

# Minutes

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## Licensing Committee

Tuesday, 11 November, 2014

### Attendance

Cllr Barrett (Chair)	Cllr Mynott
Cllr Newberry (Vice-Chair)	Cllr Dr Naylor
Cllr Mrs Cohen	Cllr Reed
Cllr Mrs Hubbard	Cllr Russell
Cllr Lloyd	Cllr Tee
Cllr Mrs Murphy	

### Apologies

Cllr Mrs Henwood

### Substitute Present

Cllr McCheyne (substituting for Mrs Henwood)

### Officers Present

David Carter	Senior EHO (Team Leader)
Ashley Culverwell	Head of Borough Health, Safety and Localism
Christopher Leslie	Financial Services Manager
Gary O'Shea	Principal Licensing Officer
Jean Sharp	Governance and Member Support Officer

### 255. Apologies for Absence

Apologies were received from Cllr Mrs Henwood.

All present stood and observed a minute's silence for Armistice Day.

### 256. Minutes of previous meeting

The Committee **RESOLVED** to approve the minutes of the 13 October 2014 Licensing Committee meeting and they were signed by the Chair.

## **257. Mobile Homes Licensing**

Members were advised that the Government had introduced a new scheme for licensing of mobile home sites which more closely aligned the licensing provisions under the Caravan Sites & Control of Development Act 1960 with other local authority licensing regimes in order to improve site conditions and ensure that residents' health and safety was better protected.

Mobile homes used for permanent residential accommodation with full planning permission in the Borough would require an annual license. The Council would be able to recover the costs of administration and inspection of sites under the new licensing arrangements. The report before Members sought to establish the licensing arrangements to be implemented for the Borough.

**Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendations in the report and following a discussion it was RESOLVED UNANIMOUSLY that:**

- 1. Members agree to implement a scheme for Mobile Homes Licensing under the changes brought in under the Mobile Homes Act 2013 in the Brentwood Borough.**
- 2. Officers are authorised to establish and administer such a scheme.**
- 3. Members agree to adopt the Fee Policy in Appendix A of the report.**
- 4. The Head of Borough Health, Safety and Localism and any officers nominated by him are delegated authority to administer and enforce the powers brought in under the Mobile Homes Act 2013.**

## **258. Variation in the Order of the Agenda**

**Cllr Barrett MOVED, Cllr Newberry SECONDED and it was RESOLVED UNANIMOUSLY that, since members of the public were present, the order of the agenda be varied so that items 6 (Proposed Hackney Carriage and Private Hire Fees and Charges for 2015/16) and 7 (Hackney Carriage Proposed Tariff Charge) be considered next.**

## **259. Proposed Hackney Carriage and Private Hire Fees and Charges for 2015/16**

Members were reminded that the Local Government (Miscellaneous Provisions) Act 1976 permitted the Council to charge such fees for the grant of vehicle and operators licences as might be resolved by them from time to time as might be sufficient in aggregate to cover in whole or in part the reasonable costs associated with these licensing functions.

The report sought Members' agreement on the proposed budget and Schedule of fees and charges for 2015/16 in respect of the Hackney Carriage and Private Hire licensing functions and for publication of the agreed fees and charges in accordance with statutory requirements.

**Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendation in the report and following a discussion it was RESOLVED UNANIMOUSLY that Members agree to the budget and proposed schedule of fees and charges for 2015/16 as shown in Appendix A to the report and for advertisement of the same to appear in a local newspaper in January 2015.**

## **260. Hackney Carriage Proposed Tariff Change**

Members were reminded that the setting of fare tariffs in respect of Hackney Carriage Vehicles was legislated under provision of section 65 the Local Government (Miscellaneous Provisions) Act 1976 . There was no provision for the Council to set tariffs in respect of private hire vehicles.

From time to time the fare tariffs might be amended in accordance with the legislation, usually following a request from the Taxi trade and appropriate advertising of the proposals in accordance with the provisions of the Act.

The current fares had been in place since August 2011, meaning that there has been no increase in taxi fares within the Borough of Brentwood for three years.

The report before Members considered an application received via the Taxi Trade Consultative Group (TTCG) for an increase in the maximum fares permitted to be charged by licensed Hackney Carriage Vehicles within the Borough of Brentwood.

A previous request for an increase in tariff was submitted at the TTCG held on 4 August 2014 and this had been considered and rejected by Licensing Committee on 13 October 2014.

Following the Licensing Committee held on 13 October 2014, the trade submitted a revised proposal, which was attached to the agenda as Appendix A. This proposal was discussed and formally submitted at a TTCG meeting held on 3 November 2014 and three members of the Taxi Trade Consultative Group were in attendance at this Committee meeting to respond to Members' questions. Background details of their proposal for increased fare tariffs had been submitted prior to the meeting for Members' information and consideration. The Chair agreed to a Member's request that this additional information be made available on the Council's website as a supplementary document to the agenda.

The proposal before Members was a maximum fare/tariff only and it was therefore up to the individual hackney carriage proprietor as to whether they

wished to charge the maximum. There was no legal obligation to charge the maximum, although it was unlawful to charge more.

Members requested that the fare tariffs be considered on an annual basis in future.

**Cllr Lloyd MOVED and Cllr Barrett SECONDED recommendation 2.1(a) in the report. Following a discussion a vote was taken on a show of hands and it was RESOLVED that the Committee agrees in principle the increase in the maximum fare/tariff attached at Appendix A to the report which was to be advertised in accordance with the relevant legislative requirements, and that the increased tariff should come into force at the end of a period of 14 days from the first date of advertisement if no objections are received, or be reported back to Licensing Committee for further determination in December 2014 if one or more objections were received.**

#### **261. Proposed Fee for Young Entrepreneurs Market**

Members were advised that a two year license for Essex Farmers Markets to operate a weekly Friday and Saturday Market in Brentwood High Street was agreed at the 16.7.14 Business and Town Centres Committee meeting and a report on Alternative Markets for Brentwood was discussed at the 15.10.14 B&TC Committee meeting. Inter alia the Committee resolved to recommend to the Licensing Committee a concessionary license fee for teenage (or young peoples') market stalls of £5.00 and to review this after the market had been in operation for a period of 9 months. Officers considered that given the requirement to ensure cost recovery that this should be formally reviewed in 6 months and the fee be increased if it was appropriate. The current license fee for a market stall was £21 per day.

It was anticipated that the requirement for enforcement and compliance requirements in relation to young persons' stalls would be minimal when compared to commercial stalls.

No licence would be issued to any person under the age of 17, although those under 17 years would be permitted to work the stalls and operate under provision of a licence held by an adult.

Members were advised that Essex Farmers Markets had agreed to operate the young people's market in the High Street or Crown Street. They were looking to trial the market on a Sunday in the New Year after obtaining sufficient interest and commitment and would be approaching local schools, colleges, universities, clubs and groups to offer students a chance to engage directly with their town centre.

**Cllr Barrett MOVED and Cllr Newberry SECONDED the recommendation in the report. Following the discussion a vote was taken on a show of**

hands and it was **RESOLVED UNANIMOUSLY** that Members agree to a fee of £5 and that this be formally reviewed in 6 months' time.

**262. Proposed General Licensing Fees and Charges for 2015/16**

Members were advised that, whilst some of the General Licensing Fees and Charges were statutory and therefore determined through legislation, the Council must review its discretionary charges for all services to ensure that they reflected the current cost of providing the service, including reasonable and recoverable running costs for administration and in some cases enforcement.

The report sought Members' agreement on the proposed budget and schedule of fees and charges for 2015/16 in respect of the general licensing functions other than Hackney Carriage and Private Hire and any statutory or centrally set fees.

Cllr Barrett proposed that the revised fees and charges should be frozen pending a full review being undertaken and Members requested that in future further detail be given in regard to each proposed charge and an explanation of how costs were arrived at.

**Cllr Lloyd MOVED and Cllr Barrett SECONDED the recommendations in the report and it was RESOLVED UNANIMOUSLY that:**

**1. Members agree to the proposed schedule of fees and charges as shown in Appendix A of this report to come into force on 1 April 2015.**

**2. A further report be presented to this Committee providing**

**details of the outcome of the planned review of the current charging policies, which will then inform the 2016/17 charging levels.**