

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 26 JANUARY 2017

SUBMITTED TO THE COUNCIL MEETING – 21 FEBRUARY 2017

(To be read in conjunction with the Agenda for the Meeting)

Present

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| Cllr Simon Inchbald (Chairman) | Cllr Anna James |
| Cllr Patricia Ellis (Vice Chairman) | Cllr Robert Knowles |
| Cllr Maurice Byham | Cllr Libby Piper |
| Cllr Peter Isherwood | Cllr Bob Upton |
| Cllr Carole King | |

Apologies

Cllr John Fraser, Cllr Tony Gordon-Smith and Cllr Mike Hodge

21. MINUTES (Agenda item 1.)

The minutes of the meeting which took place on 24 November 2016 were confirmed and signed.

22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies for absence were received from Councillors John Fraser, Tony Gordon-Smith and Mike Hodge.

23. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest.

LICENSING ACT 2003 ITEMS

There were no items to report under this heading.

OTHER LICENSING ITEMS

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

24. **FINANCIAL STRATEGY - LICENSING FEES AND CHARGES 2017/18** (Agenda item 6.)

The Committee received a report seeking its approval for the schedule of Licensing and Regulatory Fees and Charges for 2017/18 as part of the budget process. The Committee was advised that in most years the proposed increases to taxi licences were less than the guideline of 3.5% but for this year, there was no clear percentage increase. A comprehensive review had been carried out to ensure that every fee could be broken down and justified as a true reflection of the time and processes required to administer each of the licences.

The Committee was reminded that the taxi and private hire licensing fees for 2017/18 were considered at its last meeting on 24 November 2016, and had since been advertised in the local press. The intention of undertaking this earlier in the process was to enable the new fees and charges to be implemented on 1 April 2017. Members noted that no representations were received to the advertisement.

The Committee received a schedule of the proposed Licensing fees and charges from 1 April 2017. For taxi and private hire licensing, there were a number of new fees that have been introduced which covered areas where there had not previously been a charge but where there was quite a demand for the service, such as change of address and reissuing of licences. In addition, it was proposed that the charging structure for Operator licences should be more fairly applied depending on the size of the business and the number of vehicles they operate. There were a number of different fees payable dependent upon the size of the operation, split between 1-5 vehicles and then greater than 5. There was also a distinction between an application for a new operator licence from someone who was not currently licensed as a driver because the usual checks for fitness and propriety would not have been carried out and it was proposed that the fee reflected this.

The Committee was reminded that the charges for Liquor Licences were set under the Licensing Act 2003 and remain imposed by statute. However, there had been indications that the Government may empower Licensing Authorities to determine local charges based on cost-recovery based on the same format and justification used for taxi licensing, but this had not yet come to fruition

The Committee was advised that the Environmental Health (EH) Service was responsible for a number of regulatory functions which incorporate Licences, Registrations, Consents or Permits. Many of these required applicants to pay a fee – some of which were set in primary legislation or by Regulations whilst others were at the discretion of the Council. Basic rules of accountability and transparency applied when licence and other fees were set and, where discretion were available, there was case law and guidance about what levels were reasonable and the elements that may or may not be recovered.

The Committee considered the recommendation in the report and RESOLVED that the level of Fees and Charges for 2017/18 for Licensing in accordance with the schedule at Annexe 1 of the agenda report be approved.

[NB. The fees and charges would be recommended to the Council for approval as part of the budget-setting process]

25. MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE
(Agenda item 7.)

The minutes of the Licensing (General Purposes) Sub-Committee which took place on 24 November 2016 were noted.

The meeting commenced at 10.00 am and concluded at 10.10 am

Chairman

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