



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 25th August, 2015

Place

Committee Rooms 2 and 3 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 10)

To agree the minutes of the Committee meeting held on 28 July 2015 and the Sub-Committee hearings held on 3 July and 21 July 2015.

4. Exclusion of Press and Public

To consider whether to exclude the press and public for the items of private business for the reasons shown in the reports.

5. Outstanding Issues Report

There are no outstanding issues to report.

6. Hackney Carriage and Private Hire Licensing Fee Review 2015 - Three yearly drivers' licences & five-yearly private hire operators' licences
(Pages 11 - 16)

Report of the Executive Director of Place.

7. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**Private Business****8. Reports of the Executive Director of Place**

(a) Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act (PDPA 3) (Pages 17 - 24)

9. Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved

Chris West, Executive Director, Resources, Council House Coventry

Monday, 17 August 2015

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair Tel: 024 7683 3166

Membership: Councillors M Ali, A Andrews, R Auluck, L Bigham, J Birdi, G Crookes, G Duggins, D Galliers (Chair), L Harvard, J Innes, M Lapsa, J Mutton, J O'Boyle and R Thay (Deputy Chair)

By invitation Councillors

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Usha Patel/Carolyn Sinclair

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 10.00 am
on Tuesday, 28 July 2015

Present:

Members: Councillor D Galliers (Chair)
Councillor M Ali
Councillor J Birdi
Councillor G Crookes
Councillor G Duggins
Councillor L Harvard
Councillor M Lapsa
Councillor J Mutton
Councillor J O'Boyle
Councillor R Thay (Deputy Chair)

Employees (by Directorate):

Place: J Adams, S Beechey, M Coggins, J Rockell, H Simmonds

Resources: U Patel, M Smith,

Apologies: Councillor A Andrews, R Auluck, L Bigham and J Innes

Public Business

15. Declarations of Interest

Councillor Ali declared an 'other relevant interest' in the matter the subject of Minute 24 below headed "Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences" by reason of the fact that the applicants were known to her. She withdrew from the meeting during the consideration of these items.

Councillor Harvard declared an 'other relevant interest' in the matter the subject of Minute 18 below headed "Gambling Act 2005 – Revised Statement of Licensing Policy 2016-19" by reason of the fact that he is a member of the casino at the Ricoh Arena.

16. Minutes

The minutes of the Committee meeting held on 30 June 2015 were signed as a true record.

17. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below, on the grounds that those items involve the likely disclosure of exempt information and that there would be no public interest

in disclosing that information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part I of that Schedule as indicated:

Minute no.	Subject	Relevant Paragraphs of Part I of Schedule 12A
22	Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act 1949 (PDPA2)	7
23	Non-compliance with a Formal Notice under the Housing Act 2004 (HA1)	7

18. **Gambling Act 2005 - Revised Statement of Licensing Policy 2016-19**

The Committee considered a report of the Executive Director of Place which sought Members' views on the draft revised Statement of Licensing Policy 2016-19 under the Gambling Act 2005. The Cabinet Member for Policing and Equalities considered the report on 23 July 2015 and authorised the Executive Director of Place to carry out the consultation as detailed in the report.

Under the terms of the Gambling Act 2005, the Council's Statement of Gambling Policy has to be renewed every 3 years. As the current Statement of Gambling Policy came into effect on 31 January 2013, a review must be undertaken and a revised statement published by 3 January 2016.

The review would require licensing authorities to carry out a wide consultation process. In addition to the statutory consultees, the Council has the authority to include in the process any individuals or organisations it deemed appropriate.

The general principles of the Gambling Policy remain the same and the document was still centred around the Gambling Act's 3 licensing objectives, namely:

- (i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (ii) Ensuring that gambling is conducted in a fair and open way;
- (iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

A copy of the draft revised policy was attached as an Appendix to the report. The public consultation would last for a 7 week period starting on 6 August 2015.

RESOLVED that the Committee having considered the draft Statement of Gambling Policy would like the opportunity to consider and comment upon the proposed Local Area Profiles referred to in the document once these are available.

19. Outstanding Issues Report

There were no outstanding issue.

20. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

21. Non-compliance with a formal notice issued under Prevention of Damage by Pests Act 1949 (PDPA2)

RESOLVED that having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Prevention of Damage by Pests Act 1949 against Person B in respect of alleged non-compliance with a formal notice issued under the above Act on the owners of 30 Hipswell Highway.

In addition it was agreed to delegate powers to the Assistant Director (Streetscene and Greenspace) to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

22. Non-compliance with a formal notice under the Housing Act 2004 (HA1)

RESOLVED that having considered a report of the Executive Director of Place, the Council Solicitor be authorised to institute legal proceedings under the Housing Act 2004 in respect of alleged non-compliance with a formal notice issued under the above Act on the owner of 323 Lythalls Lane, Coventry.

In addition it was agreed to delegate powers to the Assistant Director (Streetscene and Greenspace) to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.

23. Applications for the Grant/Suitability to hold Hackney Carriage & Private Hire Drivers' Licences

RESOLVED that having considered the circumstances set out in the reports of the Executive Director of Place now submitted:

- (a) The application for the grant of a Hackney Carriage Driver's Licence by Mr Jagdeep Singh be approved subject to a three month suspension.**

(NOTE: Mr J Singh attended the meeting in support of his application.)

- (b) Consideration of the application for the grant of a Hackney Carriage Driver's Licence by Mr Kulvinder Singh Longia be deferred to a future meeting to afford him a further opportunity to attend.**

24. Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other urgent items of private business.

(Meeting closed at 11.15 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Friday, 3 July 2015

Present:

Members: Councillor R Thay (Chair)
Councillor G Crookes
Councillor D Galliers

Employees (by Directorate):

Place: R Masih

Resources: M Rose, M Smith

In Attendance: P Downey – Club President
K Kennedy – Interested Party
A R Wood – Club Secretary

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor Thay be elected Chair for this meeting.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Licensing Act 2003 - Application for a New Premises Licence**

The Sub-Committee considered an application for a premises licence in respect of Coundon Social Club, 124 Shorncliffe Road, Coventry. The application requested the following:

- The provision of alcohol – Monday to Thursday 11.00am to 12.00midnight, Friday and Saturday 11.00am to 1.00am and Sunday 11.00am to 11.30pm.
- Regulated entertainment – Monday to Thursday 11.00am to 12.00 midnight, Friday and Saturday 11.00am to 1.30am and Sunday 11.00am to 11.30pm.
- Late night refreshment – Monday to Sunday 11.00pm to 12.00midnight.

During the questioning of the applicant's representatives, the Sub-Committee became aware that the current application if approved would not allow alcohol to be consumed off the premises notwithstanding the applicant's wish for this to occur i.e. outside the building and sought legal clarification on this matter before proceeding any further.

RESOLVED that the Sub-Committee (Hearing) be adjourned pending clarification on whether the application was consistent with the supply of alcohol for consumption off the premises.

Note: The application was subsequently withdrawn by the applicant.

4. **Any Other Business**

There were no other items of business.

(Meeting closed at 11.15 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Tuesday, 21 July 2015

Present:

Members: Councillor J Mutton (Chair)
Councillor R Auluck
Councillor J Birdi

Employees (by Directorate):

People: M Ledbrook

Resources: U Patel, M Smith

In Attendance: H Grundy - Applicant

Public Business

1. **Appointment of Chair**

RESOLVED that Councillor J Mutton be elected as Chair for this meeting.

2. **Declarations of Interest**

There were no declarations of interest.

3. **Licensing Act 2003 - Application for a New Premises Licence**

The Sub-Committee considered an application for a new premises licence in respect of Street, 24-26 Earlsdon Street, Coventry.

The application was for the following:

- Sale of alcohol from 9.00am to 2.00am Monday to Sunday for consumption both on and off the premises.
- Live music from 12 noon to 2.00am on Monday to Sunday indoors only.
- Recorded music Monday to Sunday from 9.00am to 2.00am indoors only.
- Late night refreshment from Monday to Sunday 11.00pm to 2.00am for consumption both on and off the premises.

For the avoidance of doubt, reference to the 'application' means the application as modified prior to the hearing by the applicant following consultation with the Police resulting in the steps referred to at page 34 of the agenda pack (and listed below for ease of reference) being added to the Operating Schedule.

The Sub-Committee considered the written application, the written representations received against the application, the 'You Tube' footage submitted by an objector

and the oral presentation made on behalf of the applicant during the hearing. It also had regard to the Secretary of State's Guidance, the Council's Statement of Licensing Policy and the High Court's decision in Daniel Thwaites Plc v Wirral Magistrates Court (relating to the standard of evidence at licensing hearings).

In view of the Thwaites case, the Sub-Committee attached significant weight in favour of this application because none of the Responsible Authorities had objected. In particular, the Police (who are the main source of advice on crime and disorder) did not object.

The Sub-Committee heard from the applicant's representative that the building was of substantial construction (being a former bank) and that there were no party walls. It also heard that the premises were intended to operate as a restaurant with a level of noise typical for a restaurant. It also noted that no nearby resident had objected to the application.

It heard that the YouTube footage dated from several years ago and heard from the applicant's representative that the crime/disorder situation in Earlsdon had improved considerably since that time – it therefore attached little weight to the footage.

It heard that other nearby venues opened (or had the right to open) until at least 2.00am and did not consider this application to be requesting a 'late licence'.

In addition, the Sub-Committee considered paragraph 9.2 of the Council's Statement of Licensing Policy on the relationship with planning and noted that a licensing hearing should not be a re-run of a planning application.

It heard that the intended mode of operation of the premises was as a restaurant and not a bar and the Sub-Committee decided to impose the condition referred to below to ensure consistency with that stated mode of operation and to reduce the risk of any adverse impact on preventing public nuisance and/or preventing crime and disorder through operating as a drink-led venue.

It was satisfied that the Operating Schedule addressed the licensing objectives at this stage and saw no relevant reasons to refuse or alter the application. However, if the premises do prove to operate in any way that does not promote the licensing objectives then the appropriate way for this to be addressed would be via a review of the licence.

RESOLVED that the application be granted subject to:

- (a) The Mandatory Conditions prescribed by the Act;**
- (b) Conditions consistent with the amended Operating Schedule including the following conditions agreed with the Police:**
 - (i) CCTV to operate at the premises to the agreed standard of the West Midlands Police. Images are to be retained for a minimum of 28 days and be made available to download at the request of the local authorities.**
 - (ii) An incident and refusals book is to be maintained.**

(iii) All staff are to be trained in basic licensing laws. This is to be documented and refreshed on a 6 monthly basis.

(c) A condition imposed by the licensing authority that alcohol may only be sold to customers who have ordered or who are ordering food provided by the premises.

4. Any Other Business

There were no other items of business.

(Meeting closed at 11.05 am)

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Public report Licensing & Regulatory Committee

Licensing & Regulatory Committee

25 August 2015

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Not applicable

Title:

Hackney Carriage and Private Hire Licensing Fee Review 2015 – Three yearly drivers' licences & five-yearly private hire operators' licences

Is this a key decision?

No

Executive Summary:

On the 1 October 2015 the Deregulation Act 2015 requires local authorities to generally issue drivers' licences for a three year period and private hire operators' licences for a five year period. Coventry City Council currently issues drivers' licences annually and has the option for private hire operators to either be issued an annual licence or a five-yearly licence.

Recommendations:

It is recommended that the Licensing & Regulatory Committee approve the proposed fee structure detailed in Appendix A for three yearly driver's licences and five-yearly private hire operator's licences subject to statutory consultation and the further consideration of any objections received.

List of Appendices included:

Appendix A – Proposed fee structure for three yearly drivers' licences and five-yearly private hire operators' licences.

Other useful background papers:

None

Other Useful documents

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Hackney Carriage and Private Hire Licensing Fee Review 2015 – Three yearly drivers' licences & five-yearly private hire operators' licences

1. Purpose of Report

This report seeks approval for the adjustment and re-structuring of some of the fees for hackney carriage and private hire licensing.

2. Recommendation

It is recommended that the Licensing & Regulatory Committee:

- 2.1 approve, subject to consideration of any comments received, the proposed fee structure detailed in Appendix A;
- 2.2 authorise the Director of Place to make the necessary arrangements to advertise the applicable proposed fee variations;
- 2.3 note that if any formal objections are received in response to the statutory notice that a further report will be presented on the 29 September 2015.

3. Information/Background

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that the City Council may charge as fees the reasonable cost of administering and enforcing the hackney carriage and private hire licensing function. The fees charged by the Taxi Licensing Office are intended to enable the service to operate on a self-financing basis.
- 3.2 A review of fees was carried out in 2009, which involved assessing the resources used for each activity represented by a fee. Any increased costs to taxi licensing since 2009 have been managed within available resources.

4. Proposal and Other Option(s) to be Considered

- 4.1 The cost of the current annual renewal of a drivers licence is £110 which over a three year period is a cost to the driver of £330. It has been calculated that moving forward the cost of a three yearly licence, taking into consideration the application process and inflation increases will be £170 (a saving to the driver of £160 over a three-yearly period).
- 4.2 The costs of a current annual first grant licence (when a new applicant driver is initially granted a licence) is £90 which over a three year period is a cost to the driver of £310 (2 x £110 plus £90). It is proposed that the cost of an initial three-yearly licence is £170 (a saving to the driver of £140 over a three-yearly period).
- 4.3 The costs of a current annual re-grant licence (within a six month period after a driver's licence has expired thus not requiring the applicant to undertake all the requirements of a new applicant) is £130 which over a three year period would have been a cost to the driver of £350 (2 x £110 plus £130). It is proposed that the cost of an initial three yearly re-grant licence is £190 (a saving to the driver of £160 over a three-yearly period).
- 4.4 It is City Council policy that a Disclosure & Barring Service (DBS – previously the CRB) enhanced application and also a DVLA check is carried out every three years for existing drivers. In order to tie these three-yearly checks with the three-yearly driver's licence renewal it is proposed that on renewal the driver will have to undertake a three-yearly DBS enhanced application and a DVLA check. This will incur additional charges for drivers who last completed a DBS enhanced application and DVLA check one year and two years ago.

- 4.5 In 2009 the City Council gave a private hire operator the option to opt for a five-yearly licence rather than an annual licence. The cost of the five-yearly licence renewal in 2009 was £1625 and this amount has not been adjusted for inflation since 2009. It has been calculated that a typical private hire operators' renewal will now cost £1668.
- 4.6 The cost of a current five year first grant licence (when a new applicant operator is initially granted a licence) is £1700. It has been calculated that a typical private hire operator's first grant licence will now cost £1668 (a saving to the operator of £32).
- 4.7 The cost of a current five year re-grant licence (within a one month period after an operator's licence has expired) is £1725. It is intended to reduce this fee to £1708 (a saving to the operator of £17).
- 4.8 Currently a private hire operator is not entitled to a surrender refund for their licence. In order not to penalise a private hire operator who may want a licence for a shorter period of time than five years it is intended that an operator will be entitled to a private hire operator's licence surrender refund of £167 per complete six month period remaining on their licence.
- 4.9 The above changes are summarised in Appendix A.

5. Financial implications

The proposed fee structure has been designed to enable the continued operation of the Taxi Licensing Office on a self-financing basis. It is not intended to alter staffing levels in the short term whilst the changes are implemented but fee revisions and staffing levels will be routinely re-evaluated. Any shortfall in licensing income during the implementation period will be managed within existing resources. Fee revisions are explained in section 4 with a detailed list of proposed fees shown in Appendix A.

6. Legal implications

- 6.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the City Council can only charge a level of fees which is sufficient to cover the reasonable costs of administering and enforcing the hackney carriage and private hire licensing function.
- 6.2 The 1976 Act lays down a statutory procedure for varying fees for Hackney Carriage Proprietors (i.e. vehicle) licences, Private Hire vehicle licences and Private Hire Operators' licences. This procedure involves giving public notice of the proposed changes and a 28 day objection period. If objections are made, these must be considered by the Committee before the proposed fees, relating to those types of licences, can be implemented.
- 6.3 The above statutory procedure does not apply to varying fees for Hackney Carriage and Private Hire drivers' licences. However, it is considered simpler and fairer if the whole proposed fee table including drivers' licence fees, is advertised and the trade or public are given an opportunity to object to any item on the proposed fee table.
- 6.4 The issue of Hackney Carriage/Private Hire licences and the amount of any charge for their issue is excluded from being an 'executive function' by Regulation 2(6) and Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- 6.5 Section 10 of the Deregulation Act 2015 requires (from 1st October 2015) Hackney Carriage/Private Hire drivers' licences to be normally issued for a 3 year period and Private Hire Operators' licences to be normally issued for a 5 year period. Shorter licence periods can exceptionally be applied on a case-by-case basis where there are regulatory concerns.

7. Timescale

- 7.1 If this report is approved, the proposed 2015 changes in drivers' and private hire operators' licence fees will be advertised in the Coventry Telegraph on 27 August 2015. Any objections received can be considered at your meeting on the 29 September 2015. If no objections are received, the proposed fees will come into force on the 1 October 2015. Any licence renewals received in September but expiring from the 1 October onwards (applicants are allowed to renew their licence

up to one month in advance of expiry date) will be given a month's extension to their existing licence at no charge which will be then renewed three/five yearly accordingly.

8. Other implications

None

8.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint or Coventry Sustainable Community Strategy

Ensuring that the public are safe by assessing drivers are fit and proper.

8.2 How is risk being managed?

Ensuring that established procedures are followed.

8.3 What is the impact on the organisation?

None

8.4 Equalities / EIA

Not applicable

8.5 Implications for (or impact on) the environment

None

8.6 Implications for partner organisations?

None

8.7 Human Rights Act Implications

None

Report author(s):

Name and job title:

Mick Coggins, Senior Licensing & Enforcement Officer

Directorate:

Place Directorate

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Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Sarah Elliott	Head of Fleet & Waste Management	Place Directorate	12/08/2015	12/08/2015
Names of approvers for submission: (officers and members)				
Legal: Mark Smith	Senior Solicitor	Resources Directorate	12/08/2015	14/08/2015
Andrew Walster	Assistant Director – Street scene and Green space	Place Directorate	17/08/2015	17/08/2015
Cath Crosby	Lead Accountant – Business Partnering	Place Directorate	13/08/2015	13/08/2015

Hackney Carriage/Private Hire Licensing Proposed Fee Structure 2015 – Drivers’ Licences and Private Hire Operator’s Licences

CURRENT LICENCE TYPE	ANNUAL CURRENT FEE	THREE YEARLY PROPOSED FEE
Drivers (Hackney Carriage and Private Hire)		
First Grant Licence Issue	£90	£170
Renewal of Licence	£110	£170
Re-Grant of Licence	£130	£190
CURRENT LICENCE TYPE	FIVE-YEARLY CURRENT FEE	FIVE YEARLY PROPOSED FEE
Private Hire Operators		
First Grant Licence Issue	£1700	£1668
Renewal of Licence	£1625	£1668
Re-Grant of Licence	£1665	£1708
Private Hire Operator Licence Surrender Refund (£167 per complete six months remaining on licence)	N/A	N/A

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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