

# Public Document Pack

## JOHN WARD

Head of Finance and Governance Services

Contact: Lisa Higenbottam on 01243 534684  
Email: lhigenbottam@chichester.gov.uk

East Pallant House  
1 East Pallant  
Chichester  
West Sussex  
PO19 1TY  
Tel: 01243 785166  
www.chichester.gov.uk



A meeting of **General Licensing Committee** will be held in Committee Room 2, East Pallant House on **Wednesday 19 October 2016 at 9.30 am**

MEMBERS: Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr G Barrett, Mr R Barrow, Mr P Budge, Mr J Connor, Mr J W Elliott, Mr P Jarvis, Mrs D Knightley, Mr L Macey, Mr G McAra, Mrs P Plant, Mr N Thomas, Mr D Wakeham and Mrs S Westacott

## AGENDA

- 1 **Chairman's Announcements**  
Any apologies for absence that have been received will be noted at this point.
- 2 **Minutes** (Pages 1 - 6)  
To approve as a correct record the minutes of the General Licensing Committee meetings held on 23 March 2016 and 17 May 2016.
- 3 **Urgent Items**  
The Chairman will announce any urgent items which due to special circumstances are to be dealt with under agenda item 8b.
- 4 **Declarations of Interests**  
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 5 **Public Question Time**  
Questions submitted by members of the public in writing by noon on the previous working day (for a period of up to 15 minutes).
- 6 **Chichester Vision Presentation**  
The committee will receive a presentation on Chichester Vision from Mr Oates.
- 7 **Proposal to undertake a review of the Council's current Taxi and Private Hire Licensing Policy and Conditions** (Pages 7 - 9)  
The committee is requested to approve a review of the Council's current taxi and private hire policy and conditions and consider the creation of an Officer/Member working group to help inform proposed changes.
- 8 **Consideration of any late items as follows:**
  - (a) Items added to the agenda papers and made available for public inspection;
  - (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

## Part 2

(Items for which the press and public are/may be excluded)

There are no restricted items for consideration by the General Licensing Committee at this meeting.

### NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these contain exempt information.
3. The open proceedings of this meeting will be audio recorded and the recording will be held for one year by the town council. A copy of the recording will also be retained in accordance with the council's information and data policies. If members of the public make a representation to the meeting, they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please contact the contact for this meeting at the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. (Standing Order 11.3)



Minutes of the meeting of the **General Licensing Committee** held in Committee Room 2 - East Pallant House on Wednesday 23 March 2016 at 9.30 am

**Members Present:** Mr J Ridd (Chairman), Mr H Potter (Vice-Chairman), Mr P Budge, Mr J W Elliott, Mr L Macey, Mr G McAra, Mrs P Plant and Mr D Wakeham

**Members not present:** Mr Graeme A F Barrett, Mr P Roger Barrow, Mr John C P Connor and Mrs Denise A Knightley

**Inattendance by invitation:**

**Officers present all items:** Mrs Katherine Jeram (Member Services Officer), Mr Alex Barson (Licensing Technician), Mr Nicholas Bennett (Legal and Democratic Services Manager) and Mr Laurence Foord (Licensing Manager)

11 **Chairman's Announcements**

The Chairman did not make any announcements.

12 **Minutes**

**Resolved**

That the Minutes of the meeting held on 21 October 2015 be approved and signed by the Chairman as a correct record.

13 **Urgent Items**

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

14 **Declarations of Interests**

No interests were declared at this meeting.

15 **Public Question Time**

The Chairman advised that no public questions had been submitted.

16 **Adoption of the Council's Sexual Entertainment Venues Policy for the period 2016 to 2021**

The Committee considered this report concerning the Council's draft Sexual Entertainment Venues Policy for the period 2016-2021 (copy attached to the official minutes).

Mr Foord provided some background information insofar as the Council adopted the amended provisions of the Local Government (Miscellaneous Provisions) Act 1982 as a result of the Policing and Crime Act 2009. The current Policy, which broadly set out the approach to be taken by the Licensing Authority should an application be received, had remained in place since its first adoption in 2011 and now required a review, as the current Policy was due to expire. It remained the case that the District did not currently have any sexual entertainment venues that required licensing. The draft Policy would be subject to a four week period of public consultation before being recommended to Council for adoption of the final version.

### **Resolved**

- (a) That the draft revised Sexual Entertainment Venues Policy (the Policy) is approved for public consultation;
- (b) That authority be delegated to the Head of Housing and Environment Services to consider any representations arising from the consultation exercise and, provided the representations do not require significant amendments to the draft Policy, to recommend adoption to Council on 17 May 2016 (with minor amendments if considered appropriate) following consultation with the Cabinet Member for Environment; and
- (c) In circumstances where significant amendments to the Policy are required that these are reported back to the General Licensing committee for further consideration.

### **Recommended**

That the Policy (as amended in accordance with paragraphs (b) and (c) above) be approved and published.

## **17 Proposed Changes to the Existing Licence fees for Hackney Carriages and Private Hire Licences**

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

Mr Foord introduced the report and explained that the Local Government (Miscellaneous Provisions) Act 1976 has been amended by the Deregulation Act 2015 and now required local authorities to offer three year Driver Licences and five year Private Operator Licences as the norm. It was, however, still permissible to issue yearly licences but only when appropriate to the circumstances of each case. This requirement was intended to help reduce the financial and administrative burden upon the hackney carriage and private hire trade. To establish the correct charge a comprehensive review of the fees has been undertaken including a re-assessment of the other fees associated with the licensing regime. He referred to

appendix 1 of the draft Fees Policy, which had been devised based on the key legal parameters and case law governing the setting of fees, which must only be on a cost recovery basis.

It was noted that the proposed fees would come into effect from 1 May 2016 unless any objections were received or withdrawn in respect of the proposed fees during the consultation period, which in that case the Committee would be required to consider before making a decision on the implementation of the fees.

In response to members' questions, Mr Barson explained in detail the methodology used to calculate the proposed fees and ensure they were as accurate as possible. The issue of refunds was discussed if a licence was given up before the end of the three or five year period and Mr Foord explained that it was not intended to offer refunds due to their complexity, but this matter could be reviewed if necessary once the changes had taken place. Following a suggestion by a member as to whether an option to renew every year should automatically be allowed for all applicants, members considered that this should not be that case and that one year licenses should only be allowed on a case by case basis depending on the circumstances.

### **Resolved**

- (a) That the proposed fees policy for the Hackney Carriage and Private Hire Licensing Regimes set out within Appendix 1 of the report be adopted; and
- (b) That the proposed Licence fees for 2016/17 for Hackney Carriages, Private Hire Vehicles and all Hackney Carriage/Private Hire Drivers Licences and all Private Hire Operators Licences within the Chichester District which are set out at Appendix 2 of the report be approved for public consultation.

The meeting ended at 11.30 am

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CHAIRMAN

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Date:



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

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CHAIRMAN

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Date:

## Chichester District Council

### General Licensing Committee

19<sup>th</sup> October 2016

#### Proposal to undertake a review of the Council's current Taxi and Private Hire Licensing Policy and Conditions

##### 1. Contact(s)

Alex Barson, Licensing Technician. Tel: 01243 534744  
Email: [abarson@chichester.gov.uk](mailto:abarson@chichester.gov.uk)

Laurence Foord, Licensing Manager Tel: 01243 534742  
Email: [lfoord@chichester.gov.uk](mailto:lfoord@chichester.gov.uk)

Nicholas Bennett, Legal Services. Tel: 01243 534657  
Email: [nbennett@chichester.gov.uk](mailto:nbennett@chichester.gov.uk)

##### 2. Executive Summary

To give consideration to reviewing the Council's current Taxi & Private Hire licensing policy and conditions and the formation of a Working Group involving Members of the General Licensing Committee.

##### 3. Recommendations

- 3.1 That Members approve officers to embark upon a review of the Council's current taxi and private hire policy and conditions.
- 3.2 That Members consider the creation of an Officer/Member working group to help inform proposed changes.

##### 4. Main Report

- 4.1 After several years of practical application Officers of the Licensing Team wish to undertake a review of Chichester District Council's existing policy and conditions relating to the taxi and private hire licensing regimes.
- 4.2 Existing policy was formulated and adopted by the General Licensing Committee in phases between 2010 and 2012. The policy is currently formed of the following sections:
  - Driver & Vehicle General Policy
  - Private Hire Driver Policy
  - Private Hire Vehicle Policy
  - Private Hire Operator Policy
  - Hackney Carriage Vehicle Policy
  - Hackney Carriage Driver Policy

- 4.3 In addition to the policy, conditions considered appropriate for attaching to taxi and private hire licences were also reviewed, amended and adopted during this time. All current policy documents and conditions can be viewed on the Council website via the following link - <http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>
- 4.4 Since the adoption of both the policies and conditions, there have been a number of changes in legislation and working practices nationally, including developments in best practice and national guidance. Furthermore, the trade (taxi/private hire drivers, operators and vehicle owners) and officers have had several years' experience of working with the current policy and conditions. Consequently this has highlighted a number of areas that would benefit from being reconsidered and alterations made if deemed necessary, to ensure that the policy and conditions are fit for purpose.

Some of the key considerations are listed below.

### **Drivers**

- Child Sexual Exploitation (CSE) mandatory training for licensed taxi and Private Hire Drivers
- Introduction of Knowledge Test for Private Hire Drivers on first application (already in place for Taxi drivers)
- Intervals at which medicals are undertaken (as a result of recent changes to the duration of drivers licences)
- Enforcement – Driver conduct/penalty points

### **Vehicles**

- Age policy for vehicles
- Permitting Private Hire Operators to advertise on Private Hire Vehicles
- 'Special Event' vehicles (decommissioned emergency service vehicles • vintage vehicles • other non-standard type converted vehicles used for special events)
- Exemption Certificate for private hire vehicles (Clarifying criteria to be used)

### **Private Hire Operator**

- Clarify that the operating base must be within the Chichester District
- 4.5 It is worth highlighting that the legislation governing taxi and private hire licensing does not place a legal duty on a Local Authority to adopt a policy or if a policy is in existence review it at defined points in time. However, by voluntarily creating such policies it assists the Local Authority with upholding public safety and providing a framework for consistent decision making.
- 4.6 It is acknowledged by officers that this is an extensive piece of work. As part of the review process it will be necessary to speak with a number of different bodies to gain feedback on the existing policy and conditions, in order to obtain a view as to which areas can be improved upon and if so how. Once information has been collated, then the policy and conditions can be re-drafted where appropriate. The final stage will be to undertake a formal public consultation with key stakeholders and the trade, and amend as appropriate, before placing before the General

Licensing Committee for consideration and adoption. The nature and length of the consultation will be determined at a later date but will be based upon national guidance and this Council's own policy in relation to public consultations.

- 4.7 As one of the key stakeholders in this process officers felt it may be appropriate to create a working group with a small number of selected members participating at such a group to enable officers to obtain a view as to how the General Licensing Committee would like to see the existing policy and conditions develop. The Terms of Reference, duration and frequency of such meetings are to be agreed.

## 5. **Background Papers**

- 5.1 Department for Transport – Taxi and Private Hire Vehicle Licensing - Best Practice Guidance (March 2010)  
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>
- 5.2 Button on Taxis: Licensing Law and Practice (Third Edition)
- 5.3 Rotherham Licensing Policy (July 2015) – Considered best practice by the Local Government Association  
<https://www.rotherham.gov.uk/taxi>
- 5.4 Chichester District Council – Existing Taxi and Private Hire Policy and Conditions  
<http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>

## 6. **Appendices**

None