Licensing Appeals and Complaints Committee

Tuesday 17 November 2015

Time: On the rising of the Licensing and Gambling Acts Committee
Council Chamber, South Norfolk House, Long Stratton, Norfolk, NR15 2XE

If you have any special requirements in order to attend this meeting,
please let us know in advance
Large print version can be made available

Contact Sue Elliott on 01508 533943 or democracy@s-norfolk.gov.uk
Members of the
Licensing Appeals and Complaints Committee

Councillors:

Cllr D Goldson (Chairman)
Cllr W Kemp (Vice Chairman)
Cllr J Amis
Cllr V Bell
Cllr M Dewsbury
Cllr C Gould
Cllr P Hardy
Cllr J Hornby
Cllr C Kemp
Cllr K Mason Billig
Cllr T Palmer
Cllr A Pond
Cllr J Savage
Cllr J Wilby
Cllr K Worsley

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
Agenda

1. To report apologies for absence;

2. To receive Declarations of Interest from Members; (Please see guidance form and flow chart attached - page 4)

3. Minutes of the meeting held on 12 August 2015; (copy attached – page 5)

4. Taxi Fee Consultation Update and Licence Durations; (report attached – page 7)
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Agenda Item: 2

DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
LICENSING, APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing, Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Wednesday 12 August 2015 at 10.00 am.

Committee Members Present: Councillors D Goldson (Chairman), C Gould, P Hardy, W Kemp and K Worsley

Officers in Attendance: Mr N Briggs – Solicitor npLaw, the Housing Options Senior Case Advisor (DN) and the Housing Options Officer (AC).

625 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the Act (as amended).

626 REVIEW OF HOUSING DECISION

The Chairman welcomed the appellant, his father and the homelessness officers to the meeting and outlined the process to be followed for the appeal. Members noted that a submission had been received from Shelter the previous afternoon and confirmed that they had all read through the information contained therein.

The Housing Options Senior Case Advisor outlined the Council’s case and advised the Panel of the events leading to their decision that the appellant had intentionally made himself homeless.

The appellant’s father addressed the Panel, on behalf of the appellant, and outlined the case, stating that at the relevant time, the appellant had not been able to make sound decisions due to a series of unfortunate incidents leading to a decline in his mental health.
After officers, the appellant and the appellant’s father had responded to a number of questions, the Panel:

**RESOLVED:** that, taking into account the presentations made by the appellant’s father and the Council’s officers together with the submission received from Shelter, the Panel concluded that the appellant was capable of making decisions relating to his tenancy, and that the Council had reached the correct decision that the appellant had made himself intentionally homeless.

The appeal was therefore dismissed.

(The meeting closed at 1.40 pm)

____________________
Chairman
Taxi Fee Consultation Update and Licence Durations

Report of the Licensing & Enforcement Officer
Cabinet Member: Lee Hornby

CONTACT
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1. Introduction

1.1. South Norfolk Council is responsible for the licensing of Combined Hackney Carriage/Private Hire Drivers and Private Hire Operators. The Council is also responsible for setting taxi fees as stated in the Local Government (Miscellaneous Provisions) Act 1976.

2. Background

2.1. The Deregulation Act 2015 amends the Local Government (Miscellaneous Provisions) Act 1976 to extend the length of time a Combined Hackney Carriage/Private Hire Driver and Private Hire Operator licence remains valid for. The change aims to reduce the administrative burden placed upon the taxi trade, by reducing the amount of time spent on completing applications.

2.2. Table 1, below, highlights South Norfolk Council’s licence durations pre and post Deregulation Act 2015.

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Prior Deregulation Act 2015</th>
<th>Post Deregulation Act 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined Hackney Carriage/Private Hire Drivers</td>
<td>Annual licence &amp; 3 year licence</td>
<td>3 year licence</td>
</tr>
<tr>
<td>Private Hire Operators</td>
<td>Annual licence</td>
<td>5 year licence</td>
</tr>
</tbody>
</table>

2.3. The Deregulation Act 2015, states that South Norfolk Council may grant a licence for a lesser period depending upon the circumstances of the case.
2.4. As a result of the change, it was agreed that a review of the licensing fees for the above two licence types would be undertaken to ensure that the cost of administration is reflective of the service provided. Table 2, below, shows the fees prior and post review.

Table 2

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Prior Deregulation Act 2015</th>
<th>Post Deregulation Act 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined Hackney Carriage/Private Hire Drivers</td>
<td>£90 (annual)</td>
<td>£245 (3 year licence)</td>
</tr>
<tr>
<td></td>
<td>£200 (3 year licence)</td>
<td></td>
</tr>
<tr>
<td>Private Hire Operators</td>
<td>£115 (annual)</td>
<td>£565 (5 year licence)</td>
</tr>
</tbody>
</table>

2.5. The Local Government (Miscellaneous Provisions) Act 1976 requires Local Authorities to consult upon amendments to the Private Hire Operator fee for 28 days. The consultation took place between 1 October 2015 and 28 October 2015. A notice regarding the amendment was placed in the Eastern Daily Press (EDP) along with a copy of the notice being displayed on South Norfolk Council’s website and reception area.

2.6. A letter was sent to South Norfolk Council licensed taxi drivers and operators to inform them of the change to licence duration lengths, the proposed changes to the fees and to inform them of the consultation process.

3. Current Position / Findings

3.1. No formal objections to the variation of the fees have been received during the consultation period. The above fees have now taken effect as of 1st November 2015.

3.2. However, the taxi trade have raised the following concerns;
Will a shorter duration licence be granted for drivers who are new to the taxi industry?

Will a shorter duration licence be granted to those drivers who require a medical annually e.g. those over 70 years of age?

Will a refund be given for people who cease taxi driving during the three year licence period?

Will a refund be given if the operator ceases operating during the five year period?

4. Proposals

4.1. Having considered the concerns raised by the taxi trade as set out in paragraph 3.2, officers suggest the following responses:

- A lesser duration licence should not be granted for new taxi drivers i.e. those who are completely new to the taxi trade. A licence must only be issued to those applicants that are deemed to be fit and proper persons. South Norfolk Council cannot presume a driver will only be fit and proper for one year therefore a three year licence should be granted. Between 1 January 2015 and 4 November 2015 we have received 41 new driver applications (not renewals of previous licences).

- It is reasonable for a lesser duration licence to be granted for all drivers who require a medical annually. South Norfolk Council’s Taxi Conditions require those drivers over 70 years of age to undertake an annual medical examination. Currently 20 of our 256 licensed drivers are over 70 years of age. This will increase to 39 over the next three years.
• A refund will not be provided for those who cease taxi driving before the expiration of their licence. This is consistent with past practice as South Norfolk Council did not issue refunds under the previous licensing durations.

• A refund will not be provided for those who cease operating before the expiration of their licence. Again this is consistent with past practice as South Norfolk Council did not issue refunds under the previous licensing durations.

4.2. In order to reduce the requirement to hold frequent meetings of the Licensing, Appeals and Complaints Committee to consider issuing lesser duration licences, we propose that Members of this Committee agree to delegate the decision to issue lesser duration licences to the Director of Growth and Localism (including any other reasons not mentioned in Section 3.2).

5. Risks and Implications arising

5.1 At present, a hearing of the Licensing, Appeals and Complaints Committee will be required to determine each request for a lesser duration licence as there is no policy in place.

5.2 If a decision to grant a licence for a lesser period is not determined by the delegated officer, South Norfolk Council’s Licensing, Appeals and Complaints Committee will be required to meet more frequently. This will have a significant impact upon Member, officer and customer time, have financial implications and will affect the customer experience.

5.3 There are some minor inconsistencies within the Constitution regarding the setting of fees and charges which it is proposed to resolve in due course. At present, the terms of reference for the Licensing, Appeals and Complaints Committee provide for the Committee to advise Cabinet on the levels of fees and charges; Cabinet have resolved previously to delegate the setting of fees and charges to Heads of Service, in consultation with Cabinet Members. Elsewhere, the Constitution also delegates the Director of Growth and Localism to carry out all functions associated with the Local Government
(Miscellaneous Provisions) Act 1976. Given this, it is clear that in all respects the Director has authority to agree the levels of fees and charges, and Cabinet will be subsequently notified of his decision.

6. Recommendation

6.1. To delegate powers to issue lesser duration licences to the Director of Growth and Localism.

6.2. That a lesser duration licence will be issued for medical reasons and for all drivers who require a medical annually.

6.3. That a lesser duration licence will not be issued for those who are new to the taxi industry.

6.4. To confirm that refunds will not be provided to those licence holders who surrender their licence prior to its expiration.