

Open

Licensing and Environmental Committee

Agenda

10.30am
Monday, 22nd April 2013
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Licensing and Environmental Committee

Members of Committee:

	Chairman: Councillor P B Harrison
	Vice-Chairman: Councillor A T Hingley
Councillor R Bishop	Councillor C Brewer
Councillor P Dyke	Councillor J Greener
Councillor P V Hayward	Councillor V Higgs
Councillor M B Kelly	Councillor N Knowles
Councillor M Price	Councillor M A Salter
Councillor D R Sheppard	Councillor N J Thomas
Councillor G C Yarranton	

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of this constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Democratic Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

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If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.

Wyre Forest District Council

Licensing and Environmental Committee

Monday 22nd April 2013

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Community Assets & Localism, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 18 th February 2013.	6
5.	Increase of Hackney Carriage / Private Hire Licensing Fees and Charges for 2013 / 2014 To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council to consider an objection received from The Wyre Forest Taxi Drivers Association relating to the proposed increase in Hackney Carriage / Private Hire Licensing Fees and Charges for 2013 / 2014.	8
6.	To consider any other business, details of which have been communicated to the Director of Community Assets & Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

7.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

8.	<p>To consider any other business, details of which have been communicated to the Director of Community Assets & Localism before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
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WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

MONDAY, 18TH FEBRUARY 2013 (10.30AM)

Present:

Councillors: P B Harrison (Chairman), A T Hingley (Vice-Chairman), R Bishop, C Brewer, P Dyke, J Greener, P V Hayward, V Higgs, M B Kelly, N Knowles, M Price, M A Salter, D R Sheppard and G C Yarranton.

Observers

There were no members present as observers.

LIC.43 Apologies for Absence

Apologies for absence were received from Councillor N J Thomas.

LIC.44 Appointment of Substitutes

No substitutes were appointed.

LIC.45 Declarations of Interests by Members

No declarations of interest were made.

LIC.46 Minutes

Decision: The minutes of the meeting held on 8th October 2012 be confirmed as a correct record and signed by the Chairman.

LIC.47 Increase in Fees and Charges for Licensing the Council's Regulatory Service Function for 2013/2014

The Committee considered a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council which informed Members of the proposed increases in the fees and charges in respect of the Council's Regulatory Service Function for 2013/2014.

The Senior Practitioner – Licensing (WRS) led Members through the report and advised the Council's current financial strategy in relation to fees and charges were to increase them in line with inflation or slightly above. The Council were not projected to make any profit from the income generated by the proposed licence fees and charges, any surplus or deficit would be accounted for in line with the current policy.

In response to a Members' question regarding the lack of figures on page 15 of the report relating to Casinos, the Senior Practitioner – Licensing (WRS) informed

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Members that when the Gambling Act 2005 was introduced, the Council resolved not to have a Casino within the District, therefore the fees were not applicable to the Council.

Upon a show of hands the decision was carried.

Decision:

Recommend to Council: The proposals for fees and charges within the Council's Licensing, Food, Health, Safety and Pollution Control functions for 2013/2014, as detailed in the report to the Licensing and Environmental Committee, be included in the 2013/2014 budget strategy.

LIC.48

Feedback from Council

Agreed: The content of the Council action list, following consideration of the recommendation at its meeting on 21st November 2012 be noted.

There being no further business, the meeting ended at 10.49am.

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

22ND APRIL 2013

**Increase of Hackney Carriage / Private Hire Licensing Fees
and Charges for 2013/2014**

OPEN	
DIRECTOR:	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
CONTACT OFFICER:	Niall McMenamin – 01527 548282 Senior Licensing Practitioner Worcestershire Regulatory Services niall.mcmenamin@worsregservices.gov.uk
APPENDICES:	Appendix 1 – Letter of Objection

1. PURPOSE OF REPORT

- 1.1 To consider an objection received by Wyre Forest District Council from The Wyre Forest Taxi Drivers Association relating to the proposed increase in Hackney Carriage / Private Hire Licensing fees and charges for 2013/2014.

2. RECOMMENDATION

The Committee is asked:

- 2.1 **To Consider the objection received in response to the public notice dated 7th March 2013 and endorse the increase in Hackney Carriage and Private Hire licence fees and charges by 5% as set out in the Council's 2013/2014 budget strategy.**

3. BACKGROUND

- 3.1 The Council's current financial strategy in respect of fees and charges is to increase Licensing fees and charges by 5%.
- 3.2 On the 18th February 2013, members of the Licensing and Environmental Committee considered the proposal for the increase in licensing fees and charges for 2013/2014 and resolved to recommend to Full Council that they be included in the 2013/2014 budget strategy.
- 3.3 The Council's budget strategy was considered and agreed by Full Council on 27th February 2013.

4. KEY ISSUES

- 4.1 Following the agreement of Full Council on the 27th February 2013 to increase the Licensing Fees and Charges (as per the Council's budget strategy), a public notice was placed in the local press on the 7th March 2013 advertising the new fees and charges in accordance with section 70 of the Local Government Miscellaneous Provisions Act 1976.
- 4.2 On the 15th March 2013 one letter objecting to the increase in fees and charges was received by the Council. A copy of the objection letter is attached at "Appendix 1".
- 4.3 The objection letter raised four key points which are addressed as follows:
- a) Loss of a Licensing Officer – With the formation of Worcestershire Regulatory Service the licensing function was centralised, incorporating all six district council licensing offices within Worcestershire. There is now a central licensing team comprising of 14 members of staff who deal with all areas of Hackney Carriage and Private Hire licensing.
 - b) Licensing Officers availability – Licensing Officers are available on Monday to Friday during officer hours via telephone and email to deal with all licensing enquiries. Licensing surgeries also take place on district twice weekly, where officers are available personally to deal with more detailed face to face licensing enquiries. The Contact Centres (Hubs) are open and available to accept and deal with all general licensing applications on Monday to Friday during office hours.
 - c) Vehicle testing – The reduction in vehicle testing was put before Wyre Forest's Licensing and Environmental Committee for decision on 24 April 2011. At that time the decision was made by the committee to approve the reduction in vehicle tests and to keep fees the same, but offer a substantial reduction on MOT testing at the Councils testing station for Wyre Forest licensed Hackney Carriage and Private Hire Drivers.
 - d) CRB – With the introduction of the Criminal Records bureau (now the Disclosure and Barring Service DBS) in late 2002 it was identified by Wyre Forest District Council that there was a substantial increase in the general administration of DBS checks. An administration charge was subsequently introduced for the increase in officer time. As the fees are paid directly to the DBS it is administered by way of a separate payment. The cost of a DBS check is currently £44.00 with an administration charge of £15.00.

5. FINANCIAL IMPLICATIONS

- 5.1 All licensing fees and charges are set by Wyre forest District Council and all licensing fees and charges are collected and retained by Wyre Forest District Council.

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- 5.2 It has been agreed by Wyre Forest District Council that licensing fees and charges will be increased by 5% rounded up, where appropriate.
- 5.3 The budget forecast for 2013/14 details the cost versus income for taxi licensing as follows:

WRS - cost including employee and support costs	£ 38,245
WFDC - cost including employee and support cost	£ 36,190
Total cost	£ 74,435
Total projected income	£ 87,920
Potential surplus	£ 13,485

- 5.4 Members will be aware that the Licensing function should aim to be self financing and not run at a loss to the Licensing Authority. Any surplus identified at the end of the financial year can be taken into account when calculating next year's fees and charges in line with other licensing authorities within Worcestershire. However it is anticipated the budget will be close to break even by the end of the financial year, for the reasons given in 5.5.
- 5.5 It has been identified that in June 2013, approximately 40 licensed Hackney Carriage vehicles will no longer meet the current age criteria, as set out in Wyre Forest's Hackney Carriage vehicle policy. Therefore there is a possibility that they may not continue to be licensed; this together with two current legal challenges against WFDC's taxi vehicle age policy, will lead to additional legal support costs and a substantial reduction to the taxi account income for 2013/2014.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The projected income to be generated by the proposed licensing fees and charges is in line with current policy and although the figures indicate a surplus in the account, it is anticipated that the taxi account will break even in the forthcoming year, mainly due to the economic down turn, a probable reduction in the number of taxi licenses issued and the cost of pending legal challenges against WFDC.

7. RISK MANAGEMENT

- 7.1 There is a risk that the licensed trade could successfully challenge the Council's Licensing fees and charges that are set. To minimise this risk the licensing fees and charges must be designed to meet but not exceed, the cost that the Council reasonably believes will be incurred in the administration of the licensing service.

8. EQUALITY IMPACT ASSESSMENT

- 8.1 There are no equality assessment issues arising from this report.

9. CONCLUSION

- 9.1 All relevant objections received within the prescribed 28 days notice period set out in the public notice dated 7th March 2013 in relation to Licensing Fee's and Charges must be considered by the Council.
- 9.2 The fees and charges are non-profit making and Cost Centres reflect the operation of the service.

10. CONSULTEES

- 10.1 Director of Community Assets and Localism.
- 10.2 Director of Resources.

11. BACKGROUND PAPERS

- 11.1 Licensing and Environmental Committee report and resolution 18th February 2013, recommending that Full Council include the proposed Licensing Fee's and Charges in the 2012/2013 budget strategy.
- 11.2 Full Council committee report and resolution 27th February 2013, approving the 5% increase of Licensing fees and charges for 2013/2014.



15th March 2013

Mike Parker
Director of Economic Prosperity and Place
Wyre Forest District Council
Wyre Forest House
Pinpoint Way
Kidderminster
Worcestershire
DY11 7WF

Dear Sir

Hackney Carriage, Private Hire Vehicles & Operators' Licence Fees proposed variations - The Shuttle dated Thursday March 7 2013

Approximately 18 years ago, the Taxi Trade within the Wyre Forest became self-funding because the Council were no longer prepared to subsidise the Trade.

Our fees tripled over 3 years and since then we have had an increase of approximately 3% every year without fail.

- 1) Over the last couple of years we have lost Brian Kent (Chief Licensing Officer) - a large saving on wages.
- 2) John Bulmer is now only available to us on Tuesdays and Thursdays - another saving on wages as he is based at Worcester for his other 3 days, therefore Worcester should be paying him.
- 3) We now only have 2 vehicle tests per year, not 3 as it used to be - this is more man hours and wages saved.

Council Rates have remained the same for the last 3 years but our fees still keep going up. Why? Is our self-funding money being sent/used elsewhere?

We pay £59.00 for CRB checks and approximately 50% of this amount is for administration fees which should be coming out of the Licence Fees we already pay - why?

Our fees are the highest in the County - why? If it is to fund other areas - why is this? They should increase their fees to come into line with ours or ours should be decreased to fall in line with theirs.

Your response in answer to my questions is eagerly awaited.

Yours faithfully

R K South
Secretary/Treasurer
on behalf of
Wyre Forest Taxi Drivers' Association