



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 29th September, 2015

Place

Committee Rooms 2 and 3 - Council House

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 1 - 6)
To agree the minutes of the Committee meeting held on 25 August and the Sub-Committee hearing held on 24 August 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. **Objection to Hackney Carriage and Private Hire Licensing Fee Review 2015 - Three yearly drivers' licences & five-yearly private hire operators' licences** (Pages 7 - 14)
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) Counterfeit Speakers (Pages 15 - 22)
 - (b) False Statements - and Non-Payment for Scrap Vehicles (Pages 23 - 30)
 - (c) Harassment and Illegal Eviction (Pages 31 - 36)

- (d) Illegal tobacco goods (Pages 37 - 42)
- (e) Non-compliance with a formal notice under the Housing Act 2004 (HA1) (Pages 43 - 54)
- (f) Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act (4) (Pages 55 - 60)

PLEASE NOTE: The first taxi applicant has been requested to attend Committee at 10.10 am

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

Reports of the Executive Director, Place on the following:
(Listing Officer: Mick Coggins – tel: 024 7683 2183)

- (a) Application for Grant of a Hackney Carriage Driver's Licence (Pages 61 - 68)
- (b) Application for Grant of a Hackney Carriage Driver's Licence (Pages 69 - 76)
- (c) Renewal of Hackney Carriage Driver's Licence (Pages 77 - 82)
- (d) Review of Hackney Carriage Driver's Licence (Pages 83 - 92)

10. 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, 21 September 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)

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 9.30 am
on Tuesday, 25 August 2015

Present:

Members: Councillor D Galliers (Chair)
 Councillor M Ali
 Councillor A Andrews
 Councillor L Bigham
 Councillor J Birdi
 Councillor G Crookes
 Councillor G Duggins
 Councillor L Harvard
 Councillor J Innes
 Councillor M Lapsa
 Councillor J Mutton
 Councillor R Thay (Deputy Chair)

Employees (by Directorate):

Place: C Coggins, C Hickin, A Walster

Resources: U Patel, M Smith

Apologies: Councillor J O'Boyle

Public Business

25. Declarations of Interest

There were no declarations of interest.

26. Minutes

The minutes of the Committee meeting held on 28 July 2015 and the minutes of the Sub-Committee hearings held on 3 and 21 July 2015 were signed as true records.

27. Exclusion of Press and Public

RESOLVED that, under Section 1004(A) 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 1 of that Schedule as indicated:

Minute no.	Subject	Relevant Paragraphs of Part 1 of Schedule 12A
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28. Outstanding Issues Report

There were no outstanding issues.

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

The Committee considered a report of the Executive Director of Place which sought approval for the adjustment and re-structuring of some of the fees for hackney carriage and private hire licensing.

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. From 1 October 2015 the Deregulation Act would require local authorities to generally issue drivers' licences for a three year period and private hire operators' licences for a five year period.

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.

A review 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.

The report provided a break down of the current costs and proposed costs and how the news costs were calculated. Furthermore, the report detailed the proposal and other options to be considered.

If approved, the proposed 2015 changes in drivers' and private hire operators' licence fees would be advertised in the Coventry Telegraph on 27 August 2015. Any objections received would be submitted for consideration at the Committee meeting on 29 September 2015. If no objections are received, the proposed fees would 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) would be given a month's extension to their existing licence at no charge which would then be renewed three/five yearly accordingly.

RESOLVED that the Committee approve the proposed fee structure detailed in Appendix A of the report for three yearly drivers' licences and five-yearly

private hire operator's licences subject to statutory consultation and the further consideration of any objections received.

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

Members congratulated the Taxi Licensing Office for organising an informative tour of the facilities and an excellent taxi demonstration.

31. Non-compliance with a Formal Notice under the Prevention of Damage by Pests Act (PDPA 3)

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 appropriate persons in respect of the alleged non-compliance with a formal notice issued under the above Act on the owners of 799 and 801 Foleshill Road.

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.

32. 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 items of urgent business.

(Meeting closed at 9.50 am)

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Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 24 August 2015

Present:

Members: Councillor J Birdi
Councillor D Galliers
Councillor L Harvard (Chair)

Employees (by Directorate):

Place: D. Cahalin-Heath

Resources: C. Sinclair, M. Smith

In attendance: J. Bowes, West Midlands Police
D. Murkett, West Midlands Police
D. Gardner, Coventry City Council
I. Iqbal, Licensee
M. Smith, Licensee's legal representative

Public Business

5. Appointment of Chair

RESOLVED that Councillor Harvard be appointed Chair for the meeting.

6. Declarations of Interest

There were no declarations of interest.

7. Licensing Act 2003 - Application for Review of Premises Licence

The Sub-Committee considered an application by West Midlands Police to review the premises relating to Highway Wines, 217 Sewall Highway, Coventry.

The review was called on the grounds that the licensing objective of prevention of crime and disorder had not been promoted due to the fact that drugs were found to be cultivated on the premises, with the knowledge and participation of the premises licence holder. The premises were currently licensed for the supply of alcohol off the premises from 11.00 to 00.00 Monday to Sunday.

The Sub-Committee considered the written review application and the oral submissions made during the hearing. In accordance with Section 4 of the Act, the Sub-Committee also had regard to Part 11 of the Secretary of State's guidance to licensing authorities concerning reviews.

The Sub-Committee accepted the evidence presented by the Police which indicated that the premises as a whole have been used for various unlawful activities (possession/display of illicit goods, sale of alcohol outside licensable hours and the production of controlled drugs). These activities appear to have

been on-going during 2014-15 despite previous warnings and seizures which also appear to have been ignored. It heard from the Police that the places from which the electricity and water were being supplied to the storeroom used to grow cannabis plants were readily accessible from the shop and did not regard it as being credible that the connection between what was happening in the storeroom and the shop would not have been obvious to a Designated Premises Supervisor exercising proper control. Having regard to paragraphs 11.27-11.28 of the Secretary of State's Guidance, it felt that these premises were being used to undermine the crime prevention objective and that the appropriate step in this case was the revocation of the licence.

RESOLVED that the premises licence is revoked, subject to appeal.

8. Any Other Business

There were no other items of business.

(Meeting closed at 11.45 am)



Public report Licensing & Regulatory Committee

Licensing & Regulatory Committee

29 September 2015

Name of Cabinet Member:

Not applicable

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Not applicable

Title:

Objection to 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:

At a Licensing & Regulatory Committee meeting on the 25 August 2015 as a result of the Deregulation Act 2015 requiring 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 decided to adjust and re-structure some of the fees for hackney carriage and private hire licensing.

The fee increases were advertised on the 27 August 2015 for introduction, subject to objections, on the 1 October 2015. This objection period ended on the 25 September 2015 subsequent to the publication of the agenda for this meeting and any further objections received between the submission date of 21 September 2015 and the 25 September 2015 will be reported at this meeting.

Recommendations:

The Licensing & Regulatory Committee is recommended to approve that;

1. That the objection at Appendix B is overruled for the reasons explained in this report, and the objector informed accordingly.
2. Any objections submitted since the publication of this report are considered.
3. The proposed fee changes are introduced as advertised or in amended form having regard to any objections received since the publication of this report.

List of Appendices included:

Appendix A – Proposed fees

Appendix B – Objection

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:

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

1. Purpose of Report

At a Licensing & Regulatory Committee meeting on the 25 August 2015 as a result of the Deregulation Act 2015 requiring 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 decided to adjust and re-structure some of the fees for hackney carriage and private hire licensing.

The fee increases were advertised on the 27 August 2015 for introduction, subject to objections, on the 1 October 2015. This objection period ended on the 25 September 2015 subsequent to the publication of the agenda for this meeting and any further objections received between the submission date of 21 September 2015 and the 25 September 2015 will be reported at this meeting.

2. Recommendation

It is recommended that the Licensing & Regulatory Committee:

The Licensing & Regulatory Committee is recommended to approve that;

1. That the objection at Appendix B is overruled for the reasons explained in this report, and the objector informed accordingly.
2. Any objections submitted since the publication of this report are considered.
3. The proposed fee changes are introduced as advertised or in amended form having regard to any objections received since publication of this report.

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.

3.3 The main issues/points raised by the person objecting are set out below with Taxi Licensing Office concerns in italics where applicable. The objector states that:

- His hackney carriage driver's badge expires on the 25 October 2015 and he wants to retire early in 2016
- He would like a one-year licence

The Deregulation Act 2015 makes it mandatory for local authorities to issue three-yearly drivers' licences from the 1 October 2015, however it also states or "for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case".

- If a one-year licence is not possible then he wishes not to have to undertake a DBS and DVLA check when his licence is renewed. The objector also notes that some Councils are allowing drivers apply for their three year licences when their DBS and DVLA checks expire

The Taxi Licensing Office believes that the renewal must be tied in with undertaking a DBS and DVLA check as the administration required to do otherwise would necessitate increases in the cost of the licence and would not be a robust process.

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 Subject to the approval of the fees it is intended that they will be introduced on the 1 October 2015

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

Tel and email contact:

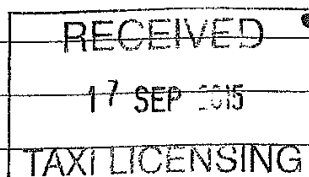
024 7683 2183 Taxi.Licensing@coventry.gov.uk

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	15/09/2015	17/09/2015
Names of approvers for submission: (officers and members)				
David Joy	Licensing & Regulatory Solicitor	Resources Directorate	15/09/2015	15/09/2015
Andrew Walster	Assistant Director – Street scene and Greenspace	Place Directorate	15/09/2015	
Cath Crosby	Lead Accountant – Business Partnering	Place Directorate	15/09/2015	17/09/2015

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



TAXI BADGE N. HD 0462.

MY TAXI LICENCE EXPIRES ON 25.10.15.

AS I WANT TO RETIRE EARLY IN 2016

I ASKED THE TAXI LICENSING IF I COULD HAVE
A ONE YEAR LICENCE INSTEAD OF A THREE YEAR
I WAS TOLD THAT IT HAD TO BE THREE YEARS
FROM 1.10.15.

I ASKED IF I GET ALL PAPERWORK MEDICAL DONE
CAN I RENEW THE LICENCE FOR 30.9.15.

I WAS TOLD SORRY BUT NO.

IF I HAD TO HAVE A THREE YEAR LICENCE,
CAN I NOT HAVE TO REAPPLY FOR DBS CHECK
AND DVLA CHECK UNTIL MY EXISTING ONES RUN
OUT IN OCT. 2016 WHEN I WOULD HAVE TO HAND
IN MY MEDICAL THEN.

IN MY CASE I WOULD HAVE RETIRED BY THEN
ANYWAY -

I HAVE NOTICED THAT SOME COUNCILS ARE LETTING
DRIVERS APPLY FOR THESE THREE YEAR LICENCES
WHEN THEIR DBS AND DVLA CHECKS EXPIRE

I HAVE BEEN IN TOUCH WITH THE GOVERNMENT
OMBUDSMAN - AND TOLD TO COMPLAIN TO WRITING
FIRST. -

IF I GET NO JOY TO GET BACK IN TOUCH WITH
THEM -



12.9.15

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

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