

MINUTES

LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE

27 OCTOBER 2015

Present:

Members:

Councillors: Barnes
Mrs Bassadone
Conway
Fantham (Vice-Chair,
in the Chair)
Howard
Link
Mills
Peter
Sutton
Taylor
Whitman

Officers: R Hill Licensing Team Leader
B Lisgarten Legal Governance Team Leader
T Coston Member Support Officer (Minutes)

The meeting began at 7.30 pm

1 MINUTES

The minutes of the meeting held on 28 July 2015 were confirmed by the Members present and then signed by the Chairman.

Councillor Bassadone requested that all members with the same surnames have their initials included in minutes and agendas so that they could tell them apart.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor P Hearn.

Councillor S Adshead was absent.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 PUBLIC PARTICIPATION

There was no public participation.

5 REVIEW OF LICENSING POLICIES FOR ALCOHOL, ENTERTAINMENT AND GAMBLING LICENCES

R Hill explained that the report summarised the results of consultation on the proposed revisions to the Council's two statutory licensing policies, covering alcohol, entertainment and gambling licences. Following the Committee's initial approval in July, consultation was carried out over an 8 week period in August and September, with direct notifications being sent to the statutory bodies and other representatives identified in both Acts. Details were also published via the council's website, social media and Dacorum Digest.

He advised that 8 responses were received to the consultation and these were included in the report. He said officers considered all of the responses when making final adjustments to the draft policies, and the comments under each response detailed any particular changes made.

He explained that if the Committee were satisfied with the final draft policies, they were asked to endorse them and refer them onwards to Full Council with a view to adoption. Under both Acts, councils are not permitted to delegate the power to adopt policies to committees or officers.

It was proposed by Councillor Peter and seconded by Councillor Whitman that the committee endorse the draft policies and refer them to Full Council.

Resolved:

1. That the Licensing and Health and Safety Enforcement Committee endorse the revised draft Statement of Licensing Policy under the Licensing Act 2003 for the period of 2016-2021, and refer it to Full Council for approval and adoption;
2. That the Licensing and Health and Safety Enforcement Committee endorse the revised draft Statement of Principles under the Gambling Act 2005 for the period of 2016-2019, and refer it to Full Council for approval and adoption

6 ANIMAL LICENCE APPLICATION FORMS

R Hill explained that many areas covered by the licensing service had seen reform and revision in the last 3 years, and animal licensing was one of the last remaining areas to be examined.

Members had before them proposals to replace the current application forms for three of the six types of animal licences issued by the council, substantially increasing the amount of information requested from applicants. He explained that in each case, the legislation required the Council to consider a complete range of

details about the operation of a particular business prior to granting a licence. He said the revised application forms would mean that these details were in future collected at the time of application, rather than post-application during the officer's or veterinary inspection.

He advised that due to time pressures it had not been possible to finalise the two forms not included in the agenda pack, these would be brought to a future meeting. The Committee were therefore asked to disregard paragraphs D and E of the recommendation.

It was proposed by Councillor Taylor and seconded by Councillor Peter that the committee adopt the new animal licence application forms.

Resolved:

That the Licensing and Health and Safety Enforcement Committee adopt the new animal licence applications as the Council's standard format, with effect from 1 November 2015:

1. For animal boarding establishment licences under section 1 of the Animal Boarding Establishment Act 1963
2. For pet shop licences under section 1 of the Pet Animals Act 1951
3. For riding establishment licences under section 1 of the Riding Establishment Act 1964

7 LICENSING FEES AND CHARGES 2016-17

Councillor Fantham said he had spoken with R Hill prior to the meeting and was advised that the Council loses approximately £80k on delivering its licensing functions each year.

Councillor Peter asked why they couldn't break even with the licensing fees. R Hill explained that they were restricted on the amount they could charge, as fees could not exceed the costs incurred in issuing a particular licence. Alcohol and entertainment licence fees were fixed nationally by the Government and were unchanged since 2005. He said the LGA had been campaigning on the issue, highlighting that the amount of money that was lost could be used towards paying for schools, nurses, carers etc. He advised there were also various other licensing functions they couldn't charge for such as charitable collections, and enforcement not leading to a conviction.

Councillor Bassadone queried why so many charges had been reduced, for example a new dog breeding licence has gone down by 20.6%. R Hill explained they had revised the application forms so that more data could be collected at the point of application so the officers would spend a shorter length of time at inspections and that would reduce that cost to the council. He said they couldn't set the fees at a profit level, they had to be set in accordance with the cost occurred to the council. He explained that the gap between new dog breeding applications and renewals had narrowed because they now involved similar amounts of work and the new fee reflected that much more than the previous fee.

Councillor Mills said he couldn't understand why the fees were being reduced for dog breeding licences for example. He asked if the existing fees had caused any legal action. R Hill explained they had to review the fees every year and change some of the processing times where there could be a potential overcharge. He advised that they hadn't had any new applications for dog breeding licences for several years, however they still have to look at their current procedures and they couldn't justify keeping the fees the same. He said that fees had to be correctly calculated pre-emptively to avoid challenge.

Councillor Bassadone asked how many times they had been challenged in the last financial year. R Hill said there had been no challenges in that time.

Councillor Peter asked if Central Government were aware of this problem and if not, could they write to them to make them aware. R Hill advised that the issue was being raised frequently by the LGA and others. He said there was a Home Office consultation before the Parliamentary Election this year but unfortunately there was such a low response rate from councils. He said the Chief Executive had asked him to respond, however we were 1 of 20 authorities nationally to reply and therefore the Home Office decided that was insufficient evidence to justify further action at that time.

Councillor Mills felt they should continue charging the existing fees rather than reducing them if people were prepared to pay that amount before then they will continue to. R Hill said the licensees didn't have a choice but to pay that amount as it was a set fee and if they didn't pay it they wouldn't be granted a licence. In reference to the gambling licence fees, he explained that this year they had been able to produce more accurate cost calculations by looking at similar licences, reviewing the policies and estimating the amount of work involved to give a better idea of how much each application would cost and calculate the fee that should be charged.

It was proposed by Councillor Peter and seconded by Councillor Conway to set the fees and charges at the levels proposed within the report.

Voting:

9 for and 1 against:

whereupon it was:

Resolved:

That the Licensing and Health and Safety Enforcement Committee set the fees and charges payable by applicants in connection with applications and other processes for licences, registrations and permits, for the period from 1st April 2016 to 31st March 2017, as set out below:

Item	Current fee 2015-16	Proposed fee 2016-17	% change
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Item		Current fee 2015-16	Proposed fee 2016-17	% 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%
Licensing pre-application advice (per whole or part hour)		-	42.00	
3.1 Animal boarding				
Application for new animal boarding establishment licence (up to 1yr)	<i>plus vet inspection</i>	320.00	287.00	-10.3%
Application to renew animal boarding establishment licence (1yr)	<i>plus vet inspection</i>	220.00	237.00	7.7%
Application to vary animal boarding establishment licence	<i>plus vet inspection</i>	145.00	145.00	0.0%
Application for new animal boarding establishment licence (home boarding) (up to 1yr)		180.00	193.00	7.2%
Application to renew animal boarding establishment licence (home boarding) (1yr)		120.00	140.00	16.7%
Application to vary animal boarding establishment licence (home boarding)		100.00	90.00	-10.0%
Veterinary inspection of premises		Recharged at cost		
3.2 Dangerous wild animals				
Application for licence to keep dangerous wild animals (2yr)	<i>plus vet inspection</i>	325.00	302.00	-7.1%
Application to renew licence to keep dangerous wild animals (2yr)	<i>plus vet inspection</i>	325.00	302.00	-7.1%
Application to vary licence conditions (new species/increased numbers of animals)		210.00	192.00	-8.6%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
Application to vary licence conditions (administrative matters only)		65.00	62.50	-3.8%
Veterinary inspection of premises		Recharged at cost		
3.3 Dog breeding				
Application for new dog breeding licence (up to 1yr)		252.00	200.00	-20.6%
Application to renew dog breeding licence (1yr)		195.00	200.00	2.6%
Veterinary inspection of premises		Recharged at cost		
3.4 Pet shops				
Application for new pet shop licence (up to 1yr)		189.00	161.00	-14.8%
Application for new pet shop licence (fish only) (up to 1yr)		142.00	161.00	13.4%
Application to renew pet shop licence (1yr)		130.00	150.00	15.4%
Application to renew pet shop licence (fish only) (1yr)		95.00	120.00	26.3%
Veterinary inspection of premises		Recharged at cost		
3.5 Riding establishments				
Application for riding establishment licence (1yr)	<i>plus vet inspection</i>	318.00	295.00	-7.2%
Veterinary inspection of premises		Recharged at cost		
3.6 Zoos				
Application for new zoo licence (4yr)		2,000.00	1,805.00	-9.8%
Application to renew zoo licence (6yr)		1,600.00	1,325.00	-17.2%
Application to vary zoo licence		1,600.00	1,325.00	-17.2%
Application to transfer zoo licence		600.00	221.00	-63.2%
Veterinary inspection of premises		Recharged at cost		
4.1 Gambling notices				
Temporary use notice submission fee		350.00	355.00	1.4%
Duplicate copy of temporary use notice following theft/loss/damage		15.00	15.00	0.0%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
Occasional use notice submission fee		No fee	No fee	0.0%
4.3 Gambling premises licences				
Application for new premises licence (without provisional statement)	<i>Adult gaming centre</i>	1,340.00	1,040.00	-22.4%
	<i>Betting (track)</i>	1,670.00	1,040.00	-37.7%
	<i>Betting (other)</i>	2,000.00	1,040.00	-48.0%
	<i>Bingo</i>	2,450.00	1,040.00	-57.6%
	<i>Family entertainment centre</i>	1,200.00	1,040.00	-13.3%
Application for new premises licence (with provisional statement)	<i>Adult gaming centre</i>	800.00	700.00	-12.5%
	<i>Betting (track)</i>	640.00	700.00	9.4%
	<i>Betting (other)</i>	800.00	700.00	-12.5%
	<i>Bingo</i>	840.00	700.00	-16.7%
	<i>Family entertainment centre</i>	570.00	700.00	22.8%
Application for provisional statement	<i>Adult gaming centre</i>	1,340.00	1,040.00	-22.4%
	<i>Betting (track)</i>	1,670.00	1,040.00	-37.7%
	<i>Betting (other)</i>	2,000.00	1,040.00	-48.0%
	<i>Bingo</i>	2,450.00	1,040.00	-57.6%
	<i>Family entertainment centre</i>	1,200.00	1,040.00	-13.3%
Application for variation of premises licence	<i>Adult gaming centre</i>	670.00	700.00	4.5%
	<i>Betting (track)</i>	840.00	700.00	-16.7%
	<i>Betting (other)</i>	1,000.00	700.00	-30.0%
	<i>Bingo</i>	1,225.00	700.00	-42.9%
	<i>Family entertainment centre</i>	600.00	700.00	16.7%
Application for transfer of premises licence	<i>Adult gaming centre</i>	800.00	300.00	-62.5%
	<i>Betting (track)</i>	640.00	300.00	-53.1%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
	<i>Betting (other)</i>	800.00	300.00	-62.5%
	<i>Bingo</i>	840.00	300.00	-64.3%
	<i>Family entertainment centre</i>	570.00	300.00	-47.4%
Application for reinstatement of premises licence	<i>Adult gaming centre</i>	800.00	300.00	-62.5%
	<i>Betting (track)</i>	640.00	300.00	-53.1%
	<i>Betting (other)</i>	800.00	300.00	-62.5%
	<i>Bingo</i>	840.00	300.00	-64.3%
	<i>Family entertainment centre</i>	570.00	300.00	-47.4%
Annual fee (payable 30 days after the licence takes effect, and then annually on the anniversary of the grant of the licence)	<i>Adult gaming centre</i>	670.00	515.00	-23.1%
	<i>Betting (track)</i>	670.00	515.00	-23.1%
	<i>Betting (other)</i>	420.00	440.00	4.8%
	<i>Bingo</i>	700.00	515.00	-26.4%
	<i>Family entertainment centre</i>	450.00	440.00	-2.2%
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%
5.1-5.2 Charity collections				
Application for street collection licence		No fee	No fee	0.0%
Application for house to house collection licence		No fee	No fee	0.0%
6.1 Taxi and private hire drivers				
Application for HC driver licence (3 years)		138.00	145.00	5.1%
Application for PH driver licence (3 years)		138.00	145.00	5.1%
Application for dual driver licence (3 years)		207.00	215.00	3.9%
Interim application for dual driver licence	<i>(+ £1/unexpired month)</i>	34.00	35.00	2.9%
Licence badge deposit (refundable on return of badge)		50.00	50.00	0.0%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
Replacement licence badge		20.00	20.00	0.0%
Disclosure & Barring Service (DBS) enhanced disclosure *		44.00	Recharged at cost	
External identity check (where required for DBS route 2 verification) *		7.20	Recharged at cost	
Driving licence verification check *		6.90	Recharged at cost	
6.2 Driver knowledge tests				
Written local knowledge test (full test) (non-refundable)		40.00	45.00	12.5%
Written local knowledge test (conditions only) (non-refundable)		25.00	30.00	20.0%
Communication skills assessment (administration fee) (non-refundable)		-	11.40	-
Versant English language assessment *		30.60	Recharged at cost	
6.3 Taxi and private hire vehicles				
Application for HC vehicle licence (1 year)	<i>(including compliance test)</i>	258.00	264.00	2.3%
	<i>(excluding compliance test)</i>	-	210.00	-
Application for PH vehicle licence (1 year)	<i>(including compliance test)</i>	238.00	244.00	2.5%
	<i>(excluding compliance test)</i>	-	190.00	-
Application for PH vehicle licence (1 year) (Stretch limousines)	<i>(including specialist compliance test)</i>	185.00	190.00	2.7%
	<i>(excluding specialist compliance test)</i>	-	110.00	-
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		2.50	2.50	0.0%
Transfer of ownership of licence/vehicle		64.00	64.00	0.0%
Substitution of vehicle on licence (includes compliance test fee)		173.00	173.00	0.0%
Change of vehicle particulars (reg. no., colour, capacity)		55.00	55.00	0.0%

Item		Current fee 2015-16	Proposed fee 2016-17	% change
Vehicle compliance test *		54.00	Recharged at cost	
Specialist vehicle compliance test * (stretch limos)		80.00	Recharged at cost	
6.4 Private hire operators				
Application for PH Operator licence (5 years)	1-3 vehicles	378.00	388.00	2.6%
	4+ vehicles	636.00	647.00	1.7%
6.5 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	0.0%
9.1 Sex establishments				
Application for new sex establishment licence		2,775.00	2,670.00	-3.8%
Application for renewal of sex establishment licence		2,500.00	2,405.00	-3.8%
Application for variation of sex establishment licence		1,450.00	1,215.00	-16.2%
Application for transfer of sex establishment licence		440.00	430.00	-2.3%
10.1 Skin piercing				
Application for registration of skin piercing, etc, premises		200.00	200.00	0.0%
Application for registration of skin piercing, etc, operator		89.00	90.00	1.1%

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

8

TAXIS AND PASSENGERS IN WHEELCHAIRS

R Hill highlighted that the report was for information purposes only. He said they had received a letter of concern from the Hertfordshire Carers Forum about the lack of wheelchair accessible hackney carriage vehicles in the Borough. He explained that the Council had previously adopted a mixed fleet policy and approximately 20% of taxis in the borough were wheelchair accessible. He advised he would be investigating and working with the Carers Forum to address their concerns but at this stage it was just something he would be monitoring and members were asked to note the report.

Resolved:

The committee noted the report.

R Hill advised that the full committee would likely be required again in November.

The meeting ended at 7:56 pm