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## LICENSING AND APPEALS COMMITTEE

**Minutes of a Meeting held on Wednesday 14 January 2015 in the Council Chamber, Town Hall, Matlock at 6.00pm**

### PRESENT

Councillor Jacque Bevan - In the Chair

Councillors Tom Donnelly, Steve Flitter, Tony Millward, Jean Monks, Mike Ratcliffe, Judith Twigg, Carol Walker.

Eileen Tierney (Licensing Manager) and Jackie Cullen (Committee Assistant).

### APOLOGIES

Apologies for absence were received from Councillors Richard FitzHerbert and Angus Jenkins.

### 222/14 – MINUTES

It was moved by Councillor Carol Walker, seconded by Councillor Jean Monks and

**RESOLVED**  
(unanimously)

That the Minutes of the meeting of the Licensing and Appeals Committee meeting held on 29 July 2014 be approved as a correct record.

The Minutes were signed by the Chairman.

### 223/14 – FEES AND CHARGES – LICENSING SERVICE

The Committee considered a report providing details of existing and recommended fees and charges for services provided by the Licensing Section of Regulatory Services.

To recover the full cost of the licensing service during the financial year 2015-16, a 2.3% increase was proposed. (VAT where applicable would be applied at the current rate).

#### Hackney Carriage and Private Hire Licensing

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.

The Committee was reminded that where a Council proposed to increase the fees for its taxi 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 were received the Council had to consider these before a decision could be made in respect of increasing the licence fees. Failure to comply with these requirements would render the fees invalid.

It was reported that in September 2014 there had been a change in the administration process of the 3-yearly Criminal Records Checks. These were now administered by Derbyshire County Council, and not the District Council. However, the District Council continued to provide a service to Taxi drivers in completing their disclosure applications for which an administration fee of £4.00 has been charged in previous years. Members considered that in addition to the £8.00 administration fee per application charged by the County Council there should be an additional £2.00 charge to cover the District Council's administration costs.

A schedule illustrating the existing and proposed fees and charges in relation to hackney carriage and private hire licensing was attached as Appendix 1 to the report.

#### Gambling Act 2005

The existing and proposed fees and charges in relation to the licensing of gambling premises and associated activities were attached as Appendix 2 to the report.

Maximum fees were set centrally by Government in The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 and these were shown in the first column of the table for information.

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 had not been increased since 2007.

#### Animal Welfare and Other Licensing

Appendix 3 to the report set out 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.

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

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.

These had 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 were not included in this report.

It was reported last year that there were 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 was still awaited, and a report would be submitted to a future meeting of this committee when the details were confirmed.

It was moved by Councillor Jacque Bevan, seconded by Councillor Carol Walker and

**RESOLVED**  
(unanimously)

- 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, with the exception of the administration fee relating to the DBS Enhanced Criminal Records Check which should be set at £10.00 (DBS Fee + £8.00 admin fee charged by DCC + £2 admin fee charged by DDDC).
- 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.

#### **224/14 – HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING APPLICATION FOR EXEMPTION FROM POLICY REQUIREMENT TO DISPLAY DOOR SIGNAGE AND LICENCE PLATE**

The Committee considered a report regarding the 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 had been received from Michael McVeigh, proprietor of Mike's Corporate Travel service based in Baslow, who was already licensed as a driver and a private hire operator by the District Council. Mr McVeigh now wished to provide a prestigious executive door-to-door chauffeur driven limousine style service, mainly to businesses in the Derbyshire Dales. To operate this type of business he would 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. If the exemption was granted he ~~and~~ would be 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 was still applicable.

Applicants seeking an exemption from any Policy requirements were required to provide information/evidence to allow the Committee to consider the application and make an informed decision. Mr McVeigh had provided photographs of the vehicle he wishes to licence in addition to his covering letter outlining his proposal, produced at Appendix 1 to the report. Mr McVeigh had also provided letters from prospective clients.

If the Committee was minded to grant this application, a licence would only be issued subject to a satisfactory vehicle inspection at the Council's Testing Station.

It was moved by Councillor Carol Walker, seconded by Councillor Mike Ratcliffe and

**RESOLVED**

- 1) That Michael McVeigh, T/A Mike's Corporate Travel, be

(unanimously) granted 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, when licensed as a private hire vehicle operating from within the Derbyshire Dales.

- 2) That the exemption in 1) above is subject to a satisfactory vehicle inspection report being supplied by the Council's Testing Station.

## **225/14 – THE LICENSING ACT 2003 (PERSONAL LICENCES) (AMENDMENT) REGULATIONS 2014**

The Committee considered a report regarding 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.

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.

Personal licences were issued for a maximum period of 10 years at a cost of £37.00 and Licence holders were required to renew the licence with the Licensing Authority that issued it originally. In Derbyshire Dales, approximately 500 personal licences were granted during the financial year 2005-2006, and all (with the exception of those few that had been surrendered) were due to expire during this financial year (2015-16).

During 2014 it had 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 was currently before Parliament, but it had since become evident that the timescale for using the Deregulation Bill to make changes was not feasible. Consequently, the Government had announced that it would introduce special arrangements for renewing personal licences that were due for renewal before the Deregulation Bill took effect.

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. The Licensing Manager confirmed at the meeting that, it is intended that these regulations would apply to personal licences due for renewal in the early months of 2015, until such time as the Deregulation Bill became law and the requirement to renew a personal licence was removed. The interim process introduced by the Regulations removed the requirement for the application to be accompanied by a fee, a photograph, and a criminal conviction certificate, or associated certificate relating to a conviction. There was a prescribed application form and licence holders were required to return the original licence or a copy of it.

The Licensing Authority was not expected to issue revised/replacement personal licences, but was expected to acknowledge all notifications received, and return any original licences submitted. Concern was expressed at how a late application to renew a personal licence would result in the licence expiring, and the repercussions this would have on the licensed trade, as premises would not be able to sell alcohol until a personal licence holder

was in day-to-day control of the premises.

Officers had considered the best method for reminding and encouraging personal licence holders to make their renewal applications on time, with minimum cost to the District Council. It was hoped that this would be achieved digitally wherever possible, but by post in those cases where no email address was available. It was also suggested that there would be information available on the District Council's website, and in the next available edition of dalesMATTERS.

It was moved by Councillor Tom Donnelly, seconded by Councillor Mike Ratcliffe and

**RESOLVED**  
(unanimously)

- 1) That all personal licence holders affected by the introduction of The Licensing Act 2003 (Personal licences) (Amendment) Regulations 2014 would be contacted by email or post as appropriate,
- 2) Information about the renewal of personal licences will be made available on the District Council's website, in the next edition of dalesMATTERS, and through any other contact with the licensed trade.

**MEETING CLOSED 6.50PM**

**CHAIRMAN**