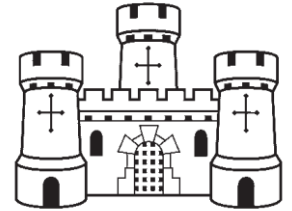


Public Document Pack

Date of meeting Monday, 27th April, 2020
Time 6.00 pm
Venue via Video - Conference
Contact Geoff Durham 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Licensing & Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

PART 1 - LICENSING

1 APOLOGIES

2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS

To receive declarations of interest from Members on items contained within the agenda

3 MINUTES OF PREVIOUS MEETING (Pages 5 - 8)

4 VE AND VJ DAY ANNIVERSARY - LICENSING ACT 2003 ORDERS (Pages 9 - 12)

5 MINUTES OF LICENSING SUB COMMITTEE MEETINGS

To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing and Public Protection Committee.

FIVE MINUTE BREAK

PART 2 - PUBLIC PROTECTION (OPEN)

6 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS

To receive declarations of interest from Members on items contained within the agenda

7 PRIVATE HIRE AND HACKNEY CARRIAGE FEES AND CHARGES 2020/2021 (Pages 13 - 28)

8 PUBLIC PROTECTION SUB-COMMITTEE PROGRAMME (Pages 29 - 32)

- 9 REVIEW OF SCHEME OF DELEGATION FOR LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847 (Pages 33 - 36)**

PART 3 - PUBLIC PROTECTION (CLOSED)

10 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

- 11 MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS (Pages 37 - 56)**

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

- 12 APPEAL OUTCOMES (Pages 57 - 66)**

13 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

Members: Councillors M. Olszewski (Chair), G. Hutton (Vice-Chair), T. Kearon, S. Sweeney, J Waring, G White G Williams and M. Reddish

ONLINE COMMITTEE MEETING JOINING INSTRUCTIONS

The meeting of the Licensing and Public Protection Committee will begin at 6pm on Monday, 27th April.

This meeting will be held virtually using Zoom.

Watching the Meeting

You can attend the meeting in the following ways:

Web: <https://zoom.us/j/95431140776>

Using the Zoom App

Telephone: 0330 088 5830 or 0131 460 1196

The Conference ID for telephone and Zoom App users is: 954-3114-0776

You do not require a password or pre-registration to access this committee meeting. Please note, as an attendee you will only be able to watch the meeting. You will not be able to vote, ask questions or discuss the materials presented to the committee.

Questions and Representations

If you would like to ask a question or make a representation (with the consent of the Chair) during the meeting, please inform our Committee Services team by emailing geoff.durham@newcastle-staffs.gov.uk

All requests to ask questions or make representations should be submitted by 5pm on the day before the meeting.

In your email, please include details of the item you would like to speak on and, if you are asking a question, the question itself. If you cannot be identified to ask your question during the meeting, the meeting Chairperson will ask the question for you.

When joining the webinar using the App or Web link, please ensure that you enter your full name as your screen name, so that you can be identified during the meeting and asked to speak at the appropriate time.

If you will be joining the webinar by phone please ensure that you inform our Committee Services team of the number you will be using and make sure that your Caller ID is not blocked – this will allow us to identify you during the meeting and facilitate you speaking to the committee.

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LICENSING & PUBLIC PROTECTION COMMITTEE

Wednesday, 8th January, 2020
Time of Commencement: 7.00 pm

Present: Councillor Mark Olszewski (Chair)

Councillors:	Hutton	K. Robinson	G Williams
	J. Cooper	S. Sweeney	J Williams
	S. Dymond	J. Walklate	R. Wright
	A. Parker	J Waring	G. Heesom

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Nesta Barker	Head of Environmental Health Services
	Anne-Marie Pollard	Solicitor

Also in attendance:

1. **APOLOGIES**

Apologies were received from Councillor Gary White.

2. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the Minutes of the meeting held on 22 October, 2019 be agreed as a correct record.

4. **LICENSING FEES AND CHARGES 2020/21**

Consideration was given to a report seeking Members' approval of fees to be charged in relation to the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues.

The Council's Licensing Administration Team Manager, Matt Burton drew Members' attention to Paragraph 2.3 of the report which set out the current and proposed fees.

Councillor Heesom queried the Temporary Use Notice Fee shown towards the end of the table (currently £125). No new fee had been entered and the question was asked if the fee was to remain the same. Mr Burton confirmed that this was the case.

Resolved: That the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2020/21 be agreed.

5. **DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

6. **TAXI FEES AND CHARGES 2020/21**

Consideration was given to a report asking members to consider the proposed taxi and private hire fees prior to their being sent out for consultation.

The Council's Head of Environmental Health Services, Nesta Barker drew Members' attention to Paragraph 2.1 which set out the proposed fees and charges for 2020/21. Mrs Barker advised Members of a typing error at paragraph 2.2: the third line referred to section 4.3. This should read section 7.3.

The Committee was asked to propose the fees prior to consultation. The results of the consultation would then be brought back to this Committee.

Councillor Hutton sought confirmation that the fees just covered the Council's costs and that there was no profit made by the Council. Mrs Barker confirmed that this was the case.

Councillor Robinson asked what time period the consultation would take and if the results would be brought back to this Committee. Mrs Barker advised that the consultation would last twenty-eight days and confirmed that the results would be brought back to this Committee.

Councillor Robinson queried the new fees that had been listed and was advised that these were due to Policy changes.

Councillor Robinson asked if any of the fees had been significantly increased. The Chair suggested that following the consultation, when the item is brought back to this committee that the current fees be included for comparison.

- Resolved:**
- (i) That the proposed fees be sent out for consultation.
 - (ii) That, following the consultation a further report be brought to this Committee.

7. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

8. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

Resolved: That the Minutes of the meetings held on 23 October, 13 November and 27 November, 2019 be received.

9. **APPEAL OUTCOME - MR TK**

Resolved: That the appeal outcome be received.

10. **APPEAL OUTCOME - MR MI**

Resolved: That the appeal outcome be received.

11. **APPEAL OUTCOME - MR RA**

Resolved: That the appeal outcome be received.

Councillor John Williams congratulated officers on their diligence in all of the cases and asked if such decisions were in the public domain. The Chair advised that this would only be the case of the Press were in attendance.

Councillor Sweeney agreed with Councillor Williams and stated that a vote of thanks be made to the officers for the advice received for such cases.

12. **URGENT BUSINESS**

Expansion of the remit of officers duties

Councillor Sweeney wished to put a proposal forward in respect of minor offences committed by taxi drivers.

Currently, if a driver is caught doing 35mph in a 30 zone and fails to report it to the Council, the matter is taken to a Public Protection Sub-Committee. Such offences are usually given a warning.

Councillor Sweeney proposed that such minor offences should be delegated to officers and asked that a report be brought to this Committee to expand the remit of duties. Councillor Hutton agreed and stated that other minor offences should be covered in the Policy.

Members agreed as long as the wrong impression was not given to drivers that they could 'get away with' minor offences.

The Chair agreed and suggested that the punishment be made severe enough that they do report minor offences.

Councillor Jill Waring stated that the drivers were aware of the Policy but some did not follow it. Drivers attend meetings and state that they tried to call the office to report an offence.

Mrs Barker advised that minor offences could be dealt with by officers at the application stage and that the punishment would still be in line with those issued by the sub-Committees.

Councillor Parker asked if taxi drivers are invited to attend a speed awareness course. The Council's Solicitor, Anne-Marie Pollard advised that if the driver attended such a course it would not be a conviction so there would be no requirement to report it to the Council. However, if they offended again, points would be put onto their licence which would need to be reported.

Mr Burton added that, at application stage, new drivers were asked if they had been on a speed awareness course.

Resolved: That a report be brought to this Committee for consideration, which expands the remit of officers duties.

Change of Sub-Committee dates.

Mr Burton advised that there was a necessity to change two dates of future meetings of the Public Protection Sub Committee:

Wednesday 12th February to move to Wednesday 5 February at 2pm

Wednesday 4 March to move to Wednesday 11 March at 2pm

Councillor Parker asked if a copy of the rota of the meetings could be sent to him. The Chair suggested that the list be recirculated to all Members for reference.

Chair

Meeting concluded at 7.31 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 27 April 2020

Report Title: VE and VJ Day Anniversary – Licensing Act 2003 Orders

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To inform the Committee of two Licensing Hours Orders to allow certain licensed premises to open later than their normal hours. One for VE Day and one for VJ Day. These orders may be superseded by Covid-19 restrictions.

Recommendation

That Members note the content of the report

Reasons

The Government had approved a Licensing Hours Order shall have affect to commemorate the 75th Anniversary of VE Day. They are also due to consult on whether a similar order should be approved to commemorate the 75th Anniversary of VJ Day.

1. **Background**

- 1.1 Section 172 of the Licensing Act 2003 allows the Secretary of State for the Home Department to make a Licensing Hours Order ('Order') relaxing opening hours for licensed premises (any premises with a premises licence or a club premises certificate) in England and Wales to mark an occasion of 'exceptional international, national or local significance'.
- 1.2 Past national occasions where the government has extended licensing hours have included the FIFA World Cup in 2014, several Royal weddings and the Diamond Jubilee celebrations in 2012.

2. **Issues**

- 2.1 The May Bank Holiday that was due to take place on Monday 4th May 2020 has been moved to Friday 8th May 2020 to commemorate the 75th Anniversary of VE Day. The Government have consulted and approved a Licensing Hours Order to allow any licensed premises that are already permitted to sell/supply alcohol and have regulated entertainment until 11pm to operate until 1am the following morning on 8th and 9th May 2020.
- 2.2 The Covid-19 restrictions announced on 16th April prevent the opening of many businesses which would be able to take advantage of the extended hours. The current arrangements are in place until 7th May 2020.

2.3 The 15th August 2020 is 75th Anniversary of VJ Day. The Government are due to consult shortly on whether a similar Order should be approved to allow the same premises to operate from 11pm on Saturday 15th August to 1am on 16th August 2020.

3. **Proposal**

3.1 Members note the content of the report

4. **Reasons for Proposed Solution**

4.1 To inform Members of amendments to the Licensing Act 2003 and matters of local and national significance.

5. **Options Considered**

5.1 Not applicable

6. **Legal and Statutory Implications**

6.1 Not applicable

7. **Equality Impact Assessment**

7.1 Not applicable

8. **Financial and Resource Implications**

8.1 Not applicable

9. **Major Risks**

9.1 Not applicable

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not applicable

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 Not applicable

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
27 April 2020

Report Title: Private Hire & Hackney Carriage Fees & Charges 2020/2021

Submitted by: Head of Environmental Health & Licensing Administration Team Manager

Portfolios: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To request the Public Protection Committee to consider the proposed taxi and private hire fees following consultation, as referred to in the report.

Recommendation

- 1. That the Public Protection Committee considers the proposed fees.**
- 2. That the proposed fees be approved for 2020/21**

Reasons

Decisions relating to the setting of non-statutory fees and charges for taxi licensing have been delegated from Council to Public Protection Committee.

1. Background

- 1.1 The approval of certain fees and charges relating to the licensing of Private Hire and Hackney Carriage licensing regimes are Council functions
- 1.2 Council at their meeting on 22nd February 2017 delegated this function to Public Protection Committee.

2. Issues

- 2.1 A report was presented to Public Protection Committee on 8th January 2020 in respect of the proposed fees and charges for Private Hire and Hackney carriage driver, vehicle and operator fees and charges for 2020/21. The committee recommended agreement to the proposals and that the fees and charges should be advertised and a period of consultation undertaken in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 The advertisement was placed in the Sentinel newspaper on Friday 10th January 2020 and copies placed at Castle House and Kidsgrove Town Hall. The consultation period ran from 10th January until 6th February 2020.

- 2.3 Within the consultation period a total of 159 representations were received in respect of the proposed fees and charges. There were an additional ten letters that had be submitted twice and three that were submitted after the consultation period had closed
- 2.4 Of the 159 representations received 156 were signed copies of the same letter (the template letter), a copy of which is attached as Appendix A. Out of those 156, one was a Private Hire Operator, one a large vehicle rental company, two were from individuals previously licensed as drivers, three were from persons unknown and 147 were from currently licensed drivers.
- 2.5 In addition we received one representation on a greetings card, which is attached as Appendix B and two letters/email which are attached as Appendix C that were different to the 156 template letters. The two letters/emails were from one individual and one jointly submitted by the Newcastle Hackney Carriage and Private Hire Trade Associations.
- 2.6 The template letter states to there is no justification to increase the fees as proposed, and that the cost of administering the service has not increased. The Committee report dated 8th January at para 7.3 it outlines the areas that Council are able to recover fees for. The proposed fees have been calculated to ensure that the Council recovers the full cost of administering the service, whilst bearing in mind the legal provisions in relation to this. The cost of administering the service has increased overall as there are many new provisions for the team to consider, review and administer under the new Council Licensing Policy, and there has been a significant change in the case law enabling Council's to recover fees for enforcement costs against drivers. It is important to note that not all of the proposed fees are increases from 2019/20 fees. Several have reduced or are new fees altogether. These are outlined in table 4.1 below.
- 2.7 The letter from the trade associations is similar to the template letter but with the additional of a Freedom of Information Request which is being dealt with separately.
- 2.8 The Local Government (Miscellaneous Provisions) Act 1976 (sec. 70) states the following in relation to Operator and Vehicle licence fees:
- (1) Subject to the provisions of subsection (2), a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:
 - (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - (b) the reasonable cost of providing hackney carriage stands; and
 - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
 - (2) The fees chargeable under this section shall not exceed—
 - (a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;
 - (b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and
 - (c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

- (3) (a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made
- (b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.
- (4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- (5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.
- (6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.”

2.9 The Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in relation to the duration of licences for hackney carriage and private hire drivers and private hire operators.

2.10 Section 10, subsection 2 of the Deregulation Act 2015 changed the law in such a way as to establish a standard duration of three years for hackney carriage and private hire driver licences. The section specifies that a licence may be granted for a period of less than three year but only in circumstances of an individual case, not because of a blanket policy.

2.11 Subsection 3 of the Act changed the law in such a way as to establish a standard duration of five years for a private hire vehicle operator licence. The section specifies that a licence may be granted for a period of less than five years but only in the circumstances of an individual case, not because of blanket policy.

2.12 **The European Services Directive states (Art 12.2):**

“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures”

The Directive includes specific requirements that apply to the charging of fees. Charges must be reasonable and proportionate to the cost of the processes associated with a

licensing scheme. Councils must not use fees covered by the Directive to make a profit or act as an economic deterrent to deter certain business types from operating within an area.

2.13 **Guidance for Local Authorities on the Provision of Service Regulations States (2nd Edition June 2009 Para 12d):**

“Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should the service provider feel that the level of fees are being used as an economic deterrent or to raise funds for local authorities Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.”

3. **Proposal**

3.1 The proposed fees and charges for 2020-21 are:

Private Hire/Hackney Carriage (subject to consultation)	19-20 fee	Proposed Fee/Charge 2020-21 (£)	Increase/Decrease/Removal/New
<u>OPERATORS</u>			
1 vehicle	187.00	x	Removal
2-5 vehicles	380.00	x	Removal
6-15 vehicles	665.00	x	Removal
16-25 vehicles	1,780.00	x	Removal
26-35 vehicles	2,850.00	x	Removal
36-50 vehicles	3,950.00	x	Removal
Additional vehicle after 50 vehicles	24.00	x	Removal
NEW PHO Application fee	x	£250.00 (replaces the bandings listed above)	New
NEW Add/Remove Director	x	£38.00	New
NEW Copy/Replacement Licence	x	£6.00	New
NEW Basic DBS	x	£23.00 (set by DBS)	New
<u>DRIVERS</u>			
Dual Driver Badge - 3 years	250.00	£257.00	Increase
Change of address	21.00	£16.00	Decrease
Replacement badge	17.00	£12.00	Decrease
NEW Replacement vehicle badge	x	£12.00	New
Reissue/replacement badge (with amended details)	36.50	£26.00	Decrease
DBS (CRB check)	44.00	£40.00 (set by DBS)	Decrease
DBS (CRB check) online	64.50	£60.34 (set by DBS and provider)	Decrease
Safeguarding training	36.50	£38.00	Increase
Fail to attend Safeguarding Training	36.50	£38.00	Increase
Exemption certificates	26.00	£12.00	Decrease

Knowledge test	45.00	£25.00	Decrease
NEW Fail to attend Knowledge Test	x	£25.00	New
Replacement Safeguarding training certificate	5.00	£6.00	Increase
NEW Change of Name	x	£16.00	New
NEW Replacement vehicle badge holder	x	£5.00	New
NEW Disability Training	x	£35.00+VAT	New
NEW Disability Training (fail to attend)	x	£35.00+VAT	New
NEW DE Training replacement cert	x	£0.00(met by provider)	New
NEW Copy of Paper Licence	x	£6.00	New
<u>VEHICLES</u>			
Hackney carriage - vehicles	322.00	x	Removal
Private hire – vehicles	317.00	x	Removal
Transfer of vehicle	47.00	£38.00	Decrease
Change of vehicle registration	47.00	£43.00	Decrease
Failure to attend for vehicle test	114.00	£104.00	Decrease
Retest	41.50	£42.00	Increase
Replacement plate carrier – front	10.00	£8.00	Decrease
Replacement plate carrier – rear	15.00	£10.00	Decrease
Replacement vehicle plate - front	10.50	£7.00	Decrease
Replacement vehicle plate - rear	15.50	£10.00	Decrease
Replacement vehicle sticker signage	3.00	£5.00	Increase
Copy of paper part of licence	11.50	£6.00	Decrease
Exception Vehicle Test	73.00	x	Removal
6 Monthly Test following an Exception Test	125.00	x	Removal
NEW - Change of Vehicle Colour	x	£43.00	New
NEW HCV test	x	£108.00	New
NEW HCV test 10yrs+	x	£108.00	New
NEW PHV test	x	£108.00	New
NEW PHV test 10yrs+	x	£108.00	New
NEW - HCV application fee	x	£230.00	New
NEW - PHV application fee	x	£228.00	New
NEW - Basic DBS	x	£23.00 (set by DBS)	New
NEW Change of Name/Address	x	£38.00	New
NEW Spot check	x	£25.00	New
NEW Replacement Internal Plate	x	£7.00	New

4. **Reasons for Proposed Solution**

4.1 (a) That the Public Protection Committee considers the proposed fees.

(b) That the proposed fees be approved for 2020/21.

5. **Options Considered**

5.1 The Council is required to set fees for private hire and hackney carriage licenses

6. **Legal and Statutory Implications**

6.1 The Council is required to set fees for private hire and hackney carriage licenses

7. **Equality Impact Assessment**

7.1 The Local Government (Miscellaneous Provisions) Act 1976 contains the legal provisions and process relating to the setting of fees, this is detailed in section 2 of this report.

8. **Financial and Resource Implications**

8.1 The legislative background in relation to this report can be found in the Local Government (Miscellaneous Provisions) Act 1976, sections 53(2) and 70.

8.2 There will be financial implications for the Council if full cost recovery is not achieved.

8.3 The fees can be used to cover the cost of the following:

Administration – This could cover basic office administration to process the licence application, such as resources, photocopying, postage or the cost of handling fees through the accounts department. This could also include the costs of specialist licensing software to maintain an effective database, and printing licences.

Initial visit/s – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on-costs' include travel costs and management time.

Third party costs – Some licensing processes will require third party input from experts.

Liaison with interested parties – Engaging with responsible authorities and other stakeholders will incur a cost in both time and resources.

Management costs – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time referenced below.

Local democracy costs – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

On costs – including any recharges for payroll, accommodation, including heating and lighting, and supplies and services connected with the licensing functions. Finance teams should be able to provide a standardised cost for this within each council.

Development, determination and production of licensing policies – The cost of consultation and publishing policies can be fully recovered.

Advice and guidance – This includes advice in person, production of leaflets or promotional tools, and online advice.

Setting and reviewing fees – This includes the cost of time associated with the review, as well as the cost of taking it to a committee for approval.

9. **Major Risks**

9.1 The Council will be open to challenge should the calculation of the fees and charges prove to be contrary to the Act.

9.2 Judicial Review of a decision may be made on the following grounds:

- Ultra vires – no power to levy a particular fee, or fees used to raise revenue unlawfully, or
- Wednesbury rules – decision was unreasonable or irrational

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 Public Protection report 8th January 2020

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 LGA Guidance on Local Fee Setting

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Name and Address Here

Dear Sir,

I am writing this letter to object to the proposed rise in the Taxi and Hackney Carriage Licence Fees announced recently by the Borough Council. The notice was published and advertised on the 10th January 2020 giving a 28 day period in which to object.

There is no reason given within the notice as to why the increase in fees is required and indeed there has been no reasons given for the previous rises in fees which appear to have occurred annually since 2017.

There has been no reasons given for these rises, the cost of administrating the Licensing Department has not increased and the Service provided by the Licensing Department and the Garage has got progressively worse not better. The changes in procedures and requirements, the numerous delays and the inaccurate information that is passed to Licence holders have resulted in many Licence holders losing their employment, their ability to earn a living and have often led to the loss of their licences which makes the whole need to increase the fees yet again both unnecessary and somewhat hypocritical.

I can see no justification for these proposed rises in fees and there is no justification or reasoning for these rises given in the notice of the 10th January 2020 or in the previous notice for the rise proposed in April 2019. As such I strongly object to these rises and would ask the Borough Council to reconsider this matter and the need to increase the fees be reassessed.

I would ask that the Borough Council will accept this letter as my objection to the proposed rise in fees and that they record my objection accordingly.

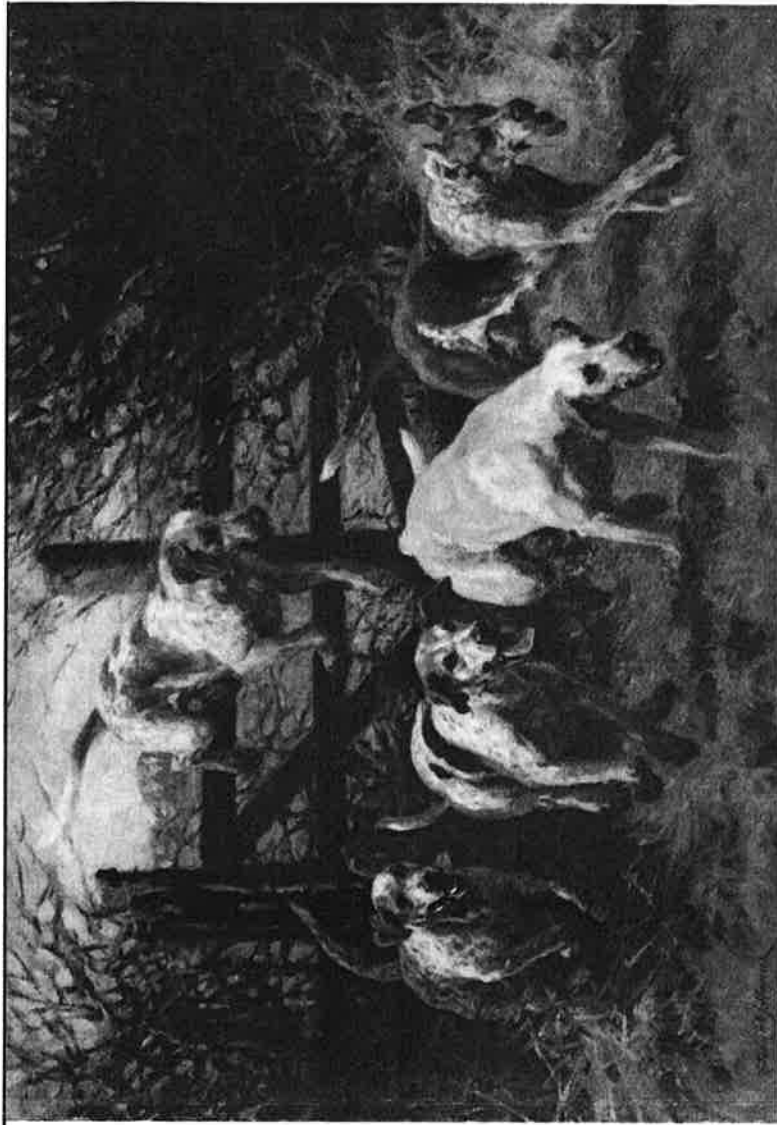
Yours faithfully,

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'A Quorn Hound Family'
Bible
Bingo Simply Billesdon Sixpence

Taken from an original painting
by **Frederick Haycock**
*Available as a limited edition print from **The Quorn Hunt***

Copyright
Frederick Haycock 2016



I see that N.B.C. are proposing to increase yet again their fees for private hire drivers.

NEWCASTLE UNDER-LYME RESOURCES DIRECTORATE	
DATE RECEIVED 27 JAN 2020	
REPLY NEEDED YES/NO	DATE OF REPLY
DEALT WITH BY	FILE REF.

Times are hard, gone are the days when money flowed in nights & days. So can I object to your proposed increases. Yours faithfully
P.s. e-mails broke!

Dear Sir,

This letter is written on behalf of the Newcastle under Lyme Hackney Carriage and Private Hire Associations, The Taxi trade Group and numerous other members of the trade. This letter is written to object to the proposed rise in the Licence Fees announced recently by the Borough Council. The notice was published and advertised on the 10th January 2020 giving a 28 day period in which to object.

There is no reason given within the notice as to why the increase in fees is required and indeed there has been no reasons given for the previous rises in fees which appear to have occurred annually since 2017.

There is no justification for these rises as the cost of administrating the Licensing Department has not increased and the Service provided by the Licensing Department and the Garage has got progressively worse not better. There are numerous delays, inaccurate information passed to Licence holders and changes in procedures and requirements that have resulted in many Licence holders losing their employment, ability to earn a living or even to lose their licences which makes the whole need to increase the fees yet again both unnecessary and somewhat hypocritical.

The Associations can see no justification for these proposed rises in fees and there is no justification or reasoning for these rises given in the notice of the 10th January 2020 or in the previous notice for the rise proposed in April 2019. As such we would strongly object to these rises and would ask the Borough Council to reconsider this matter and they at least give some justification or reasoning for the rises.

For some years now Local Authorities have been bound by the Local Government Ombudsman Directive that the fees set for Taxi Licensing should be such that the fees covered the actual cost of Administrating the Licensing Function. The Licensing Budget should not make a loss or profit and should be set aside from other budgets and "ring fenced" to prevent the money being spent elsewhere. The Local Government Ombudsman Office also directed that the Licensing Budget for Taxi and Private Hire should be completely separate from all other budgets in order that it is clear to all that the fees are set appropriately. We have, on a number of occasions in the past requested that the details of the Licensing Budget be provided to the Association to ensure that the Borough Council have been adhering to the requirements of the Legislation. These requests have been made verbally at a number of meetings over time but to date no information has been forthcoming.

We would now like to officially request the Taxi and Private Hire Licensing Budgets for the years 2016-2017, 2017-2018 and 2018-2019. This request is made under the Freedom of Information Act 2000 which states that Council has 20 working days to respond to this request.

The Associations have registered their objection to these proposed rises and would hope that the Borough Council will take this letter as one letter which covers all the members of the Associations and that the Borough Council reconsider these rises and the need to increase the fees be reassessed.

Yours faithfully,

Murtaza Alam

Secretary Newcastle Hackney Carriage Association.

Burton, Matthew

From: <[redacted]@icloud.com>
Sent: 05 February 2020 09:16
To: licensing
Subject: fees

This email has been received from an address outside the Council, please be very cautious when opening any attachments or clicking on any links herein.

please don't put the fees up it's already high fees many thanx Sent from my iPhone

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Licensing and Public Protection Committee 27 April 2020

Report Title: Public Protection Sub-Committee Arrangements

Submitted by: Head of Environmental Health

Portfolios: Finance & Efficiency

Ward(s) affected: All

Purpose of the Report

To inform Members of the future rota of attendance at the Public Protection Sub-Committee meetings

Recommendation

That

- 1. That Members receive the report and note the date and time that their proposed attendance at sub-committee is necessary.**
- 2. Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.**

Reasons

Following amendments to the Licensing and Public Protection Committee constitutional arrangements in 2018 to delegate decisions to the Public Protection sub-committee a programme of meetings was agreed and included Member attendance. This report is to notify Members of the dates and times they have been scheduled to attend future Public Protection sub-committee.

1. Background

- 1.1 In May 2018 the Committee arrangements for the creation of a joint Licensing and Public Protection Committee and a Public Protection Sub-Committee was approved and subsequently implemented.
- 1.2 At Public Protection's July 2018 meeting members requested a review of the Sub-committee arrangements, as member availability during the daytime was limited, in order to run the committees.
- 1.3 At the September meeting members agreed to make amendments to the Sub-Committee arrangements some of which required Council approval.
- 1.4 On 21st November Council approved the changes to the constitution to enable the changes to be implemented.
- 1.5 On 11th December a report on the proposed arrangements was presented to Committee, this was agreed in principle but officers were asked to amend to avoid meeting clashes.

1.6 At the 22nd January 2019 meeting an updated programme was approved.

1.7 Following the change in members for the committee in 2019 the programme was updated to take into account of these changes.

1.8 We are coming to the end of the current programme and are required to set a new one.

2. Issues

2.1 Members have previously agreed the following public protection sub-committee arrangements:

- Meeting will be held on a Wednesday, alternating between 2pm and 6pm start times.
- Committees will be held about every 3 weeks.
- 5 reports/cases will be on the agenda, unless agreed with chair.
- Further meetings may be programmed, if needed.
- A programme of meetings and nominated members will be developed and reported to public protection committee. This will include 4 members per sub-committee to ensure a quorum of 3 members attendance.
- The sub-committee chair to be agreed between the sub-committee members.
- Should members be unable to attend the sub-committee that they notify Democratic Services of an available substitute.

2.2 Members have previously selected a preference for their availability and this has been taken into account when developing a programme of meetings. In order to develop the programme in accordance with the committee decision, it has meant that members that were able to attend both daytime and evening meetings have been scheduled to support more daytime than evening meetings.

2.3 The programme includes the remaining meetings under the current agreed programme, upto 17th June 2020, and the newly proposed programme until 5th May 2021.

2.4 An updated programme of meeting would be as follows:

Date	Time (pm)	Member 1	Member 2	Member 3	Member 4
25/03/2020	6	Cllr Jill Waring	Cllr Gary White	Cllr Andrew Parker	Cllr Gill Heesom
15/04/2020	2	Cllr John Williams	Cllr John Cooper	Cllr Kyle Robinson	Cllr June Walklate
06/05/2020	6	Cllr Sylvia Dymond	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney
27/05/2020	2	Cllr Ruth Wright	Cllr John Williams	Cllr Graham Hutton	Cllr Andrew Parker
17/06/2020	6	Cllr Jill Waring	Cllr Gary White	Cllr Gill Williams	Cllr Gill Heesom
Date	Time (pm)	Member 1	Member 2	Member 3	Member 4
8/7/2020	2	Cllr John Cooper	Cllr Kyle Robinson	Cllr June Walklate	Cllr Ruth Wright
29/7/2020	6	Cllr Sylvia Dymond	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney

19/8/2020	2	Cllr Gill Williams	Cllr Graham Hutton	Cllr Andrew Parker	Cllr John Williams
9/9/2020	6	Cllr Jill Waring	Cllr Gary White	Cllr Gill Heesom	Cllr Sylvia Dymond
30/9/2020	2	Cllr Kyle Robinson	Cllr June Walklate	Cllr Graham Hutton	Cllr John Williams
21/10/2020	6	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney	Cllr Gill Heesom
11/11/2020	2	Cllr John Cooper	Cllr Ruth Wright	Cllr Andrew Parker	Cllr Gill Williams
2/12/2020	6	Cllr Gary White	Cllr Jill Waring	Cllr Sylvia Dymond	Cllr Graham Hutton
16/12/2020	2	Cllr Gill Williams	Cllr June Walklate	Cllr Kyle Robinson	Cllr John Williams
Date	Time	Member 1	Member 2	Member 3	Member 4
20/1/2021	6	Cllr Gill Heesom	Cllr Jill Waring	Cllr Mark Olszewski	Cllr Anthony Kearon
10/2/2021	2	Cllr Andrew Parker	Cllr John Cooper	Cllr Ruth Wright	Cllr Gill Williams
3/3/2021	6	Cllr Stephen Sweeney	Cllr Jill Waring	Cllr Gary White	Cllr Gill Heesom
24/3/2021	2	Cllr John Williams	Cllr John Cooper	Cllr Kyle Robinson	Cllr June Walklate
14/4/2021	6	Cllr Sylvia Dymond	Cllr Anthony Kearon	Cllr Mark Olszewski	Cllr Stephen Sweeney
5/5/2021	2	Cllr Ruth Wright	Cllr John Williams	Cllr Graham Hutton	Cllr Andrew Parker

3. **Proposal**

- 3.1 That Members receive the report and note the date and time that their proposed attendance at sub-committee is necessary;
And
Should members be unable to attend the sub-committee that they notify Democratic Services

4. **Reasons for Proposed Solution**

- 4.1 To enable Committee to determine applications in the most efficient, effective and practical manner.
- 4.2 To enable Committee to determine applications in the most efficient, effective and practical manner.

5. **Options Considered**

- 5.1 In line with the Council's objectives –
- Local services that work for local people
 - A healthy, active and safe Borough
 - A town Centre for all.

6. **Legal and Statutory Implications**

6.1 The Local Government Act 1972, section 101 allows the Council to arrange for a Committee, Sub-Committee or an officer or another local authority to carry out its powers and duties.

7. **Equality Impact Assessment**

7.1 The applications will be undertaken to accord with the Human Rights Act 1988, Article 6(1) guarantees an applicant a fair hearing and Article 14 guarantees no discrimination. If the applicant disagrees with the Members decision they have the right to appeal.

8. **Financial and Resource Implications**

8.1 There will be resource implication including Member participation in the sub-committees and officer support from Environmental Health, Legal and Democratic services.

9. **Major Risks**

9.1 There are no major risks associated with this report.

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

Council Meeting 16th May 2018
Licensing & Public Protection Meeting 27th June 2018
Licensing & Public Protection meeting 18th September 2018
Council Meeting 21st November 2018
Licensing & Public Protection meeting 11th December 2018
Licensing & Public Protection meeting 22nd January 2019

13. **List of Appendices**

13.1 Not applicable

14. **Background Papers**

14.1 Not applicable

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S

REPORT TO LICENSING AND PUBLIC PROTECTION COMMITTEE

27 April 2020

Report Title: Review of Scheme of Delegation for Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847

Submitted by: Head of Environmental Health Services

Portfolios: Finance & Efficiency

Ward(s) affected: Not Applicable

Purpose of the Report

To consider a proposed amendment to the scheme of delegation in respect of taxi and private hire licensing. The amendment would allow officers to deal with certain types of applications received that are not fully compliant with the current licensing policy.

Recommendation

That Committee supports and recommends to Council the proposed amendments to the scheme of delegation.

Reasons

To improve efficiency in dealing with non-compliances with the taxi licensing policy.

1. **Background**

- 1.1 Licensing and Public Protection Committee (LPPC) has many delegated functions including the power to make decisions in respect of hackney carriage and private hire drivers, vehicles and operators which are not in full compliance with the Councils current 'Taxi and Private Hire Policy 2019'.
- 1.2 Officers of the Council also have specific delegated functions for the issuing of licences which are in compliance with the Councils current 'Taxi and Private Hire Policy 2019'. In addition, officers have delegated responsibilities to undertake some enforcement activities.
- 1.3 Members at the LPPC on 8th January 2020 requested officers to review delegated powers in respect of non-compliance with the Taxi Policy 2019 to improve efficiency in dealing with certain types of non-compliances.

2. **Issues**

- 2.1 Committee business, particularly in respect of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, is high and there is an element of core business relating to some breaches of the Taxi Policy.

- 2.2 The area of concern for LPPC members relates to the volume of business taken before sub-committees to consider licence applications where there are aged or relatively minor issues which, whilst technically amounting to a non-compliance with policy, aren't always sufficient to justify a refusal to grant the licence sought.
- 2.3 LPPC Members have frequently found themselves considering lengthy agendas populated with such matters on account of the way in which the delegations are currently set out. They expressed a desire for that issue to be considered with a view to altering the delegations to provide greater flexibility for such matters to be dealt with at Officer level.
- 2.4 In the current scheme of delegation, the following is detailed:

Detail	Responsibility
Power to grant, renew and transfer Private Hire and Hackney Carriage: Vehicle Licences, Driver Licences and Operators NOT in compliance with policy.	Public Protection Committee or Public Protection Sub Committee

- 2.3 It is proposed that the delegation is amended to the following (additional text underlined):

Detail	Responsibility
Power to grant, renew and transfer Private Hire and Hackney Carriage: Vehicle licences, Driver licences and Operators NOT in compliance with policy	Public Protection Committee, Public Protection Sub Committee <u>or Executive Director (Operational Services)/Head of Environmental Health in agreement with the Chair and Vice Chair of Public Protection Committee.</u>

- 2.4 This proposed amendment to the scheme of delegation requires a change to the Constitution so there is a requirement to seek the views of the Constitution and Member Support Working Group (CMSWG) and the Audit & Standards Committee (A&S).
- 2.5 CMSWG, on 17 March 2020, considered and supported a proposal to allow further delegation to officers by enabling the LPPC to set and amend its own local scheme of delegation. However, since that meeting a more efficient approach has been identified, which is described below.
- 2.6 CMSWG members have been consulted on the revised approach and, to date, the Conservative, Labour and Liberal Democrat members have expressed themselves supportive of the revised approach. The views of the Independent member of CMSWG will be reported verbally to LPPC on 27 April 2020. The Portfolio Holder is also content with what is proposed below.
- 2.7 The A&S committee will be consulted on these proposals at meeting on 1 May 2020 and the views of A&S, CMSWG and LPPC will be reported to the next full Council meeting through a recommendation that Council amends the scheme of delegation to achieve the flexibility sought.

3. Options Considered

- 3.1 There are numerous options available in respect of the Scheme of Delegation. These would include:

- 3.1.1 Delegating all functions to Officers;
- 3.1.2 Creating a set of bespoke delegations in the Constitution for Committee, Sub-committee and Officers commensurate with roles and responsibilities.
- 3.1.3 Allow the Licensing and Public Protection Committee to establish (and amend from time to time) its own scheme of delegation down to officers.

3.2 After very careful consideration, it is considered that none of these alternative options strike the optimal balance achieved by the proposal set out below, namely the balance between ensuring that only appropriate business comes before the sub-committee, whilst maintaining strong member oversight of the types of cases delegated to officers to determine.

4. **Proposal**

- 4.1 Where an application was of the type contemplated here, the flexibility introduced by the proposed change to the scheme of delegation set out at paragraph 2.3 above would allow a new process to be applied. The way the new process would work is as follows.
- 4.2 Officers would write a short summary of the application, the issue that has arisen which renders the application in breach of policy and the rationale for why, in their professional opinion, there is sufficient grounds to exercise discretion and grant the application notwithstanding the breach of policy identified. That analysis would be shared with both the Chair and Vice Chair of the Licensing & Public Protection Committee.
- 4.3 If both the Chair and Vice Chair were in agreement, the matter would stand delegated to officers to decide under the new text proposed in paragraph 2.3 above. If either or both the Chair and Vice Chair were not in agreement then the matter would be referred for consideration at a hearing before the sub-committee in the usual way.
- 4.4 Applications which clearly warrant a refusal, those which were judged to be “borderline” and those which officers and/or the Chair and Vice Chair were not entirely comfortable with officer delegations applying would all be referred to the sub-committee in the usual way.
- 4.5 This revised proposal has a number of advantages over the proposal originally considered by CMSWG, which involved LPPC setting and amending its own scheme of delegation. Chiefly, under this proposal there is member involvement in each case where a decision has to be made about whether a matter is determined by officers or the sub-committee. That removes any room for misinterpretation of a local scheme of delegation whereby matters might be determined by officers which members may have wished to hear at sub-committee. It also avoids the need for LPPC to try and devise a local scheme of delegation, and the need to keep the same under constant review.
- 4.6 For these reasons, LPPC is asked to endorse the change to the scheme of delegation proposed at 2.3 above.

5. **Reasons for Preferred Solution**

- 5.1 To enable committee to determine applications and enforcement sanctions in the most effective and practical manner.
- 5.2 To ensure that the council continue to provide safe transport for those wishing to use private hire and Hackney Carriage vehicles.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 In line with the Council's objectives –

- Local Services that work for local people
- Growing our people and places
- A healthy, active and safe borough
- A town centre for all

7. **Legal and Statutory Implications**

7.1 The Local Government Act 1972, section 101 allows the Council to arrange for a Committee, sub-committee or an officer or another local authority to carry out its powers and duties.

8. **Equality Impact Assessment**

8.1 Decisions will be taken in accordance with the Human Rights Act 1998, Article 6(1) which guarantees an applicant a fair hearing and Article 14 guarantees no discrimination.

9. **Financial and Resource Implications**

9.1 There will be no direct financial costs associated with the proposals.

10. **Major Risks**

10.1 There are no major risks associated with this report.

11. **Sustainability and Climate Change Implications**

11.1 Not applicable.

12. **Earlier Cabinet/Committee Resolutions**

12.1 LPPC on 8 January 2020

12.2 CMSWG on 17 March 2020

13. **List of Appendices**

13.1 None.

14. **Background Papers**

14.1 Not applicable.

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