



Minutes of the meeting of the **General Licensing Committee** held in Committee Rooms, East Pallant House on Tuesday 17 May 2016 at 11.00 am

Members Present: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr G Barrett, Mr P Budge, Mr J Connor, Mr J W Elliott, Mr G McAra, Mrs P Plant, Mr D Wakeham, Mrs S Westacott and Mr P Jarvis

Members not present: Mr R Barrow, Mrs D Knightley, Mr L Macey and Mr N Thomas

In attendance by invitation:

Officers present all items: Mrs K Jeram (Member Services Officer), Mr A Barson (Licensing Technician), Mr N Bennett (Legal and Democratic Services Manager) and Mr L Foord (Licensing Manager)

18 Chairman's Announcements

The Chairman did not make any announcements.

19 Urgent Items

The Chairman advised that there were no urgent items to be considered at this meeting.

20 Declarations of Interests

No interests were declared at this meeting.

21 Public Question Time

The Chairman advised that no public questions had been submitted.

22 Proposed Fees for Hackney Carriages and Private Hire Licences - Responses to Consultation

The Committee considered this report (copy attached to the official minutes).

Mr Barson reminded members of the changes to the Local Government (Miscellaneous Provisions) Act 1976 (The 'Act'), as amended by the Deregulation Act 2015, that required local authorities to offer three year driver licences and five year private hire operator licences as the norm. Only in particular individual

circumstances could licence be issued for a shorter period. At the previous Committee meeting, members had approved the proposed Fees Policy and the proposed licence fees for public consultation that had taken place from 1 April 2016 until 28 April 2016. Mr Barson outlined the nine objections received following the conclusion of the consultation period, copies of which were attached to the report. They had included a number of concerns, including in particular the proposed increase to driver licence fees. It was acknowledged by officers that drivers would not be able to off-set this fee with the vehicle fee if they were employed solely as a driver and did not own their vehicle. However, to renew a licence for three years would only be an increase of £10 a year.

Officers believed that the licensing fees had been set at a level that would reasonably cover the cost of the licences and in accordance with the legal principles involved so as to ensure that the private hire and hackney carriage communities are charged correctly whilst at the same time minimising the tax payers subsidy for the work required to carry out this regime. However it was for the Committee to consider the objections received and to determine whether the fees are implemented as proposed.

During the discussion members were mindful that they were talking about livelihoods regarding the setting of the fees and their affordability. The issue of refunds if a licence holder could no longer work before the end of the licence period, i.e. due to illness, was raised. Mr Barson advised that it was not the intention to offer a refund in these instances and advised that additional costs would be incurred to process refunds. Just one neighbouring licensing authority had decided to allow refunds. Mr Bennett added that there were difficulties involved in determining what would be a fair recharge if refunds were offered.

Members considered that the proposed fees were reasonable and acknowledged the officers' time and effort taken to calculate the fees in a fair way. If it were to transpire that the fees set created a large surplus or deficit then the matter would need to be brought to the attention of the Committee, so that the fees can be adjusted accordingly. This would also be subject to the statutory requirements under the Act, such as consulting with the trade and general public.

Members suggested that no refunds should be offered at the present time, but if issues arose regarding requests for refunds the matter should be referred to this Committee. Mr Bennett explained that this would be possible and that members could apply their discretion when considering such requests on a case by case basis. Mr Foord informed members that in any case the Fees Policy required officers to review the fees on a three year basis. The Licensing Authority had been mindful of the pressures placed upon licence holders in respect of maintaining, running and fuelling a vehicle and had not considered a review to be appropriate until now due to the requirements of the Deregulation Act.

Members agreed that a one-off review of the fees should take place after one year of their implementation to ensure they had been set fairly and the process for calculating the increase generally reflected the cost recovery and in particular did not result in a profit for the Licensing Authority. Mr Foord confirmed that officers would undertake to provide the Committee with details of all requests for refunds

received within the first year of implementation. Mr Barson added that forms, applicant guidance, enquiry letters, the website etc will all be updated so that an applicant is made fully aware that if applying for the standard three year licence no refund is available if they leave the trade during the currency of the licence. Furthermore, any applicant applying for a one year licence will need to state on the form the reason for this.

Resolved

- (a) That the Committee has considered the comments and objections received in relation to the proposed new fee structure; and
- (b) That the implementation of the new fees are agreed to take effect from Monday 23 May 2016 with a one-off review of fees after a one year period.

The meeting ended at 11.45 am

CHAIRMAN

Date: