

Runnymede Borough Council

LICENSING COMMITTEE

Thursday 27 May 2004 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors A.J. Davis (Chairman), M.J. Brown (Vice-Chairman), Mrs F.M. Angell, Mrs P.I. Broadhead, P.A. Greenwood, Mrs C.Y. Jones, A.M. Moore, Mrs J. Norman, D.W. Parr and B.J. Relph.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C. Pinnock, Department of Administration and Leisure, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425627). (Email: clare.pinnock@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

<u>Matters in respect of which reports have been made available for public inspection</u>		<u>PAGE</u>
1.	NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	3
2.	MINUTES	3
3.	APOLOGIES FOR ABSENCE	3
4.	DECLARATIONS OF INTEREST	3
5.	THE NEW LIQUOR LICENSING REGIME – UPDATE	3
6.	PRIVATE HIRE OPERATORS LICENCE FEE 2004/05 – OBJECTION	5
7.	OTHER APPLICATIONS SUB-COMMITTEE – MINUTES	8
8.	EXCLUSION OF PRESS AND PUBLIC	8

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading).
- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign, as a correct record, the Minutes of the meeting of the Committee held on 6 April 2004, as attached at Appendix 'A'.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the forms will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the report in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

5. THE NEW LIQUOR LICENSING REGIME – UPDATE (DTS)

1. **Purpose of Report**

1.1 **The purpose of this report is to update Members on the new liquor licensing regime.**

2. Background Information

2.1 Royal Assent for the Licensing Act 2003 was obtained on 10 July 2003. Some subsidiary legislation has followed, but key regulations, guidance and prescribed forms are still awaited.

2.2 The main aim of the Licensing Act (the 'Act') is 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 will transfer from the Magistrates Court and become the sole responsibility of District and Unitary Authorities in England and Wales. These Authorities are currently responsible for Public Entertainment Licences, Cinemas, Theatres and Late Night Refreshment Houses, all of which will also come under the new regime.

2.3 Officers have established an inter-departmental Officer Working Group to prepare Runnymede for the new regime and also attend the Surrey Countywide Licensing Forum. The object of this is to minimise duplication of effort and resources, to ensure that there is consistency between the policies and procedures of all the Surrey Authorities and to provide other agencies with a single point of contact. The Forum is currently working on a strategy for publicity including the production of leaflets, Member and Officer training and an awareness campaign for licensees, developing technical regulations and liaising with the representatives of the Licensing Justices.

2.4 The Act requires 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

2.5 Various new statutory responsibilities, types of licences, and local arrangements have been proposed;

- 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.
- 2.6 The number of licensed premises in the Borough and applications dealt with by the Magistrates Court for the Borough in the year 2002/03 includes 64 premises with Off Licences, 199 premises (including registered clubs) with On Licences and 83 premises with occasional permissions. It is therefore anticipated that there will be approximately 300 to 350 premises licences and 500 to 700 persons seeking personal licences.
3. Report
- 3.1 Statement of Licensing Policy
- 3.1.1 Preliminary consultation with interested parties has been undertaken during the last 8 months and is ongoing and a draft Policy Framework document on which formal consultation will be carried out was agreed by the Leisure and Environment Committee at its meeting on 18 September 2003. The Statutory Guidance has now been considered by The Joint Committee on Statutory Instruments and they have asked the Government three confidential questions about it. The Department for Media, Culture and Sport (DCMS) has stated that these questions are "fairly innocuous" and that it has responded with a Memorandum. However, the Committee is unlikely to be able to consider this before 27 May. It is therefore unlikely that there will be Parliamentary debate on the Guidance prior to that date.
- 3.1.3 Runnymede's Statement of Licensing Policy will be drawn up with regard to the aforementioned Policy Framework document, together with any relevant material arising from the Surrey Countywide Licensing Forum and following statutory consultation.
- 3.2 Licensing Team
- 3.2.1 A Licensing Team has now been established within the Environmental Protection Division of the Technical Services Department, comprising the recently appointed Senior Licensing Officer, two part-time licensing clerks, and part-time Licensing Officer (Taxis), and supported by Environmental Health Officers for enforcement work and carrying out specialist functions such as pet shop licensing.
- 3.2.2 The team is responsible for most licensing functions, including the licensing of places of public entertainment, Late Night Refreshment Houses, taxis and the administration of animal boarding establishments, pet shops, and butchers.
- 3.2.3 Responsibility for Gaming Machine permits for Fruit Machines in the small number of places without a liquor licence has now been transferred to the Licensing Team from the Committee Section in the Department of Administration and Leisure.
- 3.2.4 It is understood that the responsibility for licensing gaming machines in licensed premises will pass to local authorities when the Act is fully implemented.
- 3.3 Implementation of the new regime
- 3.3.1 Implementation of the Act will take place in two stages. On the first appointed day, now expected to be in December 2004 or January 2005, applications can be made and dealt with under transitional arrangements. The first appointed day is dependent on the introduction of the Statutory Guidance, as the Government will allow a six month period after the Statutory Guidance is approved by Parliament, for local authorities to consult on and produce their Statement of Licensing Policy.

- 3.3.2 There will then be a nine month transitional period prior to the second appointed day which is likely to be in August or September 2005. During the transitional period, all licences and certificates issued will be in effect dummy licences lying dormant. They will be brought into force simultaneously on the second appointed day. The Licensing Justices will continue to be the Licensing Authority until the second appointed day.
- 3.3.3 Members serving on the new Committee will need to be available to attend training on Licensing Law and the Committee process as it relates to the conduct of hearings. Given the delays in the introduction of the new regime, training is now being arranged for September or October 2004.
4. Council Policy
- 4.1 A new Licensing Policy is to be developed and agreed.
- 4.2 The Council will seek to provide the service on the basis of full cost recovery, as envisaged by the Government.
5. Resource Implications
- 5.1 The Act provides for the setting of fees nationally in relation to licence applications on the basis of full cost recovery for the licensing authority. The level of fees has yet to be finalised and the Council will not receive any fee income until the transitional arrangements commence on the first appointed day. However, expenditure has been incurred in relation to recruiting additional staff, purchasing and implementing software, data transfer and establishing new administration systems.
6. Environmental Considerations
- 6.1 The licensing objectives that the Council must promote in carrying out the function (the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm) all contribute to the Council's environmental and sustainability objectives.
7. Community Strategy/Human Rights Considerations/Crime and Disorder Considerations/Race Relations
- 7.1 Runnymede's Licensing Policy will need to consider human rights, crime and disorder and Race Relations, and appropriate parties will be included as consultees in the formal consultation process.

(FOR INFORMATION)

Background Papers

None stated.

6. PRIVATE HIRE OPERATORS LICENCE FEE 2004/05 – OBJECTION (DTS)
(Ref: Minutes of the Leisure and Environment Committee, January 2004, page 1204, para. 664)
1. Purpose of Report
- 1.1 **The purpose of this report is to consider an objection to the increase in the fee for a Private Hire Operators Licence for the financial year 2004/05.**
2. Background Information
- 2.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the Council carries out inspections of, and licenses and supervises Hackney Carriage and Private Hire vehicles, operators and drivers.
- 2.2 The Council is entitled to set fees which are sufficient to cover in whole or in part the costs associated with Hackney Carriages and Private Hire vehicles. The Local Government

(Miscellaneous Provisions) Act 1976, Section 70, permits the Council to set and review the fees for Hackney Carriage and Private Hire vehicle and operator licences. These were last revised in April 2003.

- 2.3 Where fees are greater than £25, they must be published in a local newspaper allowing a period of not less than 28 days for any objections to be raised. Where an objection is duly made, the Council must consider that objection before a variation in fees can come into force with or without modification.

3. Report

- 3.1 Revised fees and charges for 2004/05 were approved by the January 2004 meeting of the Leisure and Environment Committee. The fees were published in the Surrey Herald on 31 March 2004. One objection has been received which is attached at Appendix 'B', concerning the considerable increase to the Private Hire Operators Licence fee. The increase is from £85 in 2003/04 to £170 in 2004/05. Now that the Licensing Committee has been established, it is appropriate for this Committee to consider the objection rather than the Leisure and Environment Committee.
- 3.2 There are currently 25 operators holding a Private Hire Operators Licence. Officers consider that the fee is quite low compared with the amount of work involved in administering, controlling and supervising these licences, especially in the current and previous financial years where there has been an increase the amount of supervisory work carried out by the Licensing Officer.
- 3.3 With the exception of 2003/04, the licensing function has been run at a loss during the previous three years. This is set out below:-

	2001/02	2002/03	2003/04	2004/05
	£	£	£	£
Total Expenditure	58,969	57,952	56,516	72,800
Total Income	55,266	53,763	55,268	58,700
Net Expenditure/(Income)	3,703	4,189	(1,248)	14,100

- 3.4 In the last financial year, a modest surplus of £1,248 was made on the taxi licensing budget, due to changes in staffing and vacancies in the licensing team, following departmental reorganisation. The licensing team is now fully staffed, and this year's budget will operate at a loss of £14,100. However over the next three years the aim is that all of the running costs of the service will be recovered from fees and charges, hence the increases being set above the rate of inflation.
- 3.5 The fee levels set by seven other Surrey Councils have been obtained and are set out below. These are submitted for illustrative purposes.

Borough / District	Private Hire Operators Licence Fee £
Elmbridge	130-410
Guildford	160-284
Mole Valley	185
Reigate & Banstead	165-645
Runnymede	170
Spelthorne	170-250

Woking	225
Waverley	125

- 3.6 Four of the Surrey authorities charge a variable fee, depending on the number of cars managed by the operator. Runnymede's fee is less than the other authorities shown above, with the exception of Waverley.
- 3.7 The fares charged by taxi and Private Hire vehicles are regulated by the Council. Taxi and Private Hire vehicle drivers and operators are entitled to request that the fares are reviewed. Fares were last increased in 2002, but no requests for an increase have been received.
4. Council Policy
- 4.1 The Leaders Position Statement of 2004/05 states that one of the Council's two principal aims is to "Maintain rigorous financial control of the Council's affairs to ensure we keep to a minimum any additional call on Council Tax payers".
5. Resource Implications
- 5.1 The Council is entitled to recover the costs incurred in its taxi licensing function. The increases in the fees and charges, including the Private Hire Operators Licence will assist the Council to provide a service funded by the taxi and Private Hire vehicle drivers and operators, rather than the Council Tax payer.
- 5.2 The proposed move towards full cost recovery is consistent with the Council's medium term financial strategy to achieve its ongoing savings target.
6. Legal Implications
- 6.1 Under the Local Government (Miscellaneous Provisions) Act 1976, Section 70, the Council is entitled to set a fee for a Private Hire Vehicle Operators Licence. The aggregate of the fees can be such as to cover the cost of controlling Hackney Carriage and Private Hire vehicles and drivers and operators.
7. Other Issues – consideration of Human Rights
- 7.1 The livelihood of Private Hire operators is affected by the £85 per annum increase, and the impact of the increase must be considered. However, controlling Hackney Carriages and Private Hire vehicles and operators is a time consuming and costly exercise and it is quite legitimate for local authorities to recover costs incurred.
- 7.2 Members are asked to note that seven of the 25 operators are driver/operators with only one vehicle, and the fee increase has a greater impact on them.
- 7.3 The operator who has objected to the increase has suggested that consideration be given to introducing a variable fee that increases with the number of cars managed by the operator.
- 7.4 Several other Surrey authorities charge a variable fee and this suggestion merits detailed consideration. Consultation with current Private Hire operators will need to be undertaken, so this could not be introduced in the current financial year but will be considered when the fees and charges for next year are reviewed.

OFFICERS' RECOMMENDATION 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.**

(TO RESOLVE)

Background Papers:

None

7. OTHER APPLICATIONS SUB-COMMITTEE – MINUTES (DAL)

The Minutes of the meeting of the Other Applications Sub-Committee held on 6 April 2004 are attached at Appendix 'C' for information.

(FOR INFORMATION)

Background Papers

None.

8. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

where appropriate the press and public be excluded from the meeting during discussion of the reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part 1 of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Information

(No reports to be considered under this heading).

b) Confidential Information

(No reports to be considered under this heading)