



# LICENSING COMMITTEE

**Monday, 11th January, 2016**

**7.30 pm**

**Town Hall, Watford**

**Publication date: 22 December 2015**

## **CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Ian Smith/Alan Garside in Democracy and Governance on 01923 278376 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

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# COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor K Crout (Vice-Chair)

Councillors S Bolton, I Brown, J Connal, G Derbyshire, F Ewudo, M Haley, K Hastrick, M Hofman, M Mills, T Rogers, S Silver, M Watkin and S Williams

## AGENDA

### PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

The minutes of the meeting held on 23<sup>rd</sup> November 2015 to be submitted and signed.

Copies of the minutes of this meeting are usually available seven working days following the meeting.

*(All minutes are available on the Council's [website](#).)*

4. **LICENSING FEES AND CHARGES 2016/2017** (Pages 5 - 10)

Report of Head of Community and Customer Services.

This report seeks the Licensing Committee's approval to charge fees for the 2016/2017 financial year for some of the different licensing regimes administered by the council.

5. **UPDATE ON WORKING PARTY CONVENED TO DETERMINE HACKNEY CARRIAGE/PRIVATE HIRE SERVICES FOR DISABLED AND VULNERABLE PASSENGERS** (Pages 11 - 12)

Report of Head of Community and Customer Services.

Watford Borough Council is responsible for licensing hackney carriages (taxis) and private hire vehicles and has a general duty to promote equalities. In turn, providers of taxi and private hire vehicle services licensed by the council are under a specific duty to assist passengers with particular disabilities.



\*PART A

**Report to:** Licensing Committee  
**Date of meeting:** 11 January 2016  
**Report of:** Head of Community and Customer Services  
**Title:** Licensing fees and charges 2016/2017

## 1.0 SUMMARY

1.1 This report seeks the Licensing Committee's approval to charge fees for the 2016/2017 financial year for some of the different licensing regimes administered by the council.

## 2.0 RECOMMENDATIONS

2.1 That the fees and charges set out at appendix 1 for the financial year 2016/2017 be approved.

2.2 To delegate to the Environmental Health and Licensing Section Head, in consultation with the Chair of the Licensing Committee, the authority to increase or decrease charges in respect of provision of:

- compulsory door signage for hackney carriages;
- Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks;
- licence badges and plates; and,
- the knowledge test training day.

**Contact Officer:**

For further information on this report please contact: Austen Young (Licensing Officer) on 01923 278476 or email [austen.young@watford.gov.uk](mailto:austen.young@watford.gov.uk).

**Report approved by:** Alan Gough, Head of Community and Customer Services

3.0 **BACKGROUND**

3.1 The council is responsible for administering a number of statutory and discretionary licensing regimes, such as hackney carriages and private hire vehicles, street trading consents, pavement licences, sex establishment licences, leaflet distribution consents, and authorisations under the Licensing Act 2003 and Gambling Act 2005.

3.2 Some general principles apply to the setting of licence fees:

- they cannot be used to generate a profit, and any surplus should be identified and carried over to the following year
- it is acceptable to carry forward deficits from previous years
- income from licence fees may only be spent on the specific regime from which they were generated
- fees may not be discriminatory or to be used as an economic deterrent.

3.3 Licence fees are set on a cost-recovery basis and subject to the following restrictions:

- Licensing Act 2003 – centrally set in regulations by Parliament
- Gambling Act 2005 – decided by the council subject to statutory limits
- hackney carriage and private hire vehicle licensing - reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed drivers and vehicles, and providing taxi ranks
- street trading fees – reasonable charges may be made for the cost of administering and enforcing the regime in relation to licensed traders
- pavement licence fees – reasonable charges may be made for the cost of administering the regime
- sex establishment fees – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders
- leaflet distribution – reasonable charges may be made for the cost of administering the regime and enforcing it in relation to licensed traders

3.4 The Cabinet will consider the budgetary implications of licensing income and expenditure as part of the overall council budget cycle. However, the Licensing Committee is required to formally approve the level of licence fees and charges as licensing fees (other than Gambling Act fees) are generally a council rather than an executive function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

3.5 **Proposals**

The proposed schedule of fees and charges is set out at appendix 1. The proposed changes are:

- a new fee for potential drivers who need to re-sit the knowledge test papers only, and not the training portions of the new knowledge test and driver training day again due to already completing these elements satisfactorily.
- a reduced renewal fee for pavement licences, particularly since all pavement licences in the town centre have been amended to fit in with the Parade layout and market stalls therefore making renewals less complex
- reduced fees for sex establishments and sexual entertainment venue licences, including reduced renewal fees to reflect that most work in processing these licences occurs during the initial application phase
- increased fees for variations to sexual entertainment venue licences to allow full cost recovery, and because a variation to the one licence permitted under our current policy would need to go before a sub-committee
- a small increase to the administration fee for submitting criminal records checks to reflect the actual cost to the council

3.6 For the sake of clarity, it is not proposed to increase or amend any other licence fee or charge other than those mentioned above.

3.7 The proposed changes will result in a reduction to the income from pavement licence renewals of 68.26% (from £8505 p/a to £2700 p/a), and a reduction to the income from sexual establishment and sexual entertainment licence renewals of 44.93% (from £630 p/a to £347 p/a). This is necessary however to reflect the actual costs that can be charged. It is not expected that there will be any new applications for a licence for a sex establishment or sexual entertainment venue as the council's policy is to only allow one of each venue. The changes to the knowledge tests have been calculated on a cost recovery basis, and fund the contracted services for disability awareness training, materials for the test, and officer time.

3.8 The Licensing Committee is also asked to approve that officers can immediately change the charges that arise in respect of materials or external charges, in consultation with the Chair of the Licensing Committee, for:

- the compulsory door signage for hackney carriages;
- Disclosure and Barring Service, and Driver and Vehicle Licensing Agency, checks;
- licence badges and plates; and,
- the provision of the knowledge test training day.

3.9 This flexibility is requested so that officers can, where necessary, change contractors or service providers or to respond to changes in pricing and pass those costs or savings on to licence-holders without requiring further Committee approval. The licensing authority will be going out to tender in January 2016 for the provider of the disability awareness training which is incorporated into the knowledge test training day, and the successful company may charge less or more than the £30 fee for this training which we have currently secured. If the training is a different cost, then officers

will need to amend the fee to reflect this cost.

#### 4.0 **IMPLICATIONS**

##### 4.1 **Financial**

4.1.1 The Shared Director of Finance comments that that there are no additional financial implications arising from this report other than those identified above. Cabinet will consider the budgetary implications of licensing income and expenditure as part of the overall council budget cycle.

##### 4.2 **Legal Issues**

4.2.1 The Head of Democracy and Governance comments that there are no additional legal implications arising from this report other than those identified above.

##### 4.3 **Potential Risks**

| <b>Potential Risk</b>                               | <b>Likelihood</b> | <b>Impact</b> | <b>Overall score</b> |
|---|-------------------|---------------|----------------------|
| <i>Level of fees challenged by District Auditor</i> | 1                 | 2             | 2                    |
| <i>Level of fees challenged by judicial review</i>  | 2                 | 3             | 6                    |

#### Appendices

Appendix 1: Licensing Fees and Charges 2016–17

#### Background Papers

No papers were used in the preparation of this report

#### File Reference

Licence fees and charges 2016–17



## COMMUNITY &amp; CUSTOMER SERVICES

2016/17 FEES & CHARGES PROPOSED FOR :-  
ENVIRONMENTAL HEALTH & LICENSING

| Description  | 2015/16 Charge | PRICING STRATEGY |               |            |      | Proposed 2016/17 Charge | Annual Increase / Decrease (-) 2016/17 % | Comments  |
|--|----------------|------------------|---------------|------------|------|-------------------------|--|---|
|  |                | COMMERCIAL       | FULL COST REC | SUBSIDISED | FREE |                         |  |   |
| <b>Outside Scope for VAT purposes</b>  |                |                  |               |            |      |                         |  |   |
| <b>Taxi &amp; Private Hire Licences</b>  |                |                  |               |            |      |                         |  |   |
| Annual vehicle licence   | £218.00        | x                | ✓             | x          | x    | £218.00                 | NO CHANGE                                |   |
| Annual vehicle licence (wholly electric vehicles)                                | £109.00        | x                | ✓             | x          | x    | £109.00                 | NO CHANGE                                | Fee incentive approved by Licensing Committee 12.01.15            |
| Transfer of vehicle ownership (payable by buyer)                                 | £17.50         | x                | ✓             | x          | x    | £17.50                  | NO CHANGE                                |   |
| Taximeter tests  | £17.50         | x                | ✓             | x          | x    | £17.50                  | NO CHANGE                                |   |
| Replacement vehicle plates   | £21.00         | x                | ✓             | x          | x    | £21.00                  | NO CHANGE                                |   |
| Optional plate fitting brackets  | £21.00         | x                | ✓             | x          | x    | £21.00                  | NO CHANGE                                |   |
| Compulsory door signs for hackney carriages                                      | £10.50         | x                | ✓             | x          | x    | £10.50                  | NO CHANGE                                |   |
| Advertising approval on hackney carriages (agency)                               | £150.00        | x                | ✓             | x          | x    | £150.00                 | NO CHANGE                                |   |
| Advertising approval per hackney carriage  | £50.00         | x                | ✓             | x          | x    | £50.00                  | NO CHANGE                                |   |
| Advertising approval (Licensing Committee referral)                              | £250.00        | x                | ✓             | x          | x    | £250.00                 | NO CHANGE                                |   |
| Private hire operators (5 yrs)   | £735.00        | x                | ✓             | x          | x    | £735.00                 | NO CHANGE                                |   |
| Driver licences (3 yrs)  | £335.00        | x                | ✓             | x          | x    | £335.00                 | NO CHANGE                                |   |
| Theory knowledge test  | £35.00         | x                | ✓             | x          | x    | £97.00                  | 177.14 %                                 | Cost of new 1 day course approved by Licensing Committee 14.09.15 |
| Repeat knowledge test (both test and driver training)                            | £35.00         | x                | ✓             | x          | x    | £67.00                  | 91.43 %                                  | Cost of new 1 day course approved by Licensing Committee 14.09.15 |
| Repeat knowledge test (test only)  | n/a            | x                | ✓             | x          | x    | £30.00                  | New                                      | Based on experience of first new style course held on 15.12.15    |
| Replacement drivers badges   | £17.50         | x                | ✓             | x          | x    | £17.50                  | NO CHANGE                                |   |
| Duplicate documents  | £17.50         | x                | ✓             | x          | x    | £17.50                  | NO CHANGE                                |   |
| <b>Street Trading</b>  |                |                  |               |            |      |                         |  |   |
| Street trading consent (per annum)   | £462.00        | x                | ✓             | x          | x    | £462.00                 | NO CHANGE                                |   |
| Street trading consent daily rate (if for less than one year, per stall per day) | £21.00         | x                | ✓             | x          | x    | £21.00                  | NO CHANGE                                | Waived for charitable etc. stalls                                 |
| <b>Permit for Tables &amp; Chairs on the Highway</b>                             |                |                  |               |            |      |                         |  |   |
| Initial application (1 year permit)  | £367.00        | x                | ✓             | x          | x    | £367.00                 | NO CHANGE                                |   |
| Renewal of annual permit   | £315.00        | x                | ✓             | x          | x    | £100.00                 | -68.25 %                                 |   |
| <b>Free Printed Matter Distribution</b>  |                |                  |               |            |      |                         |  |   |
| First distributor (1 year consent)   | £50.00         | x                | ✓             | x          | x    | £50.00                  | NO CHANGE                                |   |
| Each additional distributor  | £30.00         | x                | ✓             | x          | x    | £30.00                  | NO CHANGE                                |   |
| Additional fee for each distributor between 1700 and 0900                        | £20.00         | x                | ✓             | x          | x    | £20.00                  | NO CHANGE                                |   |
| <b>Sex Establishment Licence</b>   |                |                  |               |            |      |                         |  |   |
| Grant of licence   | £615.00        | x                | ✓             | x          | x    | £504.00                 | -18.05 %                                 |   |
| Annual licence fee   | £315.00        | x                | ✓             | x          | x    | £126.00                 | -60.00 %                                 |   |
| <b>Sexual Entertainment Venue Licence</b>  |                |                  |               |            |      |                         |  |   |
| Application for grant of licence   | £900.00        | x                | ✓             | x          | x    | £599.00                 | -33.44 %                                 |   |
| Fee on grant of licence  | £315.00        | x                | ✓             | x          | x    | £0.00                   |  | Included in grant fee   |
| Renewal of licence   | £315.00        | x                | ✓             | x          | x    | £221.00                 | -29.84 %                                 |   |
| Major variations (at officer's discretion)                                       | £315.00        | x                | ✓             | x          | x    | £485.00                 | 53.97 %                                  | Reflects cost to council in processing applications               |
| Minor variations (at officer's discretion)                                       | £89.00         | x                | ✓             | x          | x    | £107.00                 | 20.22 %                                  | Reflects cost to council in processing applications               |
| <b>Scrap Metal Dealers</b>   |                |                  |               |            |      |                         |  |   |
| Grant of licence (3 yrs)   | £245.48        | x                | ✓             | x          | x    | £245.48                 | NO CHANGE                                |   |
| Renewal of licence   | £191.50        | x                | ✓             | x          | x    | £191.50                 | NO CHANGE                                |   |
| Variation of licence   | £51.00         | x                | ✓             | x          | x    | £51.00                  | NO CHANGE                                |   |
| Change of name   | £51.00         | x                | ✓             | x          | x    | £51.00                  | NO CHANGE                                |   |
| Change of site   | £51.00         | x                | ✓             | x          | x    | £51.00                  | NO CHANGE                                |   |
| <b>DBS Checks</b>  |                |                  |               |            |      |                         |  |   |
| Disclosure and Barring Service check for selected licences                       | £44.00         | x                | ✓             | x          | ✓    | £44.00                  | NO CHANGE                                |   |
| Additional admin fee   | £7.00          | x                | ✓             | x          | x    | £8.00                   | 14.29 %                                  | Increase in administration fee to cover cost of processing checks |
| A request for a DBS check would be subject to VAT at the standard rate           |                |                  |               |            |      |                         |  |   |
| A DBS check for a licence application is outside scope for VAT purposes          |                |                  |               |            |      |                         |  |   |



## PART A

**Report to:** Licensing Committee  
**Date of meeting:** 11 January 2016  
**Report of:** Head of Community and Customer Services  
**Title:** Update on Working Party convened to determine Hackney carriage/private hire services for disabled and vulnerable passengers

### 1.0 **SUMMARY**

- 1.1 Watford Borough Council is responsible for licensing hackney carriages (taxis) and private hire vehicles and has a general duty to promote equalities. In turn, providers of taxi and private hire vehicle services licensed by the council are under a specific duty to assist passengers with particular disabilities.
- 1.2 At licensing committee on 14 September 2015 it was determined that a working party should be formed to provide recommendations for improvements to services. These recommendations to be brought before the committee in January 2016.

### **Contact Officer:**

For further information on this report please contact: Jamie Mackenzie, (Business Compliance Officer), tel: 01923 278476 email: [jamie.mackenzie@watford.gov.uk](mailto:jamie.mackenzie@watford.gov.uk)

**Report approved by:** Alan Gough, Head of Community and Customer Services

## 2.0 INTERIM UPDATE ON WORKING PARTY

- 2.1 A working party was convened on Monday 19th October 2015. Kris Beuret, who led the original project to test taxi services and is Director at Social Research Associates Limited and expert on taxi and private hire accessibility issues, was nominated and appointed as Chair. Also present at this meeting were representatives of Disability Watford, private hire operators, individual hackney carriage drivers, councillors and council officers.
- 2.2 Kris Beuret had prepared a presentation listing a number of common issues faced by drivers, operators and passengers. These included rank provision, enforcement issues, training and general understanding of legal requirements. These issues were discussed openly and many useful suggestions were made as to how and why such issues persist.
- 2.3 The first meeting concluded with an agreement that these comments and suggestions would be composed in to a formal document for consideration at the second working party meeting.
- 2.4 The second meeting of the working party took place on 24th November 2015. Discussion was focussed on a shortlist of ten specific topics identified as key concerns at the first meeting. Suggestions as to how these issues may be resolved were made by attendees and from this a final list of recommendations are being produced.
- 2.5 A third meeting of the working party is scheduled for January 2016. Final recommendations will be confirmed at this meeting and following this, the recommendations of the working party shall be presented to licensing committee on 29th February 2016.
- 2.6 Delay in presentation to the committee by one month has occurred due to a desire to ensure that the working party, and all members of this, have sufficient time to make sound and reasonable recommendations that are informed and would work in Watford.
- 2.7 Overall engagement with the working party has been good and the recommendations with detailed reasoning will be presented by Kris Breuret at the next committee.

### Appendices

None

### Background Papers

None used

### File Reference

Disabilities working party