
DACORUM BOROUGH COUNCIL

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

3 FEBRUARY 2015

Present –

MEMBERS:

Councillors Mrs Green (Chairman), Bhinder, Conway, Fantham, Hearn (Vice-Chairman), Link, Peter, Ryan, G Sutton, R Sutton and Whitman

OFFICERS:

B Lisgarten Legal Governance Team Leader
R Hill Licensing Team Leader
R Mabbitt Licensing Enforcement Officer
T Coston Member Support Officer

OTHERS:

Mr Hanlon – Item 5
Ms Parr – Item 5
Mr McIlvaney – Item 5
Mr Carrington – Item 5
Mr Khan – Item 5

The meeting began at 7.30 pm

MINUTES

The minutes of the meeting held on 25 November 2014 were confirmed by the Members present and signed by the Chairman.

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Taylor and Mrs G Chapman. Councillor Mrs G Chapman was substituted by Councillor R Sutton.

DECLARATIONS OF INTERESTS

There were no declarations of interest.

PUBLIC PARTICIPATION

The Chairman advised that the four members of public that had registered to speak would be invited to do so under the item of licensing fees and charges 2015/16.

LICENSING FEES AND CHARGES 2015/16

R Hill made the following statement: The report before the Committee sets out proposed fees for licences and registrations issued by the Licensing team for the next financial year. The proposed fees have been made available for consultation since early December, and the results of consultation are included in the agenda. 16 comments have been received from the taxi and private hire trade, expressing concerns about the proposals to increase their fees. No comments have been received in respect of any other service areas.

There seems to have been some misunderstandings within many of the comments, which I would like to address now. The proposed increase to a hackney carriage vehicle licence is 7.5%, not 9% as has been stated. The current fees will have been in place for 2 years by April, there was no increase last year, as despite higher costs it would not have been cost-effective to increase fees, given the high cost of giving the required public notice of the change. If the proposals are adopted, these will be only the second increase to taxi licence fees since 2004.

A number of the comments assert that we can only recover the cost of the MOT test, this is incorrect. The fee-setting power is summarised at the bottom of page 6, and for vehicle and operator licences we may recover the cost of inspecting the vehicle, the costs of providing taxi ranks (a lot of work is currently going on to find new rank locations), the administration costs of providing the licensing function (from sending out application packs, through the processing and issue of a licence, to processing of the test results and invoice a month later), and finally the costs of controlling and supervising the taxi and private hire fleet within Dacorum.

A number of the commenters have had sight of a response to a Freedom of Information enquiry regarding the cost calculations used by officers in proposing the fees, and have queried the amount of times apportioned to both administrative processing and compliance work. In my opinion, the figures used (2.25 hours admin, 2.5 hours compliance) are conservative calculations, reflecting all of the work carried out in the administrative process of considering a licence application, and of compliance work throughout the year. Some misunderstandings have also arisen about the hourly rates used for fee calculations – these include a proportion of all overheads and on-costs incurred in the running of the Licensing service, as well as salaries and other direct costs.

A table has been included at Annex D showing the comparable fees charged by neighbouring authorities. It is difficult to compare fees like for like, as some include test costs or other expenses while others do not, but hopefully this provides a basic level of comparison. It should be noted that, with one or two exceptions, Dacorum's taxi licence fees are lower than those charged by other authorities in the local area.

Four of the comments contained requests to address the Committee, as detailed at para 3.3 of the report.

The Chairman invited Mr Hanlon to speak. Mr Hanlon queried why the time had increased for administration. He said there was already an increase of £18 on top of the original £40 fee and felt this was very steep in two years.

The Chairman invited Ms Parr to speak. Ms Parr disputed the length of time taken to process renewal application and queried how they had been broken down. She said the administration staff were not legally training and felt the service would be better if it was outsourced. She felt that the cost increase was not valid, was excessive and the service was not user friendly. She explained that she was often unable to get through to staff members telephones and believed that the previous system of making face-to-face appointments

worked much better. She said they should be working together but believed they have been distanced.

The Chairman invited Mr Khan to speak. Mr Khan felt that an increase of 7.5% was excessive and the time taken for administration was unjustified. He referred to the table at Annex D and felt the price differences needed clarification. He found it strange that council charges were increasing yet generally prices were going down and said it wasn't fair that the council play catch-up with the fees.

The Chairman invited Mr McIlvaney to speak. Mr McIlvaney strongly objected to the increase and felt the information provided did not justify it as licensing are not there to make a profit. He said there would be no time left to deal with anything else if it took a licensing officer 2.5 hours to process each licence for each vehicle. He explained that R Hill had added extra fields to the application form which had made it longer to complete so didn't feel surprised that people were missing some of the information. He referred to the policy and service development information and queried its meaning. He asked what happened to the interest on the badges and deposits for their plates.

R Hill asked to clarify some of the points raised by those present;

He gave reassurance that the measurements provided were the process of licences for administration staff from start to finish and said they were potentially undercharging.

He advised the licensing account was in deficit.

He said they cannot charge against unlicensed vehicles and that was not factored in to the price increase.

He explained that missing information was not only the forms not being correctly completely or fully but also missing documentation or not attending with the necessary information as requested.

He agreed that the face-to-face availability had been removed but was looking for ways to bring it back again and already had a couple of options to put forward.

He advised it was £16 per set for plate materials and 40% of applications require new plates so that has been factored in to the price.

He referred to the comparison table at Annex D and said they were following the recommended best practice and despite St. Albans drivers receiving a 60% discount for being a resident; their taxi fares were significantly lower than Dacorum's.

He explained this was a medium-long term plan which will be revised again and if possible they would reduce the fees.

He advised that licensing have four full time employees but two of them work mainly on applications.

He agreed he did increase the information on the forms, however this was data being requested by the council and from the council.

Councillor Bhinder said he was against people paying the price for other people's mistakes and asked if they could look at introducing a penalty charge instead for those that don't complete the forms fully or fail to provide necessary documentation. R Hill replied they had no legal mechanism that would allow them to do that.

Councillor Bhinder asked what had gone wrong in the council and what had changed to cause two price increases two years in a row. R Hill explained that he joined the council in 2012 and needed to restore the licensing department. He said one of the biggest problems was the failure to review the fees and therefore the increase has had to be larger than desirable. Councillor Bhinder said he was surprised by R Hill's reply. He suggested the increase would effectively be passed on to the customer. Councillor Fantham noted the reduction in fuel prices and felt that should be passed on to the customer.

Councillor Whitman said the increase didn't feel right and felt he couldn't support it.

Councillor Bhinder suggested the cost could be spread over a period of time instead of all at once. R Hill explained that they are required to give a statutory notice in the newspaper which costs £800 and exceeds the revenue.

Councillor G Sutton said the increase worked out to just after £1 a week and unfortunately prices do have to rise now and then.

It was proposed by Councillor Hearn and seconded by Councillor G Sutton that they adopt the proposed fees and charges.

Voting:

7 for, 2 against and 1 abstention;

Whereupon it was:

Resolved:

The Licensing and Health & Safety Enforcement Committee agreed that the fees and charges from 1 April 2015 to 31 March 2016 are set at the levels below:

Item		Current fee 2014-15	Proposed fee 2015-16	% change
1.1 General service charges				
Photocopies (per A4 side, at officers discretion, subject to legal restrictions)		0.20	0.20	0.0%
Copy of interview recording following PACE interview (per tape/disc)		15.00	15.00	0.0%
Copy of public register entry (where kept and made available by statute) (per entry)		15.00	15.00	0.0%
Request for duplicate copy of licence following loss/theft/damage (where not otherwise listed)		15.00	15.00	0.0%
3.1 Animal boarding				
Application for new animal boarding establishment licence (up to 1yr)	plus vet inspection	320.00	320.00	0.0%
Application to renew animal boarding establishment licence (1yr)	plus vet inspection	210.00	220.00	4.8%
Application to vary animal boarding establishment licence	plus vet inspection	150.00	145.00	-3.3%
Application for new animal boarding establishment licence (home boarding) (up to 1yr)		170.00	180.00	5.9%
Application to renew animal boarding establishment licence (home boarding) (1yr)		110.00	120.00	9.1%
Application to vary animal boarding establishment licence (home boarding)		90.00	100.00	11.1%
Veterinary inspection of premises		Recharged at cost		
3.2 Dangerous wild animals				
Application for licence to keep dangerous wild animals (2yr)	plus vet inspection	325.00	325.00	0.0%

Item		Current fee 2014-15	Proposed fee 2015-16	% change
Application to renew licence to keep dangerous wild animals (2yr)	plus vet inspection	325.00	325.00	0.0%
Application to vary licence conditions (new species/increased numbers of animals)		210.00	210.00	0.0%
Application to vary licence conditions (administrative matters only)		65.00	65.00	0.0%
Veterinary inspection of premises		Recharged at cost		
3.3 Dog breeding				
Application for new dog breeding licence (1yr)		245.00	252.00	2.9%
Application to renew dog breeding licence (1yr)		190.00	195.00	2.6%
3.4 Pet shops				
Application for new pet shop licence (1yr)		225.00	189.00	-16.0%
Application for new pet shop licence (fish only) (1yr)		150.00	142.00	-5.3%
Application to renew pet shop licence (1yr)		125.00	130.00	4.0%
Application to renew pet shop licence (fish only) (1yr)		90.00	95.00	5.6%
3.5 Riding establishments				
Application for riding establishment licence (1yr)	plus vet inspection	310.00	318.00	2.6%
Veterinary inspection of premises		Recharged at cost		
3.6 Zoos				
Application for new zoo licence (4yr)		2,000.00	2,000.00	0.0%
Application to renew zoo licence (6yr)		1,600.00	1,600.00	0.0%
Application to vary zoo licence		1,600.00	1,600.00	0.0%
Application to transfer zoo licence		600.00	600.00	0.0%
Veterinary inspection of premises		Recharged at cost		
4.1 Gambling notices				
Temporary use notice submission fee		350.00	350.00	0.0%
Duplicate copy of temporary use notice following theft/loss/damage		15.00	15.00	0.0%
Occasional use notice submission fee		No fee	No fee	
4.3 Gambling premises licences				
Application for new premises licence (without provisional statement)	Adult gaming centre	1,340.00	1,340.00	0.0%
	Betting (track)	1,670.00	1,670.00	0.0%
	Betting (other)	2,000.00	2,000.00	0.0%
	Bingo	2,450.00	2,450.00	0.0%
	Family entertainment centre	1,200.00	1,200.00	0.0%
Application for new premises licence (with provisional statement)	Adult gaming centre	800.00	800.00	0.0%
	Betting (track)	640.00	640.00	0.0%
	Betting (other)	800.00	800.00	0.0%
	Bingo	840.00	840.00	0.0%
	Family entertainment centre	570.00	570.00	0.0%
Application for provisional statement	Adult gaming centre	1,340.00	1,340.00	0.0%
	Betting (track)	1,670.00	1,670.00	0.0%
	Betting (other)	2,000.00	2,000.00	0.0%

Item		Current fee 2014-15	Proposed fee 2015-16	% change
	Bingo	2,450.00	2,450.00	0.0%
	Family entertainment centre	1,200.00	1,200.00	0.0%
Application for variation of premises licence	Adult gaming centre	670.00	670.00	0.0%
	Betting (track)	840.00	840.00	0.0%
	Betting (other)	1,000.00	1,000.00	0.0%
	Bingo	1,225.00	1,225.00	0.0%
	Family entertainment centre	600.00	600.00	0.0%
Application for transfer of premises licence	Adult gaming centre	800.00	800.00	0.0%
	Betting (track)	640.00	640.00	0.0%
	Betting (other)	800.00	800.00	0.0%
	Bingo	840.00	840.00	0.0%
	Family entertainment centre	570.00	570.00	0.0%
Application for reinstatement of premises licence	Adult gaming centre	800.00	800.00	0.0%
	Betting (track)	640.00	640.00	0.0%
	Betting (other)	800.00	800.00	0.0%
	Bingo	840.00	840.00	0.0%
	Family entertainment centre	570.00	570.00	0.0%
Annual fee (payable 30 days after the licence takes effect, and then annually on the anniversary of the grant of the licence)	Adult gaming centre	670.00	670.00	0.0%
	Betting (track)	670.00	670.00	0.0%
	Betting (other)	420.00	420.00	0.0%
	Bingo	700.00	700.00	0.0%
	Family entertainment centre	450.00	450.00	0.0%
Duplicate copy of licence following theft/loss/damage		15.00	15.00	0.0%
Change of name or address on premises licence		35.00	35.00	0.0%
5.1 Street collections				
Application for street collection licence		No fee	No fee	
5.2 House to house collections				
Application for house to house collection licence		No fee	No fee	
6.1 Taxi and private hire drivers				
Application for HC driver licence	1 year	70.00	74.00	5.7%
	3 years	130.00	138.00	6.2%
Application for PH driver licence	1 year	70.00	74.00	5.7%
	3 years	130.00	138.00	6.2%
Application for dual driver licence	1 year	105.00	111.00	5.7%
	3 years	195.00	207.00	6.2%
Interim application for dual driver licence	(+ £1/unexpired month)	30.00	34.00	13.3%
Licence badge deposit (refundable on return of badge)		50.00	50.00	0.0%
Replacement licence badge		20.00	20.00	0.0%
Written local knowledge test (full test) (non-refundable)		40.00	40.00	0.0%
Written local knowledge test (conditions only) (non-refundable)		25.00	25.00	0.0%
Versant English language assessment *		28.80	28.80	0.0%
Disclosure & Barring Service (DBS) enhanced disclosure *		44.00	44.00	0.0%

Item		Current fee 2014-15	Proposed fee 2015-16	% change
External identity check (where required for DBS route 2 verification) *		7.20	7.20	0.0%
Driving licence verification check *		6.90	6.90	0.0%
6.2 Taxi and private hire vehicles				
Application for HC vehicle licence (includes compliance test fee) (1yr)		240.00	258.00	7.5%
Application for PH vehicle licence (includes compliance test fee) (1yr)		225.00	238.00	5.8%
Application for stretch limo PH vehicle licence (includes specialist compliance test fee) (6 month)		175.00	185.00	5.7%
Licence plate deposit (refundable on return of plates)		50.00	50.00	0.0%
Replacement rear (external) licence plate		20.00	20.00	0.0%
Replacement front (internal) licence plate		20.00	20.00	0.0%
Replacement front (internal) licence plate holder		2.00	2.50	25.0%
Transfer of ownership of licence/vehicle		72.50	64.00	-11.7%
Substitution of vehicle on licence (includes compliance test fee)		165.00	173.00	4.8%
Change of vehicle particulars (reg. no., colour, capacity)		55.00	55.00	0.0%
Vehicle compliance test *		54.00	54.00	0.0%
Specialist vehicle compliance test * (stretch limos)		80.00	80.00	0.0%
6.3 Private hire operators				
Application for PH Operator licence (2yr)	4+ vehicles	350.00	360.00	2.9%
Application for PH Operator licence (3yr)	1-3 vehicles	350.00	360.00	2.9%
6.4 Taxi and private hire – other fees				
Duplicate copy of licence following theft/loss/damage		15.00	15.00	0.0%
7.1 Hypnotism				
Hypnotism authorisation		No fee	No fee	
9.1 Sex establishments				
Application for new sex establishment licence		2,775.00	2,775.00	0.0%
Application for renewal of sex establishment licence		2,500.00	2,500.00	0.0%
Application for variation of sex establishment licence		1,800.00	1,450.00	-19.4%
Application for transfer of sex establishment licence		600.00	440.00	-26.7%
10.1 Skin piercing				
Application for registration of skin piercing, etc, premises		220.00	200.00	-9.1%
Application for registration of skin piercing, etc, operator		115.00	89.00	-22.6%

Key

* Fee is rechargeable on a full cost recovery basis, and will be adjusted automatically in accordance with any variation of the fee charged by the council's supplier.

Fee prescribed in legislation

Fee set within prescribed maxima

6. CHANGES TO PERSONAL ALCOHOL LICENCES

R Hill explained that the report sets out the legislative change around renewals of personal alcohol licences. He said they were just asking for a copy of the personal licence only and not the original.

Councillor Peter asked how they could be sure they were receiving a genuine copy of the licence if they weren't receiving the original. R Hill advised that the Council would have issued the original licence and therefore should have the details on the system.

Resolved:

The Licensing and Health and Safety Enforcement Committee noted the report and agreed that the renewal of applications need to be accompanied by a copy of the personal licence only.

7. PETITION IN RESPECT OF TAXI TESTING STATION POLICY

R Hill highlighted that there was approximately 18 months remaining under the current contract and therefore not proposing any change at this current time. He said there were not a large amount of garages awaiting work with taxi testing and they've received very few complaints about the current services.

Mr Carrington explained that the reason for the petition was due to inconsistency and a lack of choice of garages for taxi drivers. He said some garages work differently to others which can cause problems and he didn't feel that the licensing department were monitoring the garages enough to ensure they're working correctly.

The Chairman noted that drivers are complaining to the Taxi Association rather than to the Council and she felt this caused a problem as the Council will have no record of any complaints on the matter.

Mr Carrington said licensing should be monitoring the standards of the garage to ensure they're complying with the contract. He felt it was better to have 2 options than 1 but understood that there was a contract still in place.

R Hill confirmed that Mr Carrington's suggested had been put in place and that Enforcement Officers had been carrying out checks at the station.

Councillor Fantham suggested they look around at the local competition in the next 18 months and seek to improve the service. He felt they should be concerned about this issue and it should be taken seriously.

The Chairman said the matter was being taken seriously and was pleased to see the suggestion had been put in place.

Councillor G Sutton echoed Councillor Fantham's comments and felt that there should be 2 stations, not 1.

Councillor Bhinder referred to paragraph 2.1(b) and felt it was not a good reason to have 2 testing stations. However he did feel competition was a good thing and supported raising standards.

Councillor Peter also referred to paragraph 2.1(b) and said the personality of the driver was irrelevant and it should just be about testing the vehicles.

R Hill suggested returning to the committee approximately six months before the end of the contract to discuss the matter further.

Resolved:

The Licensing and Health and Safety Enforcement Committee noted the petition and agreed to have another report on this matter approximately six months before the renewal of contract for taxi testing.

Councillor Fantham suggested that the Taxi Association were alerted of this meeting and kept informed.

8. LETTER FROM BARONESS KRAMER, DEPARTMENT FOR TRANSPORT

R Hill advised that the letter was for information purposes and that members should note the letter from Baroness Kramer.

Resolved:

The Licensing and Health and Safety Enforcement Committee noted the letter.

The meeting ended at 8.22 pm