

Agenda

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General Purposes Licensing Committee

Date: **Monday 23 January 2017**

Time: **5.15 pm, or on the rising of the meeting of the Licensing and Gambling Acts Committee if this is later.**

Place: **Council Chamber, Town Hall**

For any further information please contact:

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

General Purposes Licensing Committee

Membership

Chair Councillor Mary Clarkson

Vice-Chair Councillor Colin Cook

Councillor Jamila Begum Azad

Councillor Farida Anwar

Councillor Ruthi Brandt

Councillor Van Coulter

Councillor Rae Humberstone

Councillor Tom Landell Mills

Councillor Ben Lloyd-Shogbesan

Councillor Elizabeth Wade

The quorum for this Committee is 4 Members, no substitutes are permitted.

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AGENDA

Pages

1 **APOLOGIES FOR ABSENCE**

2 **DECLARATIONS OF INTEREST**

None.

3 **LICENCE FEES AND CHARGES FOR THE 2017/18 FINANCIAL YEAR: COMMERCIAL EVENTS, HACKNEY CARRIAGE AND PRIVATE HIRE, ROAD CLOSURE ORDERS, SCRAP METAL DEALERS, SEX ESTABLISHMENTS AND STREET PARTIES**

7 - 12

Report of the Head of Community Services.

Purpose of report: To seek agreement of the licence fees for 2017/18 where the Council has discretion over the level of fee charged.

Recommendation: The Committee is recommended to agree the licence fees and charges for 2017/18 as set out in the Appendix and recommend them to Council.

4 **LICENCE FEES AND CHARGES FOR 2017/18: MISCELLANEOUS ACTIVITIES**

Report of the Head of Planning and Regulatory Services **(to follow)**

Purpose of report: To seek agreement of the licence fees for 2017/18 where the Council has discretion over the level of fee charged.

Recommendation: The Committee is recommended to agree the licence fees and charges for 2017/18 as set out in Appendix A and recommend them to Council.

5 **UPDATE ON TAXI LICENSING ACTIVITY: AUGUST - DECEMBER 2016**

Report of the Head of Community Services.

Purpose of report: to inform Committee of the progress made by the Taxi Licensing Function during the current Council year (August – October 2016).

Recommendation: the General Purposes Licensing Committee is

**Report
republished
with
minutes to
correct
period
covered**

recommended to:

- a) note the contents of the report; and
- b) make any comments and recommendations regarding the future work of the Taxi Licensing Function.

6 MINUTES

13 - 16

Recommendation: That the minutes of the meeting held on 20 September 2016 are approved as a true and accurate record.

7 DATES OF FUTURE MEETINGS

The Committee noted that meetings are scheduled at 5.15pm on:

- 16 May 2017
- 20 September 2017
- 24 January 2017
- 16 May 2018

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members’ Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

- a)
- b)

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To: General Purposes Licensing Committee

Date: 23 January 2017

Report of: Head of Community Services

Title of Report: Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties: Licence Fees and Charges for the 2017/18 financial year

Summary and Recommendations

Purpose of report: To seek agreement of the licence fees for 2017/18 where the Council has discretion over the level of fee charged.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith –

Policy Framework: Vibrant Sustainable Economy

Recommendation:

Committee is recommended to:

(a) agree the licence fees and charges for 2017/18 as set out in the Appendix and recommend them to Council.

Additional Papers:

Appendix One: Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers, Sex Establishments and Street Parties Fees and Charges 2017/18

Introduction

1. The purpose of this report is to establish the licence fees and charges that should apply for 2017/18, for those activities where the Council has discretion. This report does not cover the fees for Licensing and Gambling Act activities, which are reported separately to the Licensing and Gambling Acts Committee.

2. The fees and charges detailed within this report and found at **Appendix One** relate solely to the functions of the General Licensing Team. A further report will be provided to Members in relation to the fees and charges related to the functions of the Miscellaneous Licensing Team.
3. The statutory principle in relation to the setting of fees is that they should be reasonable, proportionate and not exceed the cost of the procedures and formalities of the relevant licensing scheme, including staffing, training, administration, testing, inspections, hearings, regulation and appeals.
4. Licence fees set by the Council and administered in the General Licensing function consist of Commercial Events, Hackney Carriage and Private Hire, Road Closure Orders, Scrap Metal Dealers and Sex Establishments.

Commercial Events

5. The making of Temporary Road Closure Orders under the Town Police Clauses Act 1847 is a discretionary service and the Council may make a charge for carrying it out, as long as the charge does not exceed the costs to the authority.
6. An increasing number of Road Closure applications have been made in the last year for events involving a commercial element, such as for a Continental Market, Christmas Market, Art Market, etc.
7. It is proposed that the fee of between £100 and £300 remains.

Hackney Carriage and Private Hire Licence Fees and Charges

8. The procedure for changing Hackney Carriage and Private Hire Licence fees requires consultation and all relevant objections must be considered before making any changes.
9. An extensive review of the costs of providing administrative functions for taxi licensing was carried out in 2011 and following consultation with the trade, a number of charges were approved by the General Purposes Licensing Committee on 1st March 2011.
10. On 29th September 2016 Council adopted the mandatory requirement for all licensed drivers to attend the Oxfordshire County Council Safeguarding Awareness Training. The charge of £15 relates solely to new applicants, who will pay the charge to the Licensing Authority who then pay the money to the County Council.
11. No changes to any of the other licence fees or charges are proposed.

Scrap Metal Dealers

12. The licensing of Scrap Metal Dealers and collectors is an executive function presided over by the City Executive Board. Therefore the setting of fees does not fall to this Committee. The current and proposed fees for this function can be found within the Appendix purely for Members to note.

Sex Establishments (Sexual Entertainment Venues)

13. On 9th June 2010, the General Purposes Licensing Committee approved the report of the Head of Environmental Development detailing the level of fee to be set for the licensing of such premises.
14. It is proposed that for 2017/18 that a small inflationary increase be applied in order that the Authority fully recovers its costs.

Sex Establishments (Sex Shops & Sex Cinemas)

15. In 2010, the General Purposes Licensing Committee approved the costs applicable to the licensing of Sex Establishments (Sex Shops), following a request to determine the “reasonable fee” charged for this purpose.
16. It is proposed that for 2017/18 a small inflationary increase be applied in order that the Authority fully recovers its costs.

Street Parties

17. The Council wishes to support the organisers of community based events such as street parties. It is, therefore, proposed to continue with the current practice of making no charge for small street parties or community events.

Financial Implications

18. The Council is responsible for collecting licence fees for these functions. Predicted income from licence fees is included in the Council’s budget estimates for 2017/18.

Legal Implications

19. The power to levy fees is contained in the legislation relevant to each function or in the Local Government Act 2003 in relation to discretionary services. Fees and charges should reasonably represent the costs of carrying out the function.

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APPENDIX ONE

GENERAL PURPOSES LICENSING COMMITTEE	2016/17	2017/18	Increase/	Increase/
FEES & CHARGES 2017/18	Charge	Charge	(Decrease)	(Decrease)
	£	£	£	%
Taxi Licensing: Vehicles				
Hackney Carriage	400.00	400.00	0.00	0.00
Hackney Carriage Low Emission Vehicle	300.00	300.00	0.00	0.00
Hackney Transfer of Ownership	100.00	100.00	0.00	0.00
Hackney Change of Vehicle	100.00	100.00	0.00	0.00
Hackney Temporary Vehicle	75.00	75.00	0.00	0.00
Private Hire	262.00	262.00	0.00	0.00
Private Hire Low Emission Vehicle	162.00	162.00	0.00	0.00
Private Hire Transfer	100.00	100.00	0.00	0.00
Private Hire Change of Vehicle	100.00	100.00	0.00	0.00
Private Hire Temporary Vehicle	75.00	75.00	0.00	0.00
Taxi Licensing: Drivers				
Hackney Combined (1 year licence)	115.00	115.00	0.00	0.00
Private Hire (1 year licence)	101.00	101.00	0.00	0.00
Hackney Combined (3 year licence)	345.00	345.00	0.00	0.00
Private Hire (3 year licence)	303.00	303.00	0.00	0.00
Taxi Licensing: Additional Charges				
Mandatory Safeguarding Awareness Test - provided by Oxfordshire County Council	N/A	15.00	0.00	0.00
Local Knowledge & Safeguarding Test	75.00	75.00	0.00	0.00
Local Knowledge & Safeguarding Re-Test	75.00	75.00	0.00	0.00
Disability Awareness Course	45.00	45.00	0.00	0.00
CRB check - all driver only, at cost	50.00	50.00	0.00	0.00
DVLA check - for new applicants only, at cost	8.00	8.00	0.00	0.00
Licence badge/replacement badge	10.00	10.00	0.00	0.00
Replacement external plate	25.00	25.00	0.00	0.00
Internal Vehicle Licence Plate	15.00	15.00	0.00	0.00
Replacement Internal Vehicle Licence Plate	15.00	15.00	0.00	0.00
Exempt badge/replacement badge	25.00	25.00	0.00	0.00
Replacement approved fare chart	2.00	2.00	0.00	0.00
Replacement approved no smoking signs (includes VAT)	1.00	1.00	0.00	0.00
Duplicate paper licence (replacement)	2.00	2.00	0.00	0.00
Unpaid Cheque Charge	30.00	30.00	0.00	0.00
Amendments to Private Hire Operator Licence	25.00	25.00	0.00	0.00
Charge for Exemption Notice	50.00	50.00	0.00	0.00
Taxi Licensing: Private Hire Operator Licence				
Vehicle 3 & under (1 year licence)	490.00	490.00	0.00	0.00
Vehicle 4 & over (1 year licence)	980.00	980.00	0.00	0.00
Vehicle 3 & under (5 year licence)	2,450.00	2,450.00	0.00	0.00
Vehicle 4 & over (5 year licence)	4,900.00	4,900.00	0.00	0.00

GENERAL PURPOSES LICENSING COMMITTEE FEES & CHARGES 2017/18	2016/17 Charge £	2017/18 Charge £	Increase/ (Decrease) £	Increase/ (Decrease) %
Road Closures				
Commercial Event Road Closures- Events (under 500 people)	100.00	100.00	0.00	0.00
Commercial Event Road Closures- Market and Street Fairs	250.00	250.00	0.00	0.00
Commercial Event Road Closures- Events (500 or more people)	300.00	300.00	0.00	0.00
Road closure with no commercial element inc street parties	No Fee	No Fee	0.00	0.00
Scrap Metal Dealers (Three Year Licence)				
New Site Licence	1200.00	1200.00	0.00	0.00
Renewal Site Licence	1200.00	1200.00	0.00	0.00
Variation Site Licence	100.00	100.00	0.00	0.00
New Mobile Collector Licence	900.00	900.00	0.00	0.00
Renewal Mobile Collector Licence	900.00	900.00	0.00	0.00
Variation Mobile Collector Licence	100.00	100.00	0.00	0.00
Sex Establishments				
Sex establishment (Sex Shop or Sex Cinema)- New	8520.00	8560.00	40.00	0.47
Sex establishment (Sex Shop or Sex Cinema)- Renewal	8520.00	8560.00	40.00	0.47
Sex establishment (Sex Shop or Sex Cinema)- Variation/ transfer	1170.00	1175.00	5.00	0.43
Sexual entertainment venues new	5860.00	5890.00	30.00	0.51
Sexual entertainment venues renewal	5320.00	5345.00	25.00	0.47
Sexual entertainment variation/ transfer	1170.00	1175.00	5.00	0.43

MINUTES OF THE GENERAL PURPOSES LICENSING COMMITTEE

Tuesday 20 September 2016



COUNCILLORS PRESENT: Councillors Clarkson (Chair), Cook (Vice-Chair), Anwar, Brandt, Coulter, Lloyd-Shogbesan and Wade.

OFFICERS PRESENT: Julian Alison (Licensing Manager), Daniel Smith (Lawyer) and Catherine Phythian (Committee Services Officer)

9. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Azad and Landell Mills. There were no substitutions.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. HACKNEY CARRIAGE & PRIVATE HIRE: PROPOSALS TO AMEND THE CRITERIA AND CONDITIONS APPLICABLE TO THE LICENSING OF THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES IN LIGHT OF THE OXFORDSHIRE JOINT OPERATING FRAMEWORK FOR TAXI LICENSING.

The Head of Community Services submitted a report which detailed the proposed amendments to the criteria applicable to the Hackney Carriage and Private Hire trades in order to promote safeguarding and awareness of safeguarding.

The Licensing Manager introduced the report. He explained that the proposed amendments were as a result of the recommendations arising from the recommendations that came out of the Serious Case Review into the Bullfinch child sexual exploitation operation. In summary the proposed amendments were:

- the introduction of **mandatory** Safeguarding Awareness Training to be attended by all licensed drivers.
- A requirement for all drivers to sign up to the Enhanced Disclosure and Barring Services (DBS) Update Service.

In discussion the Committee noted the following points:

- The mandatory Safeguarding Awareness Training has been approved by Oxfordshire County Council's Local Designated Officer for child safeguarding
- Oxfordshire County Council will finance the training for those drivers who provide school transport services (expected to be the majority of drivers)
- to ensure that all Oxford City Council licensed drivers have attained this enhanced level of training it is proposed that the Licensing Authority meet the cost of training (£15.00 per attendee) for those remaining licence holders who do not provide school transport services
- the safeguarding awareness training would be a "pre-application" requirement for all new applicants
- the Licensing Manager will write to all existing licence holders informing them of this training requirement, and that no licence will be renewed until this training has been completed
- to allow time for the trade to digest this information and book a training course, the requirement on existing licence holders will take effect from 3 April 2017 and the costs incurred by the Licensing Authority be met within the 2017/18 Council year (i.e. for those who do not also hold a School transport badge with the County Council)
- making the DBS Update a mandatory requirement would remove the problems faced by both officers and licence holders relating to the slow processing of disclosure applications, and allow the Authority to be able to carry out swift background checks in order to promote our safeguarding objectives.

In conclusion the Committee noted that these recommendations would be adopted by neighbouring local authorities in due course but until that time it was possible that drivers licensed by them would still be able to drive within the city without having undertaken the mandatory training.

The General Purposes Licensing Committee **resolved** to:

1. **approve** the proposed amendments to the criteria and conditions applicable to licensed drivers as detailed within the report; and
2. **recommend** the amendments to Council for adoption.

12. UPDATE ON TAXI LICENSING ACTIVITY: APRIL 2016 - JULY 2016

The Head of Community Services submitted a report which informs the Committee of the progress made by the Taxi Licensing Function during the last Council year (April 2016 – July 2016).

The Licensing Manager presented the report. In response to questioning on safeguarding measures he advised that the Licensing Authority's high standards had received national acclaim. He said that there was not yet a consistent approach across the whole county but achievement of this remained a priority for the Licensing Authority. The Committee discussed what influence, if any, they as members could bring to bear on the neighbouring authorities. They agreed that this was an important matter that should be kept under review.

The General Purposes Licensing Committee resolved to **note** the contents of the report.

13. MINUTES

The Committee resolved to **approve** the minutes of the meeting held on 18 May 2016.

14. DATES OF FUTURE MEETINGS

The Committee **noted** the dates of future meetings.

The meeting started at 5.15 pm and ended at 6.00 pm

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