicles.</i>

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APPENDIX 1

Local Authority Tinted Window Policies

Chiltern District Council - All glazing should allow clear view of the passengers within the vehicle. All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front windscreen 75, Front Side Windows 70, all other windows 30.

Bracknell Forest District Council - The front driver and passenger windows are required to meet the legal requirements relating to tinted windows under the Road Traffic Regulations. For safety reasons it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children and vulnerable persons, and for this reason dark tinted windows which prevent clear vision into the vehicle are not permitted. Vehicles which have been granted a dispensation licence may be granted an exemption from this requirement.

Slough Borough Council - Light transmitted through the windscreen must be at least 75%. All other windows must allow at least 70% of light to be transmitted. Exceptions to limiting the tint on the rear windows can be made providing the following criteria can be met: 1. the vehicle is used predominantly for contract hire/corporate working where no cash is exchanged. 2. the vehicle is a stretched limousine or prestige/executive type (eg Mercedes, BMW, Audi).

Watford Borough Council - Reasons for rejection - tinted window too dark to allow view into vehicle from immediately outside the window in normal daylight conditions. Smoked glass windows are permitted within normal MOT tolerances. (Officers from Watford Council have confirmed that they do permit tinted windows if the windows are factory fitted, although this would seem to contradict their written policy).

High Wycombe District Council - In the interests of public safety tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through all other glass on the vehicle. An exemption is in place for vehicles which have been designated in writing for executive use and those which were licensed prior to the introduction of this requirement.

Reading Borough Council - Windows of vehicles licensed for private hire purposes must meet the following requirements in that the windscreen of any vehicle must allow at least 75% of light to be transmitted through it, front side window must allow at least 70% of light to be transmitted through them and rear windows, including the rear screen must allow at least 65% of light to be transmitted through them.

The position adopted in London is different - The taxi Conditions of Fitness document 2007 defines vehicle design and manufacturer specifications for licensed taxis in London. Section 18.2 - 18.4 defines the specific design and safety standards for passenger windows and passenger visibility. 18.3 states "windows must permit maximum visibility into and out of the vehicle. They must have no more than 25% tint value". Level of tint of private hire vehicles is not controlled in excess of the

legal requirements of the Road Vehicles (Construction and Use) Regulations. The difference in standards is explained as being due to the different methods of hire. “Taxis can ply for hire at any time, and pick up passengers at any time, it is therefore important that good visibility into and out of the vehicle is maintained to ensure passenger safety and comfort. Furthermore, the amount of light coming into the vehicle is also important to ensure that passengers with sight impairments and wheelchair users have sufficient light to assist with orientation around the vehicle and seating positions. Licensed private hire vehicles are pre-booked and passengers can specify a choice of vehicle type they wish to travel in, including the request to have a vehicle with or without tinted windows”.

SUBJECT:	Amendments to licensing delegations
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 This report seeks approval for amendments to the current Scheme of Delegations in connection with licensing matters, primarily taxi and private hire licensing.

2. Links to Council Policy Objectives

- 2.1 The provision of an efficient and effective licensing service contributes to the Council's Corporate Plan Key Theme 3 of safe communities.

3. Background

- 3.1 Current delegations regarding taxi and private hire matters are generally set out in the Council's Constitution, Part 3, Responsibility for Functions. These delegations are repeated at Section 10 of the Council's Hackney Carriage and Private Hire Licensing Policy. Delegations to officers that have been approved in the past cover the grant, renewal and refusal of taxi and private hire vehicle, driver and operator licences in particular circumstances. There are currently no powers delegated to officers relating to the suspension or revocation of licences.
- 3.2 Delegations from the Licensing Committee to the Director of Services relating to taxi licensing matters are set out on pages 37 to 39 of the Constitution, as attached at Appendix 1.
- 3.3 Appendix 2 to this report sets out the powers available within Sections 60, 61, 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 ("1976 Act") and the Town Police Clauses Act 1847 ("1847 Act").
- 3.4 In summary, Sections 60, 61 and 62 of the 1976 Act permit a Council to suspend, revoke or refuse to renew vehicle, driver and operator licences. The circumstances where these sanctions may be used include for example:
- where vehicles are unfit
 - an offence or none compliance with taxi and private hire licensing legislation
 - a driver has been convicted of an offence involving dishonesty, indecency or violence
 - an operator has engaged in conduct which appears to render him unfit to hold a licence
 - a material change has occurred since the operator's licence was granted
 - any other reasonable cause.
- 3.5 Suspensions and revocations take effect at the end of 21 days of notification of the suspension or revocation, except in the case of suspensions of driver's licences where suspensions may have immediate effect if this is in the interests of public safety. If a council suspends, revokes or refuses to renew any licence under this section a right of appeal to the magistrates' court exists. In cases of immediate suspension on public safety grounds the suspension or revocation of a drivers licence remains in place pending the hearing of the appeal, whereas other suspensions or revocations cease to have effect upon the submission of an appeal, pending the appeal determination.
- 3.6 Section 68 of the 1976 Act permits an authorised officer of the council to suspend a hackney carriage or private hire vehicle licence in circumstances where the officer believes the

vehicle to be unfit. Any suspension issued stays in force until such time as the officer is satisfied as to the fitness of the vehicle. If the vehicle isn't made fit within two months of the issue of the suspension notice the licence is automatically revoked and a right of appeal applies. Currently appropriate delegations are not in place to allow officers to use the suspension powers provided by Section 68.

- 3.7 In addition to the powers to suspend, revoke and refuse to renew licences there are other delegations detailed in paragraphs 4.5 to 4.7 below that would benefit from updating. These relate to the Council's penalty points system of enforcement for private hire drivers, operators and hackney carriage drivers, authority to prosecute where criminal offences involving taxi and private hire matters may have been committed and amendments to existing licensing delegations to change the line of delegation from the Director of Services to the Head of Health and Housing.

4. Discussion

- 4.1 From time to time circumstances arise where it would be beneficial for officers to have powers to suspend, revoke or refuse to renew operator, driver or vehicle licences.
- 4.2 In the case of drivers, examples of the circumstances where it may be beneficial for officers to be able to exercise these powers at short notice in a simple and efficient manner include;
- failure to provide appropriate medical certification or inability to meet the councils medical requirements
 - failure to provide up to date criminal record disclosure certification.

It is undesirable for the Council to continue to licence people who have not demonstrated compliance with the Council's requirements which are in place to protect public safety and a delay in taking steps to protect public safety could attract criticism. Similarly, if a driver is charged with or convicted of a serious criminal offence which results in him/her not being considered to be a fit and proper person to hold a licence the ability to revoke a licence very quickly is desirable.

- 4.3 In the case of operators the same situation applies in relation to Criminal Record Disclosures, but operators are not required to meet any medical requirements.
- 4.4 Examples of circumstances where it may be appropriate to suspend, revoke or refuse to renew a vehicle licence might include where a vehicle has been involved in an accident, a mechanical defect has been detected, a taxi meter is not working correctly, the vehicle licence plate or door stickers are not correctly displayed, it has not been demonstrated that the vehicle is appropriately insured or the owner has had their taxi or private hire drivers licence revoked or suspended.
- 4.5 The Council's current Hackney Carriage and Private Hire Licensing Policy contains at section 9.1 on pages 49 and 50 details of a penalty points system of enforcement. A licensed driver or operator may be issued with a notice awarding penalty points if he/she contravenes a licence condition or commits some other infringement, for example failing to report an accident or failing to report a change of details or conviction. It is proposed that the authority to issue penalty notices be delegated to the Head of Health and Housing.
- 4.6 The policy states that a licence holder shall have a right of appeal in writing to the Head of Environment within 14 days of receiving the notice, and will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal. However, Section 10 of the policy that details delegations states that appeal against the issue of a penalty points

notice shall be to the Licensing Sub-Committee. In order to clarify this situation it is proposed that the Council's Constitution, Part 3, Responsibility for Functions, is amended to make clear that an appeal against the allocation of penalty points shall be determined by the Head of Health and Housing.

- 4.7 Section 10 of the Council's Hackney Carriage and Private Hire Licensing Policy makes reference to authority to prosecute. The policy states that authority to prosecute shall be referred to the Licensing Committee. It is proposed that for reasons of efficiency the authority to prosecute in relation to taxi and private hire matters be delegated to the Head of Health and Housing in consultation with the Head of Legal and Democratic Services.
- 4.8 In line with current practice it is proposed to change all licensing delegations within the constitution that currently fall to "Director of Services" to "Head of Health and Housing", as it is this Head of Service that currently holds responsibility for licensing matters.
- 4.9 Page 37 of the Council's constitution titled "Licensing Committee" sets out delegations to officers from the Licensing Committee. Paragraph A of this section states "Chief Officers are authorised to arrange for delegated matters to be carried out by appropriate staff in their department". This reference should be updated to refer to "Chief Officers and Heads of Service are authorised to arrange for delegated matters to be carried out by appropriate staff in their department".
- 4.10 Page 39 of the Council's Constitution at paragraph 3A, which relates to "Applications for the renewal of Hackney Carriage and/or Private Hire Drivers Licences granted by the Licensing Sub-Committee" has an omission in that it does not state who this authority is delegated to. It appears delegations that this should refer to the Director of Services, and it is proposed that this should be amended to show the Head of Health and Housing as the officer responsible.

5. Risks, resources and other implications

- 5.1 The recommendations contained in this report are considered to be appropriate from an efficiency, practical and timeliness point of view.
- 5.2 The costs involved in carrying out these licensing functions will involve staff time and resources which will be met within existing budgets. However, if there was an appeal or challenge against the decision of officers or the Licensing Sub-Committee this would result in legal fees to defend the same which we would seek to recover if the appeal or challenge was unsuccessful. In the event of a successful appeal or challenge the Council may also have to pay the applicants costs.

6. Recommendations

6.1 Licensing Committee is asked to recommend to Council:

- a) approval of amendments to the scheme of delegations contained within the Council's constitution to authorise the Head of Health and Housing to exercise powers contained within Sections 60, 61, 62 of the Local Government (Miscellaneous Provisions) Act 1976.
- b) approval of addition to the scheme of delegations contained within the Council's constitution to delegate to the Head of Health and Housing powers contained within Section 68 to authorise appropriate officers.
- c) approval of amendments to the scheme of delegations contained within the Council's constitution to authorise the Head of Health and Housing to commence prosecution

proceedings and issue formal cautions in connection with offences created by the enactments controlling or regulating the licensing of hackney carriage and private hire vehicle, driver and operators licences in consultation with the Head of Legal Services and Democratic Services.

- d) approval of addition to the scheme of delegations contained within the Council's constitution to authorise the Head of Health and Housing to issue penalty notices in accordance with the Council's hackney carriage and private hire licensing policy.
- e) approval of addition to the scheme of delegations contained within the Council's constitution to authorise the Head of Health and Housing to determine appeals against the issue of penalty point notices issued in accordance with the Council's hackney carriage and private hire licensing policy.
- f) approval of amendment of all references to "Director of Services" within the scheme of licensing delegations contained within the Council's constitution to be amended to "Head of Health and Housing" and for 3A to be amended to show delegation to Head of Health and Housing.
- g) approval of amendment of page 37 of the Council's constitution titled "Licensing Committee" to refer to "Chief Officer and Heads of Service are authorised to arrange for delegated matters to be carried out by appropriate staff in their department".

Officer Contact:	Clare Bradley Ext 7222 clare.bradley@southbucks.gov.uk
Background Papers	Local Government (Miscellaneous Provisions) Act 1976. Town Police Clauses Act 1847. Hackney Carriage & Private Hire Licensing Policy adopted 11 December 2007 & updated 12 April 2011.

LICENSING COMMITTEE

A. Delegations to Officers

Chief Officers are authorised to arrange for delegated matters to be carried out by appropriate staff in their department.

(1) Gaming, Lotteries

- | | | |
|----|--|----------------------|
| a) | Authority to grant or renew permits for amusement with prizes gaming machines (fruit machines) for all premises (Section 34, Gaming Act 1968). | Director of Services |
| b) | Authority to issue an order authorising low-stake gaming on alcohol licensed premises (Section 6, Gaming Act 1968). | Director of Services |
| c) | Authority to issue permits for amusements with prizes on all premises (Section 16, Lotteries and Amusements Act 1976). | Director of Services |

(Note: If Officers are minded to refuse any of the above, the matter be delegated to the Licensing Sub-Committee for determination. Any reviews regarding unresolved appeals will be referred to the Licensing Sub-Committee).

(2) Licences and Registrations

- | | | |
|----|---|----------------------|
| a) | Authority to grant a licence and/or registration. | Director of Services |
| b) | Authority to refuse a licence and/or registration on technical grounds under the following Acts:- | Director of Services |

The Cinemas Act 1985
The Private Places of Entertainment (Licensing) Act 1967
The Local Government (Miscellaneous Provisions) Act 1982 (Part VIII)
The Fire Safety and Safety of Places of Sport Act 1987
The Late Night Refreshment Houses Act 1969
The Young Persons Employment Act 1938
The Dangerous Wild Animals Act 1976
The Pet Animals Act 1951
The Breeding of Dogs Acts 1973 and 1991
The Animal Boarding Establishments Act 1963
The Riding Establishments Acts 1964 and 1970
The Game Act 1831

- | | | |
|----|--|----------------------|
| c) | Authority to determine transfers of Track Betting Licences under the Betting, Gaming and Lotteries Act 1963. | Director of Services |
|----|--|----------------------|

(3) Hackney Carriage and Drivers' Licences Private Hire Operators, Drivers and Vehicle Licences

Matter to be dealt with

Application for the grant of a Hackney Carriage Driver Licence

Director of Services

Providing the Applicant is considered to be a fit and proper person and meets the policy criteria.

For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader and the Licensing Team Leader may decide to impose a strict warning or an informative on the licence relating to future conduct and/or production of documentation to the Council at a set frequency during the duration of the Licence.

Appendix1

Application for the grant of a Hackney Carriage Vehicle Licence	<p>Providing the vehicle meets the policy criteria and passes all required inspections.</p> <p>Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.</p>
Application for the renewal of a Hackney Carriage Driver Licence	<p>Providing Applicant is considered to be a fit and proper person and meets the policy criteria</p> <p>For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader and the Licensing Team Leader may decide to impose a strict warning or an informative on the licence relating to future conduct and/or production of documentation to the Council at a set frequency during the duration of the Licence.</p>
Application for the renewal of a Hackney Carriage Vehicle Licence	<p>Providing the vehicle meets the policy criteria and passes all required inspections.</p> <p>Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.</p>
Application for the grant of a Private Hire Operator Licence	<p>Providing Applicant is considered to be a fit and proper person and the application meets the policy criteria.</p>
Application for the renewal of a Private Hire Operator Licence	<p>Providing Applicant is considered to be a fit and proper person and the application meets the policy criteria.</p>
Application for the grant of a Private Hire Driver Licence	<p>Providing the Applicant is considered to be a fit and proper person and meets the policy criteria.</p> <p>For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader. In determining an application under delegated authority the Licensing Team Leader may decide to impose a special condition/s on the licence requesting production of documents including but not limited to the DVLA Driving licence and Insurance to a Licensing Officer at a set frequency during the duration of the Licence. The Licensing Team Leader may also further choose to impose a warning on the Licence as to future conduct.</p>
Application for the grant of a Private Hire Vehicle Licence	<p>Providing the vehicle meets the policy criteria and passes all required inspections.</p> <p>Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.</p>

Application for the renewal of a Private Hire Driver Licence	Providing the Applicant is considered to be a fit and proper person and meets the policy criteria.
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For Applicants who have received endorsements on their DVLA driving Licence a maximum of up to nine (9) penalty points will be considered by the Team Leader. In determining an application under delegated authority the Licensing Team Leader may decide to impose a special condition/s on the licence requesting production of documents including but not limited to the DVLA Driving licence and Insurance to a Licensing Officers at a set frequency during the duration of the Licence. The Licensing Team Leader may also further choose to impose a warning on the Licence as to future conduct.

Application for the renewal of a Private Hire Vehicle Licence	Providing the vehicle meets the policy criteria and passes all required inspections.
---	--

Applications for vehicles of an 'exceptional' standard in which case a special condition be imposed on the Licence regarding six monthly mechanical testing.

Delegation to allow renewal of Licence where Sub-Committee has already allowed a departure from Policy and no further change of circumstance	Subject to same conditions/ informatives / warnings as Sub-Committee imposed if still applicable – Licensing Committee 17.3.10
--	--

Refusal of an application for the grant of a Hackney Carriage Driver Licence, Hackney Carriage Vehicle Licence, Private Hire Operator Licence, Private Hire Driver Licence and Private Hire Vehicle Licence	Providing the applicant fails to meet the policy criteria. Discretion remains for the Licensing Team Leader to refer any application of concern to the Licensing Sub-Committee for determination. Report to the next Licensing Committee of any licences refused under this delegation.
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(3A) **Applications for the renewal of Hackney Carriage and/or Private Hire Drivers Licences granted by the Licensing Sub-Committee**

Authority to grant, providing there has been no change in the drivers circumstances since the grant of the drivers' licence by the Licensing Sub-Committee, and further subject to any special conditions / Informatives / Warnings imposed by the Licensing Sub-Committee to again be imposed if still applicable.

(4) **Heavy Goods Vehicle Operators Licence Applications**

Authority to submit objections in appropriate cases due to the short length of time allowed for consultations, subject to a report to the next meeting of the Committee.

Director of Services in consultation with the Head of Legal Services

(5) **Street and House to House Collections**

Issue of permits.

Director of Services

(6) **Zoo Licensing Act 1981**

(a) Authority to issue a zoo licence.

Director of Services

(b) Authority to refuse a licence on technical grounds.

Director of Services

(c) Authority to enter premises and undertake the relevant duties under the Act.

Director of Services

(d)) Authority to appoint Inspectors from the Secretary of State's list.

Director of Services

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Sections 60, 61, 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 ("1976 Act") set out powers available to the licensing authority to suspend, revoke and refuse to renew licences in certain circumstances as follows:

Section 60 - suspension and revocation of vehicle licences

60. (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:-

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause.

60. (2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such a suspension, revocation or refusal.

60. (3) Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

Section 61 - Suspension and revocation of drivers' licences

61. (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:-

- (a) that he has since the grant of the licence -
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- (b) any other reasonable cause.

61. (2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such a suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

61. (2) (b) If any person without reasonable excuse contravenes the provision of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

61. (2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of a period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

61. (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection

Appendix2

(2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

61. (3) Any driver aggrieved by a decision of a district council under subsection (1) of this section may appeal to a magistrates' court.

Section 62 - Suspension and revocation of operators' licences

62. (1) Notwithstanding anything in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:-

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause

62. (2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within 14 days of such a suspension, revocation or refusal.

62. (3) Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

Section 68 - Fitness of hackney carriages and private hire vehicles

68. Any authorised officer of the council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle until such time as such authorised officer or constable is so satisfied: Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of section 60 of this Act shall apply with any necessary modifications.

SUBJECT:	Review of Hackney Carriage Fares
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To seek approval for amendments to the current table of passenger fares for South Bucks District Council hackney carriages.

2. Links to Council Policy Objectives

- 2.1 The provision of an efficient and effective licensing service contributes to the Council's Corporate Plan Key Theme 3 of safe communities.

3. Background

- 3.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") gives the Council power to set fares within the district for the time and distance travelled and all other charges in connection with the hire of hackney carriages. Such fares are specified in a "table of fares" which may be varied from time to time.
- 3.2 The Council's Hackney Carriage & Private Hire Licensing Policy, adopted on 11 December 2007 and reviewed on 12 April 2011, states at paragraph 4.13 on page 21:

Table of Fares

A district council may fix the rates for fares within the district as well as for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a tariff card.

If a hackney carriage is used for a contract for private hire, it must not charge more than the fixed rate in the authorised fare table.

Fares set for Hackney Carriages will be subject to a yearly review. In order for fares to be set for Hackney Carriages a review will be taken of fares currently in place within neighbouring authorities. A public notice will be placed in a local newspaper, stating the proposed variation of the fares. The Notice shall allow 28 days for objections to the proposals to be received. If no objections are received the fares will take effect following adoption at Full Council and shall come into force on the following 1st April. Should objections be received the matter will be referred to a Full Licensing Committee for consideration with a further referral to Full Council for adoption.

The Licensing Team are committed to consulting with Hackney Carriage/Private Hire Drivers and Proprietors to ensure they are informed of any changes to the Licensing Fares and to enable any comments to be received.

- 3.3 Hackney Carriage Drivers are at liberty to charge fares lower than the specified table of fares, but are not permitted to charge higher fares for journeys taking place within the district. Journeys ending outside of the district or commencing outside of the district due to the driver undertaking a pre-booked journey do not need to be charged in accordance with the approved fare chart.

- 3.4 The law requires any change to the “table of fares” must be advertised publicly in at least one local newspaper for a period of not less than 14 days before the proposed change takes effect. The public notice must also be available at the Council offices for inspection free of charge at all reasonable hours during the consultation period.
- 3.5 If no objections are received during the consultation period then the changes outlined in the table of fares (Appendix 4) if approved by Members will come into effect on a date to be stated in the public notice. If objections are received and not withdrawn, they must be considered by the Council and a decision made to set a date for the proposed changes to the table of fares (with or without modification having taken into account any such objections) such change to take effect not later than 2 months from the original effective date stated in the public notice referred to in paragraph 3.4 above.
- 3.6 The Council last varied its table of fares in November 2009. A copy of the current approved fare chart is attached at Appendix 1. Prior to this the table of fares was set in May 2006.

4. Discussion

- 4.1 Representatives of the hackney carriage trade have written to the Council requesting that the table of fares be varied to come in line with Chiltern District Council’s approved table of fares. A copy of Chiltern District Council’s hackney carriage table of fares is attached at Appendix 2.
- 4.2 A comparison of current hackney carriage fares for a selection of local authorities situated relatively close to South Bucks can be seen at Appendix 3. This table shows that the fare levels in South Bucks are currently set at a relatively low level compared to other authorities in the area. Information obtained from the National Private Hire Association shows that, based on a two mile daytime journey South Bucks fares are 286th lowest out of 365 authorities across the country.
- 4.3 Adoption of a table of fares in line with the Chiltern District Council table of fares would result in increases to costs for passengers travelling in South Bucks District Council hackney carriages and increased income for drivers. The table below shows the percentage increases for different distance journeys at different times of day.

DAY TIME					
TARRIF ONE	FLAG	1 MILE	2 MILES	5 MILES	10 MILES
Current Fare	£3.00	£3.00	£5.00	£10.25	£19.00
Proposed Fare	£3.00	£3.60	£5.40	£10.80	£19.80
% increase	20%	20%	8%	5.4%	4.2%
NIGHT TIME					
TARRIF TWO	FLAG	1 MILE	2 MILES	5 MILES	10 MILES
Current Fare	£4.50	£4.50	£7.25	£15.25	£28.25
Proposed Fare	£4.50	£5.40	£8.10	£16.20	£29.70
% increase	0%	20%	11.7%	6.2%	5.1%

- 4.4 Although some of the proposed fare increases result in relatively high percentage increases, this needs to be contrasted with the fact that there have been no increases in hackney carriage fares in the district for approaching five years and current fares are comparatively low. In addition, costs to drivers have increased, largely due to fuel price increases, but also in relation to the cost of having vehicles maintained and repaired. Paragraph 4.5 below gives further details regarding fuel price increases. In summary, since November 2009, when hackney carriage fares were last reviewed, the average price for unleaded petrol has increased from £1.08 to £1.30, an increase of 20.4%.

4.5 Average price per litre of unleaded fuel in the UK since 2009:

Month	2009	2010	2011	2012	2013	2014
January	87.0p	111.4p	127.9p	133.3p	132.7p	130.2p
February	90.2p	112.1p	128.7p	135.1p	137.1p	129.6p
March	90.8p	115.6p	132.2p	138.9p	138.8p	129.6p
April	94.8p	120.5p	134.7p	141.9p	136.7p	129.8p
May	97.7p	121.0p	136.7p	137.9p	133.9p	130.2p
June	102.2p	118.2p	135.7p	133.1p	134.6p	
July	103.0p	117.3p	134.9p	132.1p	135.7p	
August	103.9p	116.2p	135.5p	135.9p	137.5p	
September	106.2p	115.3p	135.4p	139.6p	137.7p	
October	105.7p	117.4p	134.6p	138.5p	132.4p	
November	108.4p	118.9p	133.8p	135.3p	130.6p	
December	108.2p	122.0p	132.5p	132.7p	131.0p	

Source: Petrolprices.com

4.6 Despite the fact that the Council's Hackney Carriage and Private Hire policy states that fares will be reviewed each year with new fares coming into force on 1 April each year, it is proposed that in respect of this fare increase, if approved, the following timetable be followed:

7 August 2014 - proposed new fares advertised and objections invited
 4 September 2014 - closing date for objections
 5 September 2014 - revised fares come into force if no objections received

If objections received:

8 October 2014 - objections considered by Licensing Committee
 27 November 2014 - fares implemented if approved with or without any amendments

5. Risks, resources and other implications

- 5.1 The cost of carrying out the fare review and associated consultation including advertising costs will involve staff time and resources, but these costs will be met within the existing budget.
- 5.2 There is no right of appeal against fares once set but the decision of the Council regarding changes to its table of fares could be the subject of a Judicial review. If an application for Judicial Review were lodged this would result in legal fees to defend the review and further costs which we would seek to recover if the review was unsuccessful. In the event of a successful review the Council may also have to pay the applicants costs.

6. Recommendations

- 6.1 Licensing Committee is asked to recommend to Council:

- a) to approve a table of fares in accordance with the hackney carriage table of fares as set out at Appendix 4 and to authorise the Head of Health and Housing to advertise the proposed fare increases for 28 days.
- b) if no objections are received, the increases as stated on the table of fares set out in Appendix 4 to become effective at the conclusion of the consultation period.
- c) that any objections received be considered by the Licensing Committee at its meeting on 8 October 2014 and Licensing Committee determine the table of fares to come into effect on 27th October 2014 with or without variation having had regard to objections received.

Officer Contact:	Clare Bradley 01494 732063 clare.bradley@southbucks.gov.uk
Background Papers	Local Government (Miscellaneous Provisions) Act 1976. Town Police Clauses Act 1847. Hackney Carriage & Private Hire Licensing Policy adopted 11 December 2007 & updated 12 April 2011.

APPENDIX 1

SOUTH BUCKS DISTRICT COUNCIL HACKNEY CARRIAGE FARES
Local Government (Miscellaneous Provisions) Act 1976

<u>TARIFF 1</u> (Standard Fare)		<u>TARIFF 2</u> (Standard Fare plus 50%)	
For the first 1609 metres (1 mile) or part thereof	£3.00	For hiring commencing between 11pm and 6am on any day of the week	
For each additional 229.5 metres (251 yards)	£0.25	Bank Holidays	
Waiting time for each period of 1 minute	£0.15	For Christmas Eve and New Year's Eve (between 4pm and 11pm)	
<u>EXTRA CHARGES</u>		<u>TARIFF 3</u>	
Each article of luggage carried outside the passenger compartment	£0.25	Sundays (between 6am and midnight)	
Each person in excess of one	£0.15	Standard Fare plus additional £1.90	
Each dog (other than a guide, hearing or prescribed assistance dog)	£0.50	<u>TARIFF 4</u> (Twice the Standard Fare)	
Soiling Charge	£50.00	Christmas Day, Boxing Day, New Year's Day	

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APPENDIX 2

CHILTERN DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE FARES

The maximum Table of Fares for Hackney Carriages given below, was agreed by Chiltern District Council on 1st March 2012 under the provisions of Section 65(1) of the Act and came into effect throughout the District on 24th April 2012.

	CHARGE	TARIFF
MILEAGE For the first 1173 yards (6/9 th mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£3.00 £0.20	1) Standard 1) Rate
EXTRA CHARGES Where the combined human and/or canine* passenger total exceeds four, each additional passenger will be charged £1, regardless of journey day/time/duration/distance * Assistance dogs shall not count towards this total, and no charge must be made. Soiling Charge Toll or Congestion Charge	£1.00 £100.00 As required	
NORMAL NIGHT TIME (11pm - 6am) XMAS EVE AND NEW YEAR'S EVE (4pm - 11pm) BANK HOLIDAYS For the first 1173 yards (6/9 th mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	 £4.50 £0.30	 2 2
SUNDAY RATE (6am-11pm) For the first 1173 yards (6/9 th mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	 £4.50 £0.20	 3 3
XMAS EVE AND NEW YEAR'S EVE (11pm-6.00am) XMAS DAY, BOXING DAY, NEW YEAR'S DAY (6am - 11pm) AND NIGHT TIME ON ANY OTHER BANK HOLIDAY (11pm - 6am) For the first 1173 yards (6/9 th mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	 £6.00 £0.40	 4 4

- 1) Bank Holiday in the table of fares are only those determined by Statute or Proclamation and published by the Department of Trade and Industry'
- 2) Meter charges can only be made from the hirer's point and booked time of Departure
- 3) The tariff rate varies by time of day/calendar and may change during hire at the times detailed above.

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EXAMPLE FARES

APPENDIX 3

	TARRIF 1					RUNNING
COUNCIL	FLAG	1 MILE	2 MILES	5 MILES	10 MILES	MILE
LONDON	£2.40	£4.60	£7.20	£14.80	£32.00	£2.55
WOKINGHAM	£3.00	£4.20	£6.40	£12.60	£23.20	£2.11
BRACKNELL FOREST	£3.00	£4.20	£6.00	£11.20	£20.00	£1.76
MILTON KEYNES	£3.00	£4.40	£6.00	£12.00	£22.00	£2.00
SLOUGH	£3.40	£5.20	£6.00	£11.80	£25.00	£1.76
THREE RIVERS	£2.80	£3.50	£6.00	£14.80	£29.40	£2.93
DACORUM	£2.80	£4.12	£5.88	£11.16	£19.96	£1.76
ST ALBANS	£2.50	£3.60	£5.80	£12.40	£23.40	£2.20
WYCOMBE	£2.35	£3.95	£5.65	£10.85	£19.45	£1.73
CHILTERN	£3.00	£3.60	£5.40	£10.80	£19.80	£1.80
WINDSOR & MAIDENHEAD	£2.73	£3.57	£5.25	£10.29	£18.69	£1.68
SOUTH BUCKINGHAM	£3.00	£3.00	£5.00	£10.25	£19.00	£1.75
AYLESBURY VALE	£3.00	£3.00	£4.30	£8.20	£16.20	£1.30

	TARRIF 2 - NIGHT TIME					RUNNING	EXTRA for
COUNCIL	FLAG	1 MILE	2 MILES	5 MILES	10 MILES	MILE	NIGHTS
LONDON	£2.40	£6.00	£9.80	£21.60	£40.00	£3.89	52.60%
WOKINGHAM	£4.50	£6.30	£9.60	£18.90	£34.80	£3.16	50%
BRACKNELL FOREST	£4.50	£6.30	£9.00	£16.80	£30.00	£2.64	50%
MILTON KEYNES	£4.00	£5.80	£7.80	£15.00	£27.00	£2.40	20%
SLOUGH	£5.20	£7.00	£7.80	£13.60	£26.80	£1.76	£1.80
THREE RIVERS	£3.20	£3.90	£6.40	£15.20	£29.80	£2.93	50p
DACORUM	£4.20	£5.52	£8.16	£16.08	£29.28	£2.64	50%
ST ALBANS	£3.75	£5.40	£8.70	£18.60	£35.10	£3.30	50%
WYCOMBE	£3.00	£4.90	£7.10	£13.50	£24.20	£2.15	24.39%
CHILTERN	£4.50	£5.40	£8.10	£16.20	£29.70	£2.70	50%
WINDSOR & MAIDENHEAD	£4.09	£5.33	£7.81	£15.25	£27.96	£2.52	50%
SOUTH BUCKS	£4.50	£4.50	£7.25	£15.25	£28.25	£2.63	50%
AYLESBURY VALE	£3.75	£3.75	£5.45	£10.35	£20.25	£1.65	25%

Figures provided by The National Private Hire Association.

Appendix 4

Proposed Fares for South Bucks District Council

	CHARGE	TARIFF
MILEAGE For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	£3.00 £0.20	1) Standard 1) Rate
EXTRA CHARGES Where the combined human and/or canine* passenger total exceeds four, each additional passenger will be charged £1, regardless of journey day/time/duration/distance * Assistance dogs shall not count towards this total, and no charge must be made. Soiling Charge Toll or Congestion Charge	£1.00 £100.00 As required	
NORMAL NIGHT TIME (11pm - 6am) XMAS EVE AND NEW YEAR'S EVE (4pm - 11pm) BANK HOLIDAYS For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	 £4.50 £0.30	 2 2
SUNDAY RATE (6am-11pm) For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	 £4.50 £0.20	 3 3
XMAS EVE AND NEW YEAR'S EVE (11pm-6.00am) XMAS DAY, BOXING DAY, NEW YEAR'S DAY (6am - 11pm) AND NIGHT TIME ON ANY OTHER BANK HOLIDAY (11pm - 6am) For the first 1173 yards (6/9 ^{ths} mile) or 269 seconds or any part thereof For each additional 196 yards or 45 seconds	 £6.00 £0.40	 4 4

- 1) Bank Holiday in the table of fares are only those determined by Statute or Proclamation and published by the Department of Trade and Industry
- 2) Meter charges can only be made from the hirer's point and booked time of Departure
- 3) The tariff rate varies by time of day/calendar and may change during hire at the times detailed above.

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SUBJECT:	Hackney Carriage & Private Hire Licensing
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of the Report

- 1.1 To inform members of the number of Officer Determinations in respect of private hire and hackney carriage matters during the period 9 January 2014 - 3 March 2014.

New Applications:

Hackney Carriage Vehicle Licence New Application	3
Private Hire Vehicle Licence New Application	8
Hackney Carriage Drivers Licence New Application	2
Private Hire Drivers Licence New Application	2
Dual Driver Licence New Application	0
Private Hire Operator Licence New Application	1

Renewal Applications:

Hackney Carriage Vehicle Licence Renewal	0
Private Hire Vehicle Licence Renewal	16
Hackney Carriage Drivers Licence Renewal	0
Private Hire Drivers Licence Renewal	10
Dual Driver Licence Renewal	0
Private Hire Operator Renewal	1

2. Recommendation

- 2.2 It is recommended that the information in this report is noted.

Officer Contact:	Nathan March - 01494 732056 - nmarch@chiltern.gov.uk
Background Papers:	Uniform Database

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SUBJECT:	Mobile Homes Fees Policy
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health & Housing

1. Purpose of Report

- 1.1 To advise the Licensing Consultative Body of further guidance received from the Department for Communities and Local Government (DCLG), and the impact of this guidance.
- 1.2 To introduce the draft fees policy and fees in relation to Mobile Home Sites

2. Links to Council Policy Objectives

- 2.1 The provision of an efficient and effective licensing service contributes to the Council's Corporate Plan Key Theme 3 of safe communities.

3. Background

- 3.1 Following the report regarding the Mobile Homes Act 2013 ("2013 Act") presented at the Licensing Committee on 29th January 2014, further advice has been received from the DCLG which has an impact on the appropriate timescales for setting and charging fees.
- 3.2 The 2013 Act amends the Caravan Sites and Control of Development Act 1960 ("1960 Act") by introducing (amongst other matters) new provisions in relation to local authority powers with effect from 1st April 2014. These are:
 - Power to charge fees for new residential site licences, licence transfers and variations
 - Power to charge an annual fee to existing residential site licence holders
 - Power to refuse a licence (or to refuse to transfer a licence)
 - New enforcement powers to tackle breach of licence conditions including powers to serve and enforce 'compliance notices' and undertake emergency works together with the power to recover expenses and costs relating thereto.
 - Requirement to be the keeper of 'Site Rules' deposited with the authority by site operators and Registers.

4. Licence Fee Policy

- 4.1 The 2013 Act requires that where a local authority intends to charge fees it must prepare and publish a fee policy, which can be revised from time to time. A draft fees policy is attached for consideration in Appendix 1
- 4.2 The Council previously agreed that no fees are charged in the first year 2014/15 and a fee policy would be prepared, adopted and published by the Head of Health & Housing in consultation with the Chairman of the Licensing Committee and the Portfolio holder for Resources during the coming year to be implemented from April 2015.
- 4.3 However, following this decision, further guidance and clarification has been received which has made it essential that fees are set as soon as possible so that they can be charged to site owners during the current financial year.

- 4.4 The reason for this is that the date on which a local authority introduces its annual fee will determine whether a site owner can pass on the annual fee to their residents through the pitch fee as provided for in the legislation.
- 4.5 A site owner can only pass on the annual fee in the first year after the 2013 Act comes into force, which means they can only pass the annual fee on in a pitch fee review that falls between 1 April 2014 and 31 March 2015.
- 4.6 Having now had the benefit of further guidance officers have been able to understand and consider the full effects of the 2013 Act. Also as the Joint Licensing Team is now formalised the associated costs are known and therefore the Council is now in a position to to set fees.
- 4.7 The fee policy should set out
- a. the fees payable for
 - i. applications for the grant of a site licence
 - ii. applications for the transfer of a site licence
 - iii. applications for the alteration of a site licence
 - iv. an annual fee for an existing licence
 - b. the matters of apportionment of those costs in the setting of those fees
 - c. if an annual fee is to be paid, when it is to be paid
 - d. how surpluses and deficits are to be treated and
 - e. such other matters as the local authority consider to be relevant
- 4.8 Following adoption of the policy the authority must publish the policy before charging any fees. Any revision of the fees must be in accordance with the policy. The authority must also publish the revised policy following any revision of the policy.
- 5. Proposed fees**
- 5.1 The draft policy includes all of the proposed fees for the chargeable functions that the Council will undertake
- 5.2 The proposed fees have been developed with consideration as to the amount of officer time each process is estimated to take and how much this costs to the Council, using an average cost of £47 per hour.
- 5.3 The cost of the systems required to conduct the functions has also been included in the charges to e-enable the service in line with the shared service business case developed for Licensing.
- 5.4 Due to the legislation being recently introduced it has been difficult to obtain comparative fees from other local authorities. The same fees as proposed within this policy have been proposed for Chiltern District Council as the cost of carrying out the licensing functions will be the same as a result of the joint Licensing Service. Wycombe District Council and Aylesbury Vale District Council are yet to set any fees.
- 5.5 Draft fees have been obtained from 2 Berkshire authorities and are shown in table 2 of Appendix 1 for comparison, these highlight the level of variance that exists in each authority; the important consideration is that the fees allow the authority to recover its cost without making a profit.

5.6 The breakdown of the chargeable functions included in the fees is shown in Table 1 in Appendix 1.

6. Resource, Risks and Other Implications

6.1 Financial Implications - The Government's intention is that the cost of administering the licensing regime will be met from fee income. However, as the number of sites in south bucks is small, any income from fees is also likely to be minimal and any additional workload is likely to be absorbed within existing resources.

6.2 Legal Implications - The 2013 Act imposes new legal duties and grants new powers to local authorities in respect of residential caravan site licensing. Failure to adequately discharge these duties and powers may result in a legal challenge from mobile home site licence holders, residents or other aggrieved parties. Any fees policy should be carefully developed having regard to guidance and the actual cost of administering licencing to reduce the risk of challenge or non-payment.

6.3 Guidance has identified that unless the Council sets a fee within the first year of the relevant provisions in the 2013 Act coming into force the Site Owner will be unable to pass on the annual fee to the Caravan Site or Park Home residents.

6.4 Equalities Impact - The recommendations in this report do not impact on equalities

7. Recommendations

7.1 It is recommended to the Licensing Consultative that the proposed fees for 2014/2015 as set out in the Table and the draft Fees Policy attached to this report at Appendix 1 be the subject of a consultation exercise.

7.2 The Licensing Consultative Body is requested to recommend to Full Council:

- i. That a Fee Policy is, adopted and published to take effect from 2014 and that fees now be charged from 2014.
- ii. That the delegation to the Head of Health and Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources be amended to include consultation and once published subsequent reviews of the Fees Policy as follows - The Head of Health and Housing in consultation with the Chair of Licensing Committee and the Portfolio Holder for Resources prepare, adopt and publish a Fees Policy having taken into consideration responses received from the consultation when undertaken in accordance with the Mobile Homes Act 2013 and undertake subsequent reviews of the published Fees Policy.

Officer Contact:	Nathan March 01494 732056 nmarch@chiltern.gov.uk
Background papers:	Licensing Committee report on The Mobile Homes Act, 29th January 2014

Appendix 1

The following is an indication as to what fees are based on, but is not limited to:

Application for New Licence

General administration	£198
Site inspection	£141
System development, maintenance and upgrades	£95
Total	£434

Annual Fee

General administration	£38
Complaints and enquiries	£115
3 yearly site inspection (pro-rata)	£49
Committee time including preparation of reports	£54
System development, maintenance and upgrades	£95
Total	£351

Deposit/variation/deletion of Site Rules

General administration	£47
Total	£47

Transfer/amendment of a Site Licence

General administration	£47
Informal advice to applicant	£70
Total	£117

Table 1

	Reading	Bracknell Forest
Fee		
New Site Licence Application Fee	£718	£402.00 + extra for site visit
Annual Fee	£175-£250	£13 per pitch (sites vary in size significantly with the largest being 470 units)
Deposit/Change of Site Rules	No fee proposed	£107
Transfer/amendment of a Site Licence	£468	£170

Table 2

South Bucks District Council



Health and Housing Division

CARAVAN SITE FEES POLICY

Contents

1. Introduction
2. Fees charged for licensing
3. Application for a new site licence
4. Transfer/Amendment of an existing site licence
5. Annual fees for site licences
6. Enforcement Costs
7. Fees for depositing Site rules
8. Publishing and revising the fees policy

Appendix 1 – Elements which can be included in fee setting

Appendix 2 – Fees Table

Related documents

The following documents have been consulted when drafting this policy
The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
Mobile Homes Act 2013 (MHA 2013)
Regulators Compliance Code
Department for Communities and Local Government (DCLG) Guidance on Site
Licensing Fee Setting – ([link on website](#))

1. Introduction

South Bucks District Council has granted Caravan site licenses under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The Caravan Sites and Control of Development Act 1960 has now been amended by the Mobile Homes Act 2013. The Mobile Homes Act 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years. This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process.

There is an expectation that councils will inspect sites and we intend to do this every three years or in accordance with a risk assessment and use the additional powers to ensure compliance with site licence conditions. The Council can also now charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The fee generated by the Mobile Homes Act 2013 is not designed to include investigation of harassment or matters not related to the Site Licence – these should be dealt with through Residents Associations or other appropriate channels.

2. Fees charged for site licences

The changes introduced by the Mobile Homes Act 2013 for Site Licensing came into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the Caravan Sites and Control of Development Act 1960, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for

- applications to grant a new licence
- applications to transfer or amend an existing licence
- Annual licence fees for administering and monitoring existing site licences.

This policy details the fees to be charged for all of these licensing functions. The fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. The Council is able to recover any deficit when it reviews its costs at the end of the year and can do this by reflecting the deficit in the following year’s fees. (Appendix 1 details what the Council can consider in calculating the fee levels)

Each year the Council will assess its previous year's costs to determine if they were accurate. If costs are less than predicted for that year, the excess monies will be reflected in the fee charged to the site owner in the next year. In that case the fee to the site owner would be the licence fee for year 2 minus the money not spent from year 1.

The fee rates set out in this policy cover the initial period 1st April 2014 to 31st March 2015. Fees may then be increased on an annual basis, in accordance with the Retail Price Index (RPI) or in accordance with increased costs of undertaking the licensing regime.

An additional charge of 1.6% will be incurred for credit card payments.

Duration of the Policy

This policy will remain in force until reviewed.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the Caravan Sites and Control of Development Act 1960); failure to apply for licence is an offence under Section 1(2) of Caravan Sites and Control of Development Act 1960. The Council may only issue a licence for a site with a valid and correct planning permission for the use.

Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee for a new site licence is currently a flat fee of £434.

4. Transfer/amendment of existing site licence

Where a licence holder wishes to transfer the licence an application must be made to the Council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly where a site owner requests an amendment to site licence conditions the council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

If the Council deem it necessary to alter conditions there will be no fee payable. The fee for an application for transfer or amendment of site licence conditions is currently £117.

5. Existing Site Licences

Annual Fees

All relevant protected sites must pay an annual fee to the Council (subject to any exemptions stated in this policy). The fee for 2014/15 is due on 1st September and subsequently annually on 1st June thereafter.

The annual fee covers the costs associated with administration, site inspection to ensure compliance with the site licence conditions, and a revisit to ensure compliance with any outstanding works required. If there is still a breach in site licence condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken. (See Enforcement costs – section 6.)

The annual fee is a flat fee of £351. The charges are based on the total estimated cost to the Council of carrying out its annual licensing function for all sites in the district.

Conditions

The conditions on the existing site licence will remain the same until the Council deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the licence by the site owner.

Sites exempted from Annual Licensing fees

- Sites that are not relevant protected sites
- Sites with 5 units or less
- Sites for the Site owner and their family (does not include sites that are run for financial gain)
- Gypsy Roma and Traveller Sites

The Council has decided to exempt these categories of site from paying the annual fee (but not other fees) because these types of sites tend to need infrequent inspections due to the lower risk generally associated with them and collecting annual fees from them would not be cost effective. However any complaints would be dealt with as appropriate.

Charging Arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/licence holder and invoices will be sent at the start of the financial year with payment due within 30 days. (Legislation allows the licence holder to pass on the annual fee cost for 2014/15 to the resident's pitch fee)

Following the granting of a new licence the annual fee will be due on annual anniversary of the granting of the initial licence.

In the event an annual fee is not paid within the terms of the invoice the Council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due. Following non-payment of the annual fee, the costs of any litigation and collection of the fee, may be re-charged to the site owner. Charges for collection of the annual fee cannot be passed onto the residents pitch fee.

Applications will not be determined if no fee or the incorrect fee is paid.

Fees for new site applications or variation to site licences will not be refunded if the application is refused.

6. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the Council we may serve a compliance notice. The Caravan Sites and Control of Development Act 1960 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs.

Hourly rate for enforcement costs = £47

Charges for enforcement costs cannot be passed onto the residents pitch fee. If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court. If a prosecution was successfully taken, the Council would have the power to carry out the works in default of the licence holder.

7. Fees for depositing Site rules

Site rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The Mobile Homes Act 2013 changes the way site rules must be agreed between both parties. The Council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the Council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

The fee is currently £47 and reflects the fixed costs for this function.

8. Publishing and revising the fee policy

This fees policy and the Fees charged will be published on the South Bucks District Council Shared Service Licensing website at www.Southbucks.gov.uk

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically and in consideration of the additional administration required as a result of the changes to the legislation.

Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this policy some elements of the licensing regime are still awaiting further guidance by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges.

The fees charged under this policy will be revised annually as part of the Councils Fees and Charges review.

The fees charged in this policy cover the initial period 1st April 2014 to 31st March 2015. Fees may then be increased on an annual basis, in accordance with the Retail Price Index (RPI) or in accordance with increased costs of undertaking the licensing regime.

Appendix 1 Elements included in fee setting

The Council following the Department for Communities and Local Government guidance sets out the following activities that are included in calculating its fees, these include:

- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating document storage and computer systems (including maintenance and upgrade of such systems and the future development e-forms etc)
- updating the website as appropriate;
- processing the licensing fees through BACS, Cheque, e-payment systems
- time for reviewing necessary documents and certificates;
- preparing reports and the holding of committees to determine a licence or the review of policies and conditions of licensing;
- review by manager or lawyers
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary
- full site inspection and reports;
- any follow up inspection to monitor compliance as necessary

Appendix 2 Fees Table

Fee	Charge
New Site Licence Application Fee	£434
Annual Fee	£351
Deposit/Change of Site Rules	£47
Transfer/amendment of a Site Licence	£117

There is an additional charge for credit card payments

Table 1

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SUBJECT:	Regulation of Sexual Entertainment Venues
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To allow members to consider approving the carrying out of an eight week consultation exercise concerning the requirement for Sexual Entertainment Venues (SEVs) to be licensed within the South Bucks area.

2. Links to Council Policy Objectives

- 2.1 There is a link between an effective licensing regime for sexual entertainment venues and the council's policy objective for safer and stronger communities.

3. Background

- 3.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") allows local authorities to adopt provision requiring sex shops and sex cinemas to be licensed. South Bucks District Council adopted these provisions and licensing requirements came into force in the district on 1 March 1983. There are currently no licensed sex shops or sex cinemas licensed within the South Bucks District Council area.
- 3.2 Section 27 of the Policing and Crime Act 2009 ("2009 Act") amended Schedule 3 of the 1982 Act to allow local authorities to adopt provisions allowing SEVs such as lap dancing clubs to be licensed under the 1982 Act to bring them in line with other licensed sex establishments i.e. sex shops and sex cinemas.
- 3.3 On 3 November 2010 the Licensing Committee resolved to recommend to Council the adoption of the amended legislation requiring licensing of SEVs within the South Bucks District Council area as of 31 January 2011. On 14 December 2010 full Council resolved to accept the Licensing Committees recommendation of 3 November 2010.
- 3.4 Schedule 3 of the 1982 Act requires that where a local authority resolves to adopt the licensing requirement for SEVs they shall publish notice that they have passed such a resolution in a local newspaper circulating in their area for at least two consecutive weeks. The first of these notices shall be published at least 28 days before the day on which the licensing requirements come into force.
- 3.5 If a local authority did not make a resolution to require SEVs to be licensed within one year of these new powers coming into force paragraph 4 of Schedule 3 of the 2009 Act required the local authority as soon as reasonably practicable to consult local people about whether the local authority should adopt the SEV licensing requirements.

4. Discussion

- 4.1 South Bucks District Council has now been operating its current approach of requiring SEVs to be licensed for three years. Since the adoption of this legislation only one application for a licence for an SEV premises has been received. This application was refused and currently there are no licensed SEVs within the South Bucks District.

- 4.2 It has recently come to light that although the Council resolved to adopt licensing requirements for SEVs, the requirement for notice of this resolution to be advertised in a local paper circulating in the local authority area was not met.
- 4.3 Whilst the Council's resolution adopting the legislation remains valid, in light of this advertising oversight, legal advice is that to avoid potential future challenge a consultation, as required under paragraph 4 to Schedule 3 of the 2009 Act, should be undertaken to seek the views of local people as to whether the resolution adopted on 14 December 2010 should stand. If, having considered any consultation responses, a resolution is made that licensing of SEVs should continue under the 1982 Act then the appropriate newspaper notices will be posted following this.

5. Resource, Risk and other Implications

- 5.1 The cost of carrying out this consultation process will involve staff time and resources, but these costs will be met within the existing budget. In the event that a resolution is made to the effect that SEVs should continue to be licensed the costs of publishing the required two newspaper notices will also be met from within the existing budget.
- 5.2 If any prosecution was to be brought under Schedule 3 it could be a defence for a person charged to attempt to show that amendments to Schedule 3 of the 1982 Act arising from the 2009 Act had not been lawfully adopted. Matters which could be the subject of prosecution include a person using premises for SEV purposes without a licence being in force, employing a person who is disqualified from holding a licence, contravening licence conditions or giving a false statement in connection with an application.

6.0 Recommendation

- 6.1 It is recommended that members approve the undertaking of an 8 week consultation exercise taking place between July and September 2014 seeking the views of people living and working in the local authority area as to whether the adoption of the amendments to Schedule 3 of the 1982 Act relating to licensing of SEVs should continue.
- 6.2 If the Licensing Committee approves option 6.1 above the results of the consultation exercise will be reported back to a further meeting of the Licensing Committee on 8 October 2014.

Officer Contact:	Clare Bradley 01895 837222 clare.bradley@southbucks.gov.uk
Background Papers:	Local Government (Miscellaneous Provisions) Act 1982. Policing and Crime Act 2009. Report to Environmental Control Committee 10 November 1982 Report to Licensing Committee 3 November 2010

SUBJECT:	Licensing of House to House Collections and Street Collections
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of the Report

1.1 To inform members of officer determinations during the period 4 March 2014 to 6 June 2014.

The total number of house-to-house collection permits issued during this period was 2.

House-to-house collection permits are issued to none profit making bodies that wish to undertake collections door to door.

Some organisations have been allocated Exemption Orders from the Home Office granting them exemption certification from local authority licensing. The local authority has no control over the dates these organisations will be collecting.

The total number of street collection permits issued during this period was 5.

Street collection permits are issued to registered charities that wish to undertake collections or sales on behalf of a none profit making body on the public highway.

2. Recommendation

2.2 It is recommended that the information in this report is noted.

Officer Contact:	Nathan March - 01494 732056 - nmarch@chiltern.gov.uk
Background Papers:	Uniform Database

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