

Runnymede Borough Council

LICENSING COMMITTEE

27 May 2004 at 7.30 p.m.

Members of the Committee present: Councillors A.J. Davis (Chairman), M.J. Brown (Vice-Chairman), Mrs P.I. Broadhead, P.A. Greenwood, Mrs C.Y. Jones, Mrs J. Norman and B.J. Relph.

Members of the Committee absent: Councillors Mrs F.M. Angell, A.M. Moore and D.W. Parr.

955. MINUTES

The Minutes of the meeting of the Committee held on 6 April 2004 were confirmed and signed as a correct record.

956. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs F.M. Angell and A.M. Moore.

957. THE NEW LIQUOR LICENSING REGIME – UPDATE

Members received for information an update on progress with the new Licensing Act 2003.

The Committee recalled that the main aim of the Licensing Act (the 'Act') was to modernise the legislation governing the sale and supply of alcohol and control of public entertainment.

Responsibility for licensing persons and premises which supply alcohol would transfer from the Magistrates Court and become the sole responsibility of District and Unitary Authorities in England and Wales.

These Authorities were currently responsible for Public Entertainment Licences, Cinemas, Theatres and Late Night Refreshment Houses, all of which would also come under the new regime.

Members endorsed the requirement under the Act that the Council undertakes its various licensing functions in such a way as to promote the following licensing objectives in relation to licensed premises:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

It was confirmed that various new statutory responsibilities, types of licences, and local arrangements had been proposed as set out below:-

- Premises licences - premises selling liquor, providing regulated entertainment or selling hot food between 11 p.m. and 5 a.m. will require a licence. The application must be accompanied by an operating schedule, detailing the steps the applicant will make to promote the licensing objectives.
- Personal licences - a 10 year licence issued by the authority where the applicant is normally resident, allowing holders to sell or supervise the sale of alcohol for consumption on or off any premises possessing a premises licence.
- Club premises certificates - these are similar to the Premises Licence but with variations to take account of the fact that the Clubs are not run for commercial gain.
- Temporary event notices - these would be available for 12 occasions per year, per

venue for up to 72 hours.

The Committee agreed that although no separate local arrangements had been proposed so far in the Council's own draft Statement of Licensing Policy, it was an area which merited careful consideration in order to fulfil the objectives of the Act locally.

It was confirmed that the new licensing arrangements would cover street traders and it was agreed that this was one such area where special local arrangements might be needed.

An e-mail from the Institute of Licensing was circulated to Members which reported that the statutory guidance issued under section 182 of the Licensing Act 2003 received approval on 26 May 2004 from the House of Commons Committee which had been set up to examine it.

Members were advised that the guidance was due to be considered by the House of Lords on 8 June 2004. If approved, it was likely that the first appointed day could be 8 December 2004 or 1 January 2005.

Members noted the workload implications of as many as 300 to 350 premises licences and between 500 to 700 persons seeking personal licences in the future.

There would be a variety of applications and cases for the Committee to deal with, and Members would be consulted on the arrangements for formal briefing and training sessions which Members of the Licensing Committee would be required to attend in order to prepare for the work ahead. In doing so Members noted that it was likely that as the structure of local authorities was different from those of the Magistrates Court the process might be quite arduous.

#### 958. PRIVATE HIRE OPERATORS LICENCE FEE 2004/05 – OBJECTION

The Committee received and considered a formal objection to the increase in the fee for a Private Hire Operators Licence for 2004/05. In 2003/04 the fee for a Private Hire Operators Licence was £85. In 2004/05 it was set at £170.

Under the Local Government (Miscellaneous Provisions) Act 1976, Section 70, the Council was entitled to set a fee for a Private Hire Vehicle Operators Licence. The aggregate of the fees could be such as to cover the cost of controlling Hackney Carriage and Private Hire vehicles and drivers and operators.

The Committee recalled that in January 2004, the Leisure and Environment Committee had approved revised fees and charges for 2004/05. As required by statute, the fees for Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences had been advertised in a local paper. Consequently, an objection had been received to the increased fee for a Private Hire Operators Licence from one of the Borough's 25 Private Hire Operators.

The Council was obliged to consider the objection before a variation in the fees could come into force.

Members learned that increased costs and workload, in particular greater supervisory and checking work by staff in the Licensing team had led Officers to consider that an increase in fees was necessary in order for costs to be recouped.

The Committee agreed that the increased fee, although high, was justifiable in order for the Council to set charges proportionate to the costs of providing the service and to achieve consistency across the fees and charges regime.

Members were informed that the Chairman of the Licensing Committee had agreed to Chair a new quarterly users forum for taxi drivers and other interested parties. It was anticipated that improved two way communication would be beneficial and would assist with consultation on matters of interest such as fees, fares and current best practice.

In making his representation on the increased fee, the objector had requested the Council to give consideration to the introduction of a variable fee that would increase with the number of vehicles managed by the operator. The fee would be set according to the number of vehicles an Operator had, which it was considered would be more equitable than the current flat fee. It was noted that this practice was currently in place elsewhere in the Country.

In addition, Officers agreed to widen the consultation on a variable fee by writing to all operators, drivers and other interested parties in the Borough and to bring a report back to the Committee for consideration.

Members discussed the Department for Transport's directive that from 2010, all hackney carriages would be required to provide wheelchair access. The Committee noted that a report on the implications of this would also be submitted later in the year.

**RESOLVED that –**

- i) the fee for a Private Hire Operators Licence for 2004/05 be set at £170; and**
  
- ii) a further report be submitted to this Committee to consider the introduction of a sliding scale of charges for Private Hire Operators Licences, based on the number of vehicles managed by the operator.**

959. OTHER APPLICATIONS SUB-COMMITTEE – MINUTES

The Minutes of the meeting of the Other Applications Sub-Committee held on 6 April 2004 as attached at Appendix 'A' were received and noted.

(The meeting ended at 8.01 p.m.)

Chairman