

EAST STAFFORDSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

Minutes of the Meeting of the Licensing Committee held in the Coltman VC Room at the Town Hall, Burton upon Trent on Wednesday 15th December 2021.

Present:

Councillors S Gaskin (Chairman), Mrs P Ackroyd, R Faulkner, M Fitzpatrick, D F Fletcher, H Hall, Mrs J Jones, Ms A Legg, S Sankey, C. Sylvester, Mrs B. Toon and C Wileman.

An apology for absence was received from Councillor G Allen.

Officers Present:

Mr G McCusker (Interim Solicitor) (Via Zoom), Mark Rizk (Head of Service), Mrs M Woolley (Enforcement Manager) and the Senior Democratic Services Officer.

69/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest at the commencement of the meeting.

70/21 **URGENT BUSINESS**

There was no urgent business brought forward to the meeting under Rule 12.

71/21 **MINUTES**

The Minutes of the Meeting held on 17th November 2021 were approved and signed as a correct record.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor Mrs P Ackroyd		Councillor D Fletcher
Councillor R Faulkner		Councillor C Sylvester
Councillor M Fitzpatrick		
Councillor S Gaskin		
Councillor H Hall		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor S Sankey		
Councillor Mrs B Toon		
Councillor C Wileman		

72/21 **GAMBLING ACT 2005 – STATEMENT AND PRINCIPLES REVIEW AND CONSULTATION**

The Enforcement Manager gave a short presentation to advise Members that the Authority had a duty to review the current Gambling Act Statement of Principles in relation to the Gambling Act 2005.

She also sought approval from the Licensing Committee for the Council's draft Gambling Statement of Principles to be confirmed as suitable to be subject to a public consultation exercise.

Resolved:

1. That the Council considers the draft revised Gambling Act Statement of Principles.
2. That the Licensing Committee be consulted on the content as suitable for consultation purposes.
3. That a further report be brought back to the Licensing Committee with the outcome of the consultation.
4. That a further report be brought back before the Council for consideration and adoption of the amended policy.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor Mrs P Ackroyd		
Councillor R Faulkner		
Councillor M Fitzpatrick		
Councillor S Gaskin		
Councillor H Hall		
Councillor Mrs J Jones		
Councillor Ms A Legg		
Councillor S Sankey		
Councillor C Sylvester		
Councillor Mrs B Toon		
Councillor C Wileman		

73/21 **SETTING OF LICENSING FEES AND CHARGES 2022/2023**

Members considered a report that brought forward for consideration a proposed Schedule of Fees and Charges, in respect of the Council's licensing activities following a comprehensive consultation exercise. The proposed Schedule of Fees and Charges was set out in Appendix 2 of the report was circulated with the agenda.

The Enforcement Manager informed Members that the Council is obliged to provide a wide range of licensing and registration services in respect of certain activities, usually concerned with public protection. Whilst some fees and charges are set centrally, in many cases the applicable legislation provides for the Council to set fees locally, and in some cases for locally set fees and charges, the Council is only able to recover certain elements of the costs associated with the provision of the respective licensing activity. The Council may elect to subsidise licensing fees and charges but cannot raise revenue through its licensing activities.

A review of Licensing Fees and Charges had been undertaken in line with the Council's agreed Methodology of Conduction Charge Reviews. The proposed fees and charges are based on the actual costs incurred by the Council, and have been calculated using time data relating to typical administrative, inspection and decision making tasks for each category of licensing activity, and are in accordance with the applicable legislation. It was noted that the last increase in fees for Hackney Carriage and Private Hire licensing was in 2016.

The Licensing Committee previously considered the Schedule and agreed that it should be subject to a consultation exercise, two responses were received, one of which was in the form of a Petition.

It was noted that legislation controlling Skin Piercing and Scrap Metal fell under separate delegated powers and would require approval by Cabinet, however this may be delegated to the Deputy Leader for approval.

Resolved:

That the Licensing Committee reject the proposed Fees and Charges and continue with those currently in place.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor R Faulkner	Councillor Mrs P Ackroyd	
Councillor D F Fletcher	Councillor Mrs J Jones	
Councillor M Fitzpatrick	Councillors Mrs B Toon	
Councillor S Gaskin	Councillor C Wileman	
Councillor H Hall		
Councillor Ms A Legg		
Councillor S Sankey		
Councillor C Sylvester		

74/21 **PETITION RECEIVED – HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW OF VEHICLE REQUIREMENTS – FULL COUNCIL 24TH FEBRUARY 2020**

Members were requested to consider a Petition received by the Council dated 15th November 2021.

The Enforcement Manager informed the Committee that the Authority had received a petition dated 15th November 2021 titled Hackney Carriage and Private Hire Policy Review of Vehicle Requirements – Full Council 24th February 2020. The Licensing Committee had the power to take a decision on the petition.

The Licensing team had received several requests over recent months as that the Council consider a review of the Emissions Policy contained within the Hackney Carriage and Private Hire Policy.

The Hackney Carriage and Private Hire Policy states:

- a) Paragraph 19 “Any application for the grant or renewal of a hackney carriage or private hire vehicle licence shall not be granted unless the vehicle complies with the current Euro technology. As from 1st April 2022, all licensed hackney carriage vehicles and all private hire vehicles must be fitted with at least a Euro 4 compliant engine for vehicles fitted with a petrol engine, or at least a Euro 6 complaint engine for vehicles fitted with a diesel engine”.
- b) Paragraph 13 Grant and Renewal of Vehicle Licences “The Licensing Authority will, providing all requirements are met, issue a 12 month vehicle licence for vehicles under 7 years old for a private hire vehicle and non-wheelchair accessible hackney carriages and 10 years old for a purpose built hackney carriage and providing it has passed a Council compliance test at an appointed station”.

It was noted that the implementation of compliance with the Emissions Policy from April 2022 would currently override the age policy, and vehicle licences currently cost £164 per annum.

According to the figures by 31st March 2022 the Licensing team would have 101 vehicles that would be non-compliant with the Euro aspect of the policy.

On 17th November 2021 a report was presented to the Licensing Committee, the “Proposal to Suspend Implementation of Emissions Policy contained within the Hackney Carriage and Private Hire Policy 2019-2022”. The Committee were presented with two options, namely:

- a) The first option was “to recommend to Council the temporary suspension of Paragraph 19 of the Councils Hackney Carriage and Private Hire Licensing Policy 20019-2022, which deals with the implementation of the Emissions policy, until the Policy has been reviewed, consulted upon and amended in 2022.
- b) The second option was “The committee may decide not to suspend the implementation of the Emissions policy”.

Members voted not to suspend the implementation of the Emissions Policy. Officers of the Council advised that a petition had been received in respect of the Emissions Policy, dated 15th November 2021, which had 129 signatures. The petition requests that their concerns are that they would like an immediate review of the 1st April 2022 Euro 4 and Euro 6 compliancy requirement. The reason being that:

1. It breached an existing agreement and it is also discriminatory;
2. There is no national requirement for taxis to conform to such policy and the policy was in disharmony with the policy of neighbouring councils; and
3. The wider and negative impact of the policy such as costs on drivers, do outweigh any alleged benefits.

Resolved:

1. That the Licensing Committee noted the content of the Petition.
2. That age limits on vehicles take precedence over the emissions date.

Voting concerning the above decision was as follows:

Those voting for the motions	Those voting against	Those abstaining
Councillor R Faulkner	Councillor P Ackroyd	Councillor H Hall
Councillor D F Fletcher	Councillor Mrs J Jones	
Councillor M Fitzpatrick	Councillor S Sankey	
Councillor S Gaskin	Councillor Mrs B Toon	
Councillor Ms A Legg	Councillor C Wileman	
Councillor C Sylvester		

Chairman