

## LICENSING COMMITTEE

### Meeting - 2 July 2014

Present: Mr Walters (Chairman)  
Mr Egleton, Mr Griffin, Mr Pepler, Mrs Royston, Mr Samson and  
Mr D Smith

Apologies for absence: Mrs Simmonds, Mr Brown, Mr Clark and Mr Denyer

#### 1. MINUTES

The minutes of the meeting of the Licensing Committee held on 29 January 2014 and the virtual meeting dated 26 March 2014 were confirmed and signed by the Chairman.

#### 2. CONSULTATIVE GROUP

**RESOLVED** that the Chairman and Vice-Chairman, together with Mr Denyer and Ms Vigor - Hedderly, be appointed to the Consultative Body for consultation on delegated matters or urgent decisions between meetings.

#### 3. CONSULTATION ON SECONDARY LEGISLATION FOR THE SETTING OF FEES LOCALLY IN CONNECTION WITH THE LICENSING ACT 2003

The Committee received a report which advised the Committee of the Home Office consultation entitled 'A consultation on fees under the Licensing Act 2003' and the Council's response which was agreed by the Chair of the Licensing Committee.

As part of the Government's proposals to 'rebalance the Licensing Act', the issue of fees being set at a local level, as an alternative to the current national prescribed fees were the subject of a consultation. The consultation period commenced on 13 February 2014 and closed on 10 April 2014. Section 4 of the report set out in detail the areas covered in the consultation. It was noted that the current nationally prescribed fees had been unchanged since 2005.

The Licensing Manager, having consulted with the Chair of Licensing Committee, submitted a response on behalf of the Council which was attached as appendix A to the report. The Home Office advised that responses received would be analysed and a 'Response to Consultation Document' published explaining the Government's final policy intentions.

**RESOLVED** that the Council's response to the Home Office consultation entitled 'A consultation on fees under the Licensing Act 2003' be noted.

#### 4. LICENSING ACT 2003 - SCHEDULE OF LICENSING SUB-COMMITTEE DETERMINATIONS AND APPEALS

The Committee received a report which informed Members of Licensing Sub Committee determinations and all pending appeals/recently determined appeals against licensing decisions. The Licensing Manager advised members of an error in the report, the period during which determinations were made should have read "4 March 2014 – 6 June 2014".

**RESOLVED** that the report be noted.

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### 5. LICENSING ACT 2003 - OFFICER DETERMINATIONS

The Committee received a report which informed Members of Officer Determinations during the period 4 March 2014 to 6 June 2014.

**RESOLVED** that the report be noted.

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

The Committee considered a report on 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.

On 9 October 2013, the Licensing Committee considered a report concerning the approach to tinted windows on hackney carriages and private hire vehicles. The Committee agreed to consult on a new policy wording permitting only a 30% tint on rear windows of taxi and private hire vehicles, with no limits on tints on rear windows of vehicles meeting the Council's dispensation requirements.

On 29 January 2014, the Licensing Committee considered the results of the consultation, 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 to Council for approval, the Committee resolved to undertake another consultation 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”.**

The consultation exercise commenced on 4 April 2014 and concluded on 16 May 2014. Seven responses to the consultation exercise were received, as detailed in section 4 of the report. Of the responses received, two appeared in favour of the proposed new policy approach, three appeared in favour of a more relaxed policy approach and two appeared in favour of a more restricted policy approach.

Having considered the comments received as a result of the latest consultation exercise, the Committee approved the revised policy wording as set in paragraph 3.2 of the report and accordingly

**RECOMMENDED to COUNCIL** that the following revised policy wording be adopted:

**“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**

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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".

### 7. AMENDMENTS TO LICENSING DELEGATIONS

The Committee considered a report which sought approval for amendments to the current Scheme of Delegations in connection with licensing matters, primarily taxi and private hire licensing.

Sections 60, 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976 permits a Council to suspend, revoke or refuse to renew vehicle, driver and operator licenses. Section 68 of the 1976 Act permits an authorised officer of the Council to suspend a hackney carriage or private hire vehicle license in circumstances where the officer believes the vehicle to be unfit. Currently, the Council does not have appropriate delegations in place to allow officers to use the suspension powers provided by Section 68.

In addition to the powers to suspend, revoke and refuse to renew licences there were other delegations detailed in paragraph 4.5 to 4.7 of the report that would benefit from updating. These related 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 delegation to change the line of delegations to change the line of delegation from the Director of Services to the Head of Health and Housing.

The Committee accordingly

**RECOMMENDED to COUNCIL** that the following be approved

1. 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;
2. addition to the scheme of delegations contained within the Council's constitution to authorise the Head of Health and Housing to exercise powers contained within Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 including the authorisation of officers to exercise those powers;
3. 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;
4. 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;
5. 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;

6. 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;
7. 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”.

## **8. REVIEW OF HACKNEY CARRIAGE FARES**

The Committee considered a report which sought approval for amendments to the current table of passenger fares for South Bucks District Council hackney carriages.

Representatives from the hackney carriage trade wrote to the Council requesting the table of passenger 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 was attached as Appendix 2. The fare levels in South Bucks were currently set at a relatively low level compared to other authorities in the area, as shown in appendix 3 to the report.

Members noted that there had been no increases in hackney carriage fares in the district since November 2009.

The law requires any change to the ‘table of fares’ to be advertised publically in at least one local newspaper for a period of not less than 14 days before the proposed change takes effect. If no objections were received during the consultation period then the changes outlined in the table of fares (appendix 4), if approved by Council, would come into effect on a date to be stated in a public notice. Any objections received and not withdrawn would need to be considered by the Council when making its decision to set a date for the changes to the table of fares (with or without modification) to take effect.

The Committee accordingly

### **RECOMMENDED to COUNCIL that**

1. a table of fares in accordance with the hackney carriage table of fares as set out at Appendix 4 be approved and to authorise the Head of Health and Housing to advertise the proposed fare increases for 28 days;
2. 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;
3. 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.

## **9. HACKNEY CARRIAGE & PRIVATE HIRE LICENSING**

The Committee received a report which informed Members of Officer Determinations in respect of private hire and hackney carriage matters. The Licensing Manager advised

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members of an error in the report, the period during which determinations were made should have read "4 March 2014 – 6 June 2014".

**RESOLVED** that the report be noted.

### 10. **OUTCOME OF CONSULTATIVE BODY DECISION RE MOBILE HOMES FEE POLICY**

Members of the Consultative Body received, via email, a report seeking authority to consult on the proposed draft Mobile Homes Fees Policy. 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.

The Council had previously agreed that no fees would be charged in the first year 2014/15 and a fee policy would be prepared, adopted and published by Head of Health and 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. However, following this decision, further guidance and clarification was received which has made it essential that fees be set as soon as possible so that they can be charged to site owners during the current financial year.

The Committee noted the outcome of the decision of the Consultative Body with regards to the consultation which was as follows:

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 the report as Appendix 1 be the subject of a consultation exercise.

The Licensing Committee were asked to consider the other recommendations in the report, which the Consultative Body had also been in support of, and accordingly

#### **RECOMMENDED to COUNCIL that**

1. a fee policy is adopted and published to take effect from 2014 and that fees now be charged from 2014;
2. 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.

### 11. **REGULATION OF SEXUAL ENTERTAINMENT VENUES**

The Committee considered a report which sought approval to carry out an eight week consultation exercise concerning the requirement for Sexual Entertainment Venues (SEVs) to be licensed within the South Bucks area.

Members noted that the Council had been operating its current approach of requiring SEVs to be licensed for three years. It had recently come to light that although the Council resolved to adopt licensing requirement for SEVs, the requirement for a notice of this

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resolution to be advertised in a local paper circulating in the local authority area was not met. Whilst the Council's resolution adopting the legislation remains valid, in light of this advertising oversight, legal advice was that to avoid potential future challenge, a consultation should be undertaken to seek the views of local people as to whether the resolution adopted on 14 December 2010 should stand.

**RESOLVED** that the

1. 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, be approved;
2. results of the consultation exercise to be reported back to the meeting of the Licensing Committee on 8 October 2014.

### 12. LICENSING OF HOUSE TO HOUSE COLLECTIONS AND STREET COLLECTIONS

The Committee received a report showing the total number of house-to-house collection permits and street collection permits issued by Officers for the period 4 March 2014 to 6 June 2014.

**RESOLVED** that the report be noted

### 13. ANY OTHER BUSINESS

The Committee thanked Clare Bradley the Council's former Licensing Manager who was leaving the Council for all her support and efforts during her time at the Council and wished her all the best for the future.

The Licensing Manager handed to Members a copy of the Revised Guidance dated June 2014 issued by the Home Office under Section 182 Licensing Act 2003. Copies would be sent to those Members who were not present at the meeting.

### 14. EXCLUSION OF PUBLIC

Members noted that the following item contained information which was not open to the press and public:

#### **Licensing Sub Committee (Hackney Carriage & Private Hire Licensing)**

Schedule 12A Part 1 Para (1) – Information relating to any individual

The Committee received the Part II minutes of the Licensing Sub Committee held on 11 March 2014.

The meeting terminated at 6:15pm.