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6 January 2015

To: All Councillors

As a Member of the **Licensing & Appeals Committee**, please treat this as your summons to attend the meeting on **Wednesday 14 January 2015 at 6.00 pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a large, stylized flourish at the end.

Sandra Lamb  
Head of Corporate Services

## **AGENDA**

### **1. APOLOGIES**

Please advise Democratic Services on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

### **2. PUBLIC PARTICIPATION**

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

### **3. MINUTES OF LAST MEETING**

29 July 2014

### **4. INTERESTS**

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

	<b>Page Nos</b>
<b>5. FEES AND CHARGES – LICENSING SERVICE</b>	<b>3 - 14</b>
To consider fees and charges for services provided by the Licensing section, to take effect from 1 April 2015.	
<b>6. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING APPLICATION FOR EXEMPTION FROM POLICY REQUIREMENT TO DISPLAY DOOR SIGNAGE AND LICENCE PLATE</b>	<b>15 - 19</b>
To consider the application received from Michael McVeigh, T/A Mike's Corporate Travel, for an exemption from the current Taxi Licensing Policy requirement to display the Council's door signage and licence plates on a particular vehicle.	
<b>7. THE LICENSING ACT 2003 (PERSONAL LICENCES) (AMENDMENT) REGULATIONS 2014</b>	<b>20 - 22</b>
To receive a report advising of the introduction of The Licensing Act 2003 (Personal Licences) (Amendment) Regulations 2014, and the revised requirements in respect of the renewal of Personal Licences issued since February 2005, and of the associated implications.	

Members of the Committee: Councillors Mrs Jacque Bevan (Chairman), Tom Donnelly, Richard FitzHerbert, Steve Flitter, David Frederickson, Mrs Cate Hunt, Angus Jenkins, Anthony Millward, Mrs Jean Monks (Vice Chairman), Mike Ratcliffe, Mrs Judith Twigg, and Mrs Carol Walker.

LICENSING AND APPEALS COMMITTEE  
14 JANUARY 2015

Report of the Head of Regulatory Services

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## **FEES AND CHARGES – LICENSING SERVICE**

### **SUMMARY**

This report provides details of existing and recommended fees and charges for services provided by the Licensing Section of Regulatory Services.

### **RECOMMENDATION(S)**

- 1) That the recommended fees detailed in Appendix 1, in respect of taxi licensing, are approved to take effect from 1 April 2015, and are advertised for a period of 28 days with any relevant objections received being reported back to the 26 March 2015 meeting for consideration.
- 2) That the recommended fees in respect of all other licensing as detailed in Appendices 2 and 3 are approved and implemented with effect from 1 April 2015.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

The Council charges reasonable fees to recover the cost of services provided to make progress in delivering its Aims and Priorities.

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## **1 BACKGROUND**

- 1.1 The Committee is asked to consider an annual review of the fees and charges for licence applications processed by the Licensing Team in Regulatory Services.
- 1.2 It is proposed that in order to cover the cost of providing the service, the fees need to be increased by approximately 2.3%. (VAT where applicable will be applied at the current rate).

## **2 REPORT**

- 2.1 Hackney Carriage and Private Hire Licensing
- 2.2 In setting the fees for hackney carriage and private hire licences the fees must be reasonable and imposed with a view to only recovering the cost of providing the service, in accordance with the provisions contained in the Local Government (Miscellaneous Provisions) Act 1976.

- 2.3 Where a Council proposes to increase the fees for this licensing service it must advertise the proposal in at least one local newspaper for a period of not less than 28 days, allowing objections to the variation to be made. If any objections are received the Council has to consider these before a decision can be made in respect of increasing the licence fees. Failure to comply with these requirements would render the fees invalid.
- 2.4 During the last 2 financial years there has been a decrease in the number of hackney carriage and private hire vehicle licences being renewed. The number of licensed drivers has also reduced.
- 2.5 There is a necessary increase to the charge made to drivers in respect of the Criminal Records Check required every 3 years. The main application fee is set by the Disclosure and Barring Service, but the application forms have been checked and submitted on behalf of the applicant by Council Officers. In previous years this service has been provided by the District Council and an administration fee of £4 has been applied. However, in September 2014 the District Council stopped being an approved body for checking and submitting DBS applications, and Derbyshire County Council now act as the umbrella body for the service for a number of authorities in Derbyshire. The charge made to the District Council per check is £8 and this fee needs to be recharged to the taxi/private hire vehicle drivers to ensure full cost-recovery of the service from the Trade.
- 2.6 As is usual, the establishment costs/overheads are subject to an inflationary increase. To recover the full cost of the licensing service during the financial year 2015-16, a 2.3% increase is proposed.
- 2.7 **Appendix 1** details the existing and proposed fees and charges in relation to hackney carriage and private hire licensing.
- 2.8 If the Committee approves the proposed increase to the fees the information must be published in at least one local newspaper for a period of 28 days. All the currently licensed Taxi and Private Hire Vehicle Owner/Operators must be informed so that any relevant objections can be reported back to a meeting of this Committee within 2 months, for consideration. The next available meeting is 26 March 2015.
- 2.9 Gambling Act 2005
- 2.10 **Appendix 2** details the existing and proposed fees and charges in relation to the licensing of gambling premises and associated activities.
- 2.11 Maximum fees were set centrally by Government in The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and these are shown in the first column of the table for information. Some of the Council's gambling licence fees are set at the maximum so cannot be increased.
- 2.12 The fee levels for permits for gaming machines were set centrally by Government in The Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007, and cannot be revised by Licensing Authorities as part of the fee-setting process. These have not been increased since 2007.

2.13 Animal Welfare and Other Licensing

2.14 **Appendix 3** details the existing fees and charges and those recommended for approval with effect from 1 April 2015, for licence applications made in respect of Animal Welfare, Pleasure Boats/Boatmen, Cosmetic Piercing, Acupuncture and Tattooing, Sex Establishments/Venues and Scrap Metal Dealing.

2.15 Licensing Act 2003 – Alcohol, Entertainment and Late Night Refreshment Licensing

2.16 Fees for licence applications related to the sale of alcohol, provision of regulated entertainment and late night refreshment, were set by Central Government in The Licensing Act 2003 (Fees) Regulations 2005 and The Licensing Act 2003 (Fees) (Amendment) Regulations 2005.

2.17 These have not been increased since 2005, and currently cannot be revised by licensing authorities as part of the fee-setting process. Therefore details of these fees are not included in this report.

2.18 It was reported last year that there are plans for the Government to allow Licensing Authorities to set their own fees in respect of the Licensing Act applications. A commencement date for this is still awaited, and a report will be submitted to a future meeting of this committee when the details are confirmed.

### **3 RISK ASSESSMENT**

#### 3.1 Legal

The Council has the power to charge reasonable fees in accordance with the report. The risk is therefore low.

#### 3.2 Financial

The income resulting from the recommended revised fees and charges will be included in the revenue budget for the financial year 2015/2016 to be considered at a meeting of the full Council.

### **4 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

Eileen Tierney, Licensing and Administration Manager Tel (01629) 761374  
Email: eileen.tierney@derbyshiredales.gov.uk

### **6 BACKGROUND PAPERS**

None.

**7 ATTACHMENTS**

Appendix 1	Hackney Carriage/Private Hire Licensing	Schedule of Fees
Appendix 2	Gambling Act 2005 - Licensing	Schedule of Fees
Appendix 3	Animal Welfare and Other Licensing	Schedule of Fees

**BACK TO AGENDA**

## Hackney Carriage and Private Hire

(All of these fees fall outside the scope of VAT). An average increase of 2.3% is proposed for the following fees:

	Existing Charge 2014/2015	Proposed Charge 2015/2016	
		+ %age	Rounded
<b>Private Hire Operator's Licence (Renewable every 3 years)</b>			
Application Fee	<b>£237.00</b>	242.45	<b>£242.00</b>
Criminal Record Disclosure (Disclosure and Barring Service)	Fees set by Disclosure and Barring Service (DBS)		
** Operator will need a basic criminal record check, unless they are a licensed driver with the Council and have a current enhanced Disclosure.			
<b>Vehicle Licence (Renewable every year)</b>			
Hackney Carriage Licence Application Fee	<b>£283.00</b>	289.51	<b>290.00</b>
Private Hire Vehicle Licence	<b>£283.00</b>	289.51	<b>290.00</b>
Vehicle FULL Re-test (3 or more items requiring attention)	<b>£56.50</b>	57.80	<b>58.00</b>
Vehicle MINOR re-test (2 items or less requiring attention)	<b>£26.00</b>	26.60	<b>27.00</b>
Vehicle Transfer	<b>£28.00</b>	28.64	<b>28.50</b>
Meter Test (if seal is broken – requiring checking at Testing Depot)	<b>£28.00</b>	28.64	<b>28.50</b>
<b>Vehicle Licence (miscellaneous charges)</b>			
Breaking an Appointment (without 24 hours notification)	<b>£28.00</b>	28.64	<b>28.50</b>
Trailer and Top Box Test	<b>£28.00</b>	28.64	<b>28.50</b>
<b>Driver's Licence (Renewable every year)</b>			
Application for renewal of Driver's Licence	<b>£56.50</b>	57.80	<b>58.00</b>
DVLA Check (every year)	<b>£10.00</b>	reduce	<b>8.00</b>
DBS Enhanced Criminal Records Check (due every 3 years)	<b>DBS Fee + £4.00 Admin Fee</b>	<b>DBS Fee + £8.00 admin fee charged by DCC</b>	
<b>New Driver's Licence (Renewable every year)</b>			
Driver's Knowledge Test	<b>£28.00</b>	28.64	<b>28.50</b>
Knowledge Test Re-sit	<b>£28.00</b>	28.64	<b>28.50</b>
Application Fee	<b>£56.50</b>	57.80	<b>58.00</b>
DVLA Check	<b>£10.00</b>	reduce	<b>8.00</b>
DBS Enhanced Check	DBS Fee + £4.00 admin fee	<b>DBS Fee + £8.00 admin fee charged by DCC</b>	

	Existing Charge 2014/2015	Proposed Charge 2015/2016
<b>Sundries/Replacement</b>	<b>No increase necessary</b>	
Driver's Badge	£3.10	£3.10
Driver's Badge Holder	£3.10	£3.10
Council Door Stickers (for front doors)	£9.25	£9.25
Licence plate for rear of vehicle	£8.25	£8.25
Licence plate fixings for rear licence plate	£2.10	£2.10
Licence plate for inside windscreen	£6.15	£6.15
Plastic wallet for windscreen plate	£1.50	£1.50
Duplicate licence (paper copy)	£10.50	£10.50

## GAMBLING LICENSING

(The following fees fall outside the scope of VAT). An average increase of 2.3% is proposed for the following fees:

<b>GAMBLING ACT 2005 PREMISES LICENCES APPLICATIONS</b>	<b>Maximum Fees prescribed by regulations (Gambling Act 2005)</b>	<b>Existing Charge 2014/2015</b>	<b>Proposed Charge 2015/2016 plus %age and Rounded</b>
<b>Small Casino</b>	£	£	£
New application	8,000.00	£6,625.00	£6,777.00
1 <sup>st</sup> Annual Fee ***	50% of annual fee	£2,185.00	£2,235.00
Annual Fee	5,000.00	£4,370.00	£4,470.00
Variation	4,000.00	£3,244.00	£3,318.00
Transfer	1,800.00	£1,373.00	£1,405.00
Reinstatement	1,000.00	1,000.00 (max)	£1,000.00
Provisional Statement	8,000.00	£6,862.00	£7,020.00
Licence for Provisional Statement Holders	3,000.00	£2,495.00	£2,552.00
<b>Large Casino</b>			
New application	10,000.00	£8,110.75	£8,297.00
1 <sup>st</sup> Annual Fee ***	50% of annual fee	£4,055.65	£4,148.00
Annual Fee	10,000.00	£8,110.75	£8,297.00
Variation	5,000.00	£3,993.30	£4,100.00
Transfer	2,150.00	£1,622.25	£1,660.00
Reinstatement	2,150.00	£1,622.25	£1,660.00
Provisional Statement	10,000.00	£7,986.60	£8,170.00
Licence for Provisional Statement Holders	5,000.00	£3,993.30	£4,100.00
<b>Bingo Club</b>			
<b>New application</b>	3,500	£2,869.00	£2,935.00
1 <sup>st</sup> Annual Fee ***	50% of annual fee	£417.00	£427.00
Annual Fee	1,000	£834.00	£854.00
Variation	1,750	£1,432.00	£1,465.00
Transfer	1,200	£954.00	£976.00
Reinstatement	1,200	£954.00	£976.00

\*\*\* 1<sup>st</sup> Annual Fee is due 30 days after licence is granted, and annual fee is due on anniversary date of grant

<b>GAMBLING ACT 2005 PREMISES LICENCES APPLICATIONS</b>	<b>Maximum Fees prescribed by regulations (Gambling Act 2005)</b>	<b>Existing Charge 2014/2015</b>	<b>Proposed Charge 2015/2016 Plus %age and Rounded</b>
<b>Bingo Club (cont'd)</b>			
Provisional Statement	<b>3,500</b>	<b>£2,744.95</b>	<b>£2,808.00</b>
Licence for Provisional Statement Holders	<b>1,200</b>	<b>£954.00</b>	<b>£976.00</b>
<b>Betting Premises (excluding tracks)</b>			
New application	<b>3,000.00</b>	<b>£2,246.00</b>	<b>£2,298.00</b>
1 <sup>st</sup> Annual Fee ***	<b>50% of annual fee</b>	<b>£249.00</b>	<b>£255.00</b>
Annual Fee	<b>600.00</b>	<b>£498.00</b>	<b>£510.00</b>
Variation	<b>1,500.00</b>	<b>£1,121.00</b>	<b>£1,145.00</b>
Transfer	<b>1,200.00</b>	<b>£873.00</b>	<b>£893.00</b>
Reinstatement	<b>1,200.00</b>	<b>£873.00</b>	<b>£893.00</b>
Provisional Statement	<b>3,000.00</b>	<b>£2,246.00</b>	<b>£2,298.00</b>
Licence for Provisional Statement Holders	<b>1,200.00</b>	<b>£873.00</b>	<b>£893.00</b>
<b>Betting Tracks</b>			
New application	<b>2,500.00</b>	<b>£1,871.00</b>	<b>£1,914.00</b>
1st Annual Fee ***	<b>50% of annual fee</b>	<b>£374.50</b>	<b>£383.00</b>
Annual Fee	<b>1,000.00</b>	<b>£749.00</b>	<b>£766.00</b>
Variation	<b>1,250.00</b>	<b>£998.00</b>	<b>£1021.00</b>
Transfer	<b>950.00</b>	<b>£749.00</b>	<b>£766.00</b>
Reinstatement	<b>950.00</b>	<b>£749.00</b>	<b>£766.00</b>
Provisional Statement	<b>2,500.00</b>	<b>£1,871.00</b>	<b>£1,914.00</b>
Licence for Provisional Statement Holders	<b>950.00</b>	<b>£783.00</b>	<b>£801.00</b>
<b>Family Entertainment Centre (FEC)</b>			
New application	<b>2,000.00</b>	<b>£1,497.00</b>	<b>£1,531.00</b>
1 <sup>st</sup> Annual Fee ***	<b>50% of annual fee</b>	<b>£312.00</b>	<b>£319.00</b>
Annual Fee	<b>750.00</b>	<b>£624.00</b>	<b>£638.00</b>

\*\*\* 1<sup>st</sup> Annual Fee is due 30 days after licence is granted, and annual fee is due on anniversary date of grant thereafter.

<b>GAMBLING ACT 2005 PREMISES LICENCES APPLICATIONS</b>	<b>Maximum Fees prescribed by regulations (Gambling Act 2005)</b>	<b>Existing Charge 2014/2015</b>	<b>Proposed Charge 2015/2016 Plus %age and Rounded</b>
<b>Family Entertainment Centre (FEC)</b>			
Variation	<b>1,000.00</b>	<b>£749.00</b>	<b>£766.00</b>
Transfer	<b>50.00</b>	<b>£50.00 (max)</b>	<b>£50.00</b>
Reinstatement	<b>950.00</b>	<b>£749.00</b>	<b>£766.00</b>
Provisional Statement	<b>2,000.00</b>	<b>£1,497.00</b>	<b>£1,531.00</b>
Licence for Provisional Statement Holders	<b>950.00</b>	<b>£749.00</b>	<b>£766.23</b>
<b>Adult Gaming Centre (AGC)</b>			
New application	<b>2,000.00</b>	<b>£1,497.00</b>	<b>£1,531.00</b>
1 <sup>st</sup> Annual Fee ***	<b>50% of annual fee</b>	<b>£374.00</b>	<b>£382.50</b>
Annual Fee	<b>1,000.00</b>	<b>£748.00</b>	<b>£765.00</b>
Variation	<b>1,000.00</b>	<b>£748.00</b>	<b>£765.00</b>
Transfer	<b>1,200.00</b>	<b>£998.00</b>	<b>£1,020.00</b>
Reinstatement	<b>1,200.00</b>	<b>£998.00</b>	<b>£1,020.00</b>
Provisional Statement	<b>2,000.00</b>	<b>£1,497.00</b>	<b>£1,531.00</b>
Licence for Provisional Statement Holders	<b>1,200.00</b>	<b>£998.00</b>	<b>£1,020.00</b>

\*\*\* 1<sup>st</sup> Annual Fee is due 30 days after premises licence is granted, and annual fee is due on anniversary date of grant thereafter.

<b>GAMBLING ACT 2005 PREMISES LICENCES APPLICATIONS</b>	<b>Maximum Fees prescribed by regulations (Gambling Act 2005)</b>	<b>Existing Charge 2014/2015</b>	<b>Proposed Charge 2015/2016 plus %age and Rounded</b>
<b>Occasional Use Notices (OUNs)</b>	<b>No Fee Permitted</b>	<b>No Fee Permitted</b>	<b>No Fee Permitted</b>
<b>Temporary Use Notices (TUNs)</b>	<b>500.00</b>	<b>290.00</b>	<b>£297.00</b>
<b>Notification of Change of Details</b>	<b>50.00</b>	<b>44.00</b>	<b>£45.00</b>
<b>Copy of Licence/Notice</b>	<b>25.00</b>	<b>18.50</b>	<b>£19.00</b>

## ANIMAL WELFARE & MISCELLANEOUS LICENSING

(The following fees fall outside the scope of VAT with the exception of Vets' Fees)

An average increase of 2.3% is proposed for the following fees:

<b>ANIMAL WELFARE</b>	<b>Existing Charge 2014-2015</b>	<b>Proposed Charge 2015-2016 rounded + inclusive of VAT where applicable</b>
<b>Animal Boarding Establishments Act 1963</b>  Licence to operate a boarding establishment	<b>£88.70</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of <b>£14.60</b>	<b>£90.00</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of £15.00 + VAT
<b>Pet Animals Act 1951</b>  Licence to operate a retail pet shop	<b>£88.70</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of <b>£14.60</b>	<b>£90.00</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of £15.00 + VAT
<b>Riding Establishment Acts 1964 and 1970</b>  Licence to operate a riding establishment	<b>£109.30</b>  Plus annual Vet Fees and VAT on Vets Fees and arrangement fee of <b>£14.60</b>	<b>£112.00</b>  Plus annual Vet Fees and VAT on Vets Fees and arrangement fee of £15.00 + VAT
<b>Dangerous Wild Animals Act 1976</b>  Licence to keep a dangerous wild animal as defined in Schedule	<b>£121.00</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of <b>£14.60</b>	<b>£124.00</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of £15.00 + VAT
<b>Breeding of Dogs Act 1973</b>  Licence to operate a dog breeding establishment	<b>£88.70</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of <b>£14.60</b>	<b>£90.00</b>  Plus Vet Fees and VAT on Vets Fees and arrangement fee of £15.00 + VAT

<b>ANIMAL WELFARE</b>	<b>Existing Charge 2014-2015</b>	<b>Proposed Charge 2015-2016 rounded + inclusive of VAT where applicable</b>
<b>Zoo Licensing Act 1981</b>  Licence to operate a Zoo	<b>£264.00</b> Plus annual Vet Fees and VAT on Vets Fees and arrangement fee of <b>£14.60</b>	<b>£270.00</b> Plus annual Vet Fees and VAT on Vets Fees and arrangement fee of £15.00 + VAT
<b>MISCELLANEOUS</b>	<b>Existing Charge 2014-2015</b>	<b>Proposed Charge 2015-2016 + increase and rounded (VAT not applicable )</b>
<b>Local Government (Miscellaneous Provisions) Act 1982 as amended by Local Government Act 2003</b>  Registration of Persons and Premises to allow Practice of Acupuncture, Semi- Permanent Skin Colouring, Cosmetic Piercing and Electrolysis	<b>£70.00</b>  (separate registrations required for person and premises)	<b>£72.00</b>
<b>Local Government (Miscellaneous Provisions) Act 1982</b> Licence to Operate a Sex Establishment  Licence to Operate a Sex Entertainment Venue	<b>£1,740.00</b>  <b>£1,740.00</b>	<b>£1,780.00</b>  <b>£1,780.00</b>
<b>Public Health Acts Amendment Act 1907</b>  Licence to Operate Pleasure Boats  Pleasure Boat and Vessel Licence	<b>£32.00</b>  <b>£32.00</b>	<b>£33.00</b>  <b>£33.00</b>

<b>MISCELLANEOUS</b>	<b>Existing Charge 2014-2015</b>	<b>Proposed Charge 2015-2016 + increase and rounded (VAT not applicable )</b>
<b>Scrap Metal Dealers Act 2013</b>		
Site Licence (3 years)	<b>£270.00</b>	<b>£275.00</b>
Collectors Licence (3 years)	<b>£150.00</b>	<b>£153.00</b>

**BACK TO AGENDA**

LICENSING AND APPEALS COMMITTEE  
14 JANUARY 2015

Report of the Head of Regulatory Services

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**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING APPLICATION FOR EXEMPTION FROM POLICY REQUIREMENT TO DISPLAY DOOR SIGNAGE AND LICENCE PLATE**

**SUMMARY**

This report seeks consideration of an application for an exemption from the Council's Taxi Licensing Policy requirement to display the Council's door signage and licence plates on a Private Hire Vehicle.

The request has been received from Michael McVeigh, proprietor of Mike's Corporate Travel service based in Baslow. Mr McVeigh is already licensed as a driver and a private hire operator by the District Council. He already has a private hire vehicle which he uses for regular private hire journeys.

Mr McVeigh now wishes to also provide a prestigious executive door-to-door chauffeur driven limousine style service, mainly to businesses in the Derbyshire Dales. The vehicle he wishes to licence is a 2014 registered Ford Mondeo Titanium. To operate this type of business he will still be required by law to licence his vehicle as a Private Hire Vehicle and comply with the Council's licensing conditions outlined in the Council's Taxi Licensing Policy.

Section 29 of the Policy provides that the Council may in exceptional circumstances dispense with or vary any of the conditions set out in the Policy.

**RECOMMENDATION**

That the Committee determine the application received from Michael McVeigh, T/A Mike's Corporate Travel, for an exemption from the current Taxi Licensing Policy requirement to display the Council's door signage and licence plates on vehicle registration number M8 MCV, if licensed as a private hire vehicle operating from within the Derbyshire Dales.

**WARDS AFFECTED**

All

**STRATEGIC LINK**

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the priority focused on delivering safer communities.

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**1 BACKGROUND**

**1.1** The Council has received an application for an exemption from the requirement to display the Council's signs and licence plates, now required as 'standard' for Private Hire Vehicles and Hackney Carriages (taxis) operating from within the Derbyshire Dales.

- 1.2 The current Policy requires the Council's signage to be displayed on both front doors of the vehicle, with any business advertising being restricted to the rear doors. The licence plate must be fixed to the rear of the vehicle and a licence disc has to be displayed inside, on the top left-hand corner of the windscreen.
- 1.3 These requirements were introduced with the implementation of the Council's Hackney Carriage/Private Hire Licensing Policy in April 2009. One of the aims of the requirement was to introduce a uniform image that would enable members of the public to easily identify vehicles licensed as taxis (hackney carriages, that can be flagged down in the street or on a taxi rank) and private hire vehicles (permitted to provide pre-booked journeys only).
- 1.4 Officers do not have delegated powers to permit any deviation from the Council's Policy, which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Derbyshire Dales, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences.
- 1.5 The Committee will be aware that while the Policy binds officers in their decision making it is not binding for members. It is suggested that the Committee could choose to depart from the Policy if it considers that the Private Hire Vehicle in question is not intended for the standard use associated with the majority of Private Hire Vehicles licensed in the district.
- 1.6 Whilst the Council's Policy does allow requests for exemption from the requirement in the case of limousines and/or chauffeured vehicles, it does not generally apply to Hackney Carriage or Private Hire Vehicles that are operating mainly as 'taxis'.
- 1.7 Applications requesting any deviation from the Council's Policy are considered on a case-by-case basis. There have been several similar requests since the introduction of the current Policy in 2009. Four of these private hire vehicle operators (including one offering vintage car tours) are currently operating vehicles without the signage and plates. The proprietors of these businesses are required to carry the licence plates in the boot of the vehicle and to provide evidence of bookings to the Licensing Manager, at regular intervals, to ensure that the exemption is still applicable.
- 1.8 Applicants seeking an exemption from any Policy requirements are required to provide information/evidence to allow the Committee to consider the application and make an informed decision. Mr McVeigh has provided photographs of the vehicle he wishes to licence in addition to his covering letter outlining his proposal, produced at Appendix 1.
- 1.9 If the Committee is minded to grant this application, a licence will only be issued subject to a satisfactory vehicle inspection at the Council's Testing Station.

## **2 RISK ASSESSMENT**

### **2.1 Legal**

The Council has a statutory duty to regulate private hire vehicles and hackney carriages (taxis) and has discretion in the application of its Policy. The risk is therefore low.

## 2.2 Financial

There are no financial risks arising from this report.

## 3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager  
Tel: 01629 761374  
email: eileen.tierney@derbyshiredales.gov.uk

## 5 BACKGROUND PAPERS

Description	Date	File
Derbyshire Dales District Council's Hackney Carriage and Private Hire Licensing Policy	19th February 2009	CMS/ET

## 6 ATTACHMENTS

Appendix 1	Letter and enclosures from Michael McVeigh, proprietor of Mike's Corporate Travel	CMS/ET
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**BACK TO AGENDA**

Mike,s Corporate Travel

Ashopstone

Gorse Ridge Drive

Baslow

Mike McVeigh

18 Acorn Ridge

Walton

Chesterfield

S42 7HE

25<sup>th</sup> November 2014

Derbyshire Dales District Council

I wish to apply for an exception from displaying licence plate and stickers in order to allow me to grow my business and offer the services of a Chauffeur Driven Private Hire Limousine.

The service I will offer will be to Corporate Accounts and Business Contacts. Offering an executive vehicle with full leather interior (sorry the photographs do not do justice to the interior of the car) daily newspaper, bottled water, I am also looking into making Wi-Fi. available

As driver I will be 'Suited and Booted'

My intention is also to make the vehicle available as a wedding car.

Attached are requests from Four companies I am already working with and photos of the vehicle.

I hope I am successful with my application which I am sure will help me grow my business

Regards

Mike McVeigh



BACK TO AGENDA

LICENSING AND APPEALS COMMITTEE  
14 JANUARY 2015

Report of the Head of Regulatory Services

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## **THE LICENSING ACT 2003 (PERSONAL LICENCES) (AMENDMENT) REGULATIONS 2014**

### **SUMMARY**

This report informs the Committee of the introduction of The Licensing Act 2003 (Personal Licences) (Amendment) Regulations 2014, and the revised requirements in respect of the renewal of Personal Licences issued since February 2005, and of the associated implications.

### **RECOMMENDATION**

That the Committee approves the method for notifying personal licence-holders and acknowledging applications, which will be reported verbally at the meeting of this Committee.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

An effective licensing regime supports the core values and key aims set out in the Council's Corporate Plan, in particular, the priority focused on delivering safer communities.

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## **1 BACKGROUND**

- 1.1** In 2005, with the implementation of the Licensing Act 2003, Licensing Authorities were charged with licensing any person wishing to sell or supply alcohol and premises/places where the sale or supply (in the case of registered clubs) would take place.
- 1.2** Personal licences were issued for a maximum period of 10 years at a cost of £37.00. Applicants were required to submit an application form and fee, a personal declaration of any criminal convictions, a current basic criminal disclosure report, 2 passport sized photographs (authorised by an approved person) and if not already a licensee in 2005, a licensing qualification certificate.
- 1.3** Licence holders were required to renew the licence with the Licensing Authority that issued it originally. As the licence is portable, and people in the licensed trade move from premises to premises, the licence holder is responsible for notifying the Council if he/she moves address. There is a small fee for the notification. This helps licensing authorities to maintain an accurate database for future contact.

- 1.4** A large proportion of personal licences were issued by Licensing Authorities between February and August 2005, to coincide with the implementation date of the 2003 Act, November 24th 2005. In Derbyshire Dales, approximately 500 personal licences were granted during the financial year 2005-2006.
- 1.5** All of these licences (with the exception of those few that have been surrendered) are due to expire during this financial year (2015-16). Since 2006 a further 550 personal licences have been granted to people living in Derbyshire Dales.
- 1.6** It was expected that in 2015 personal licence holders would be required to submit an application to renew the licence. The renewal would have required the licence holder to submit an approved form, a fee of £37.00, a current criminal record check, and photographs if likeness had significantly changed.
- 1.7** Members may recall that during 2014 it has been reported that the Government was aiming to remove the requirement for personal licence holders to renew their personal licence. This was to be achieved through the introduction of the Deregulation Bill, which is currently before Parliament.
- 1.8** By the end of November 2014 it was evident that the timescale for using the Deregulation Bill to make changes was not feasible so the Government announced it would introduce special arrangements for renewing personal licences that are due for renewal before the Deregulation Bill takes effect.
- 1.9** However, on 15 December 2014, The Licensing Act 2003 (Personal licences) (Amendment) Regulations 2014 were laid before Parliament, and came into force on Monday 5<sup>th</sup> January 2015. This will apply to all personal licences and not just those due for renewal in the early part of this year.
- 1.10** The Regulations amend the Licensing Act 2003 (Personal licences) Regulations 2005 to give effect to new requirements relating to the application for the renewal of a personal licence in accordance with section 117 of the Licensing Act 2003.
- 1.11** The Regulations remove the requirement for the application to be accompanied by a fee.
- 1.12** The Regulations remove the need for the applicant to provide photographs, a criminal conviction certificate, or associated certificate relating to a conviction.
- 1.13** There is a prescribed application form and licence holders are required to return the original licence or a copy.
- 1.14** The Licensing Authority is not expected to issue new personal licences – but is expected to acknowledge all notifications received, and return any licences submitted.
- 1.15** At the time of writing this report officers are considering how best they can encourage and acknowledge the notifications for a permanent extension of the personal licences, with minimum cost to the District Council. It is hoped that this will be achieved digitally wherever possible.
- 1.16** A verbal update will be given at the meeting.

## 2 RISK ASSESSMENT

### 2.1 Legal

This report poses no significant legal risk. The risk is therefore low.

### 2.2 Financial

There are no financial risks arising from this report.

## 3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 4 CONTACT INFORMATION

Eileen Tierney, Licensing Manager  
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email: eileen.tierney@derbyshiredales.gov.uk

## 5 BACKGROUND PAPERS

Description	Date	File
The Licensing Act 2003 (Personal Licences) (Amendment) Regulations 2014	5 January 2014	RS/ET
The Deregulation Bill	On-going	

**BACK TO AGENDA**