



Licensing and Regulatory Committee

Time and Date

9.30 am on Tuesday, 23rd January, 2024

Place

Diamond Rooms 1 and 2 - Council House

Public Business**1. Apologies****2. Declarations of Interest****3. Minutes** (Pages 1 - 8)

To agree the minutes of the Committee meeting held on 21 November 2023 and the Sub-Committee hearing held on 11 December 2023.

4. Hackney Carriage and Private Hire Licensing Fee Review 2024 (Pages 9 - 18)

Report of the Chief Legal Officer

5. Outstanding Issues Report

There are no outstanding issues to report.

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

Nil

Julie Newman, Chief Legal Officer, Council House, Coventry

Monday, 15 January 2024

Note: The person to contact about the agenda and documents for this meeting is Usha Patel/Tom Robinson
usha.patel@coventry.gov.uk/tom.robinson@coventry.gov.uk

Membership: Councillors F Abbott (Chair), S Gray, G Hayre, A Hopkins, J Innes, T Jandu, L Kelly, S Keough, R Lakha, R Lancaster (Deputy Chair), J Lepoidevin, A Masih, R Thay and CE Thomas

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Usha Patel/Tom Robinson**usha.patel@coventry.gov.uk/tom.robinson@coventry.gov.uk**

Agenda Item 3

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 21 November 2023

Present:

Members: Councillor F Abbott (Chair)
Councillor S Gray
Councillor A Hopkins
Councillor J Innes
Councillor S Keough
Councillor R Lakha
Councillor A Masih
Councillor R Thay
Councillor CE Thomas

Employees (by
Directorate):

Law and Governance S Ahmed, U Patel, T Robinson

Regulatory Services S Beechey

Apologies: Councillors G Hayre, T Jandu, R Lancaster and J Lepoidevin

Public Business

44. Declarations of Interest

There were no declarations of interest.

45. Minutes

The Minutes of the Committee meeting held on 24 October 2023 were agreed and signed as a true record.

46. 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, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

Minute No.	Subject	Relevant paragraphs of Part 1 of Schedule 12A
49	Applications for Grant/Suitability to hold Hackney Carriage & Private Hire Drivers'	1 & 3

	Licence	
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47. **Outstanding Issues Report**

There were no outstanding issues.

48. **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.

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

RESOLVED that, having considered the circumstances set out in the report of the Chief Legal Officer now submitted,

(a) The application for the Renewal of a Hackney Carriage Driver's Licence be granted with a written warning.

(Note: The Applicant attended the meeting in support of his case).

(b) The consideration of the application for the Grant of a Private Hire Driver's Licence be deferred to the next meeting of the Committee to give the applicant a further opportunity to attend the meeting with an interpreter to present his application.

50. **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 private business.

(Meeting closed at 10.20 am)

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Sub-Committee (Hearing)
held at 10.00 am on Monday, 11 December 2023

Present:

Members: Councillor F Abbott (Chair)
 Councillor S Gray
 Councillor J Innes

Employees (by
Directorate):

Law and Governance U Patel, T Robinson, A Wright

Streetscene and
Regulatory Services R Masih, C Simms

In Attendance: S Manhertz (Trainee Solicitor)
(Observers)

In Attendance: Applicant
(Interested Parties) Residents (Objectors, including one spokesperson)
 Resident (Witness on behalf of Applicant)

Public Business

16. **Appointment of Chair**

RESOLVED that Councillor F Abbott be appointed as Chair for the hearing.

17. **Apologies**

There were no apologies for absence.

18. **Declarations of Interest**

There were no declarations of interest.

19. **Application for a Premises Licence Application under the Licensing Act 2003**

The Sub-Committee considered an application for a Premises Licence in respect of The Cue Club, Kenpas Hall, rear of 51 Kenpas Highway, Coventry, CV3 6AW. The application requested the Sale of Alcohol (on sales) Sunday - Thursday 0900hrs – 0000hrs (midnight), Friday & Saturday 0900hrs – 0100hrs; Regulated Entertainment Sunday - Thursday 0900hrs – 0000hrs (midnight), Friday & Saturday 0900hrs – 0100hrs; and Late Night Refreshment Sunday - Thursday 2300hrs – 0000hrs (midnight), Friday & Saturday 2300hrs – 0100hrs.

Nine representations objecting to the application had been received from Other Persons. The representations stated that granting the application could undermine all four licensing objectives, namely The Prevention of Crime & Disorder, The

Protection of Public Safety, The Prevention of Public Nuisance, and The Protection of Children from Harm.

None of the Responsible Authorities had objected.

The Sub Committee's statutory duty was to consider the application and any representations and to take such steps as contained in the Licensing Act 2003 as it considered appropriate for the promotion of the licensing objectives.

The Licensing Officer gave a brief summary of the application and confirmed that all licensing formalities had been complied with.

The Applicant was invited to present her case and began by explaining that there was a need for cue sports within Coventry and that she had been searching for a suitable venue for a long time – somewhere members could enjoy cue sports and, secondary to that, have a drink if they wish. She confirmed that it was not a venue for people to have some drinks and play pool, for example.

The Applicant explained that it would be a "members only" club and that she wished for a later licence to allow senior and disabled players, who may take slightly longer to play, to take part. She explained that as soon as the last person leaves for the evening, the premises would close, regardless of time, and that no one would be allowed to enter for the final hour as no game could be completed in this time.

The Applicant stated that the equipment would be of a high standard, meaning she would not risk a member being drunk and disorderly on the premises because of the potential to damage the equipment.

A Witness in support of the Applicant explained that he lives on Kenpas Highway and that his rear garden backs on to the premises. He lives with his wife who is a GP, and two children who attend school in the area. He previously served as a Police Officer. The Witness stated that he first saw the application advertised in the locality and had concerns, as did other residents. The Witness left a message with the Applicant's accountant and within 45 minutes, the Applicant had called him.

The Witness described the Applicant as having taken the time to listen, explain and compromise. He explained that the traffic through Oak Tree Avenue is not a new problem and was currently used by gym users for access to the premises. The Witness suggested gates be erected at the end of the lane to resolve the issue, which the Applicant agreed to, at her own cost. As an ex-Police Officer, the Witness considered that the measures proposed by the Applicant would reduce anti-social behaviour, not increase it. He stated that the introduction of CCTV and lighting into the car park would stop this being used for drug taking and other illegal activity.

With regard to smoking, the Witness noted that a specific shelter away from the houses would be used as a designated smoking area, whereas at the moment gym users smoke anywhere, quite often close to nearby houses. With regard to noise, the Witness pointed out that this was a proposal for a cue club and he is yet

to encounter a noisy one. He also noted that there was already alcohol in the area as there is a public house, The Burnt Post, next door to the premises.

Finally, the Witness confirmed that he is not a cue player and would not be joining the club as a member but was confident as a resident and former Police Officer that the Applicant is a responsible owner and would bring positive change to the area.

The Sub Committee noted that initially the premises wanted a 24-hour licence once or twice a year, but this had been removed following consultation with the Police. The Applicant explained that they may in the future hold "snooker-thons" which was the thought behind the 24-hour licence but as this is not something they are sure about, they were happy to remove this from the operating schedule and in due course apply for a Temporary Event Notice if plans for a snooker-thon go ahead.

The Sub Committee asked whether the Applicant would be willing to agree to a condition that no one could enter the premises in the final hour. The Applicant said that she would, and that she wanted to avoid a situation whereby patrons of the Burnt Post would be looking for a final drink. The Applicant stated she had therefore put her closing times in line with the Burnt Post. She also reiterated that this would be a members only club, and no one would physically be able to gain access to the premises unless they are a member. There would be sign in sheets that could be inspected if needed.

The Objector, in presenting his case, identified himself as an unofficial spokesperson for the other residents who had objected but did not wish to speak themselves. The Objector stated that he had objected for a number of reasons. He believed that alcohol issues had been addressed but he still had concerns regarding the access from Oak Tree Avenue. The Objector explained that if the car park was full then Green Lane would be used for overflow which would create difficulties for residents. He also stated that children often use Oak Tree Avenue as a play area and whilst the Applicant can block it, she cannot stop people from parking there.

The Objector explained that the premises is surrounded on all sides and has narrow passageways that could lead to anti-social behaviour fuelled by alcohol. He was concerned that the enclosed nature of the premises could lead to more drug taking, and the introduction of another licensed premises could lead to an increase in underage drinking.

The Objector raised further concerns surrounding the potential for noise nuisance in the outdoor seating area, as well as patrons leaving late at night and the possibility of live music and entertainment should the licence be granted.

In response to questions asked by the Sub-Committee, the Solicitor confirmed that parking does not fall under the Licensing Objectives and the Sub Committee should therefore not take these issues into account when making their decision.

The Sub Committee asked the Objector whether he could offer any suggestions which may allay his concerns. He stated that a time restriction should be placed on

the outdoor area and that he would like to work with the Applicant concerning the access on Oak Tree Avenue.

The Sub Committee asked the Licensing Officer whether she was aware of any antisocial behaviour in the area at present. She confirmed that the Police had not objected indicating they had no concerns that the measures to be put in place would undermine the Prevention of Crime and Disorder Objective. The Objector further confirmed that he had no issues with anti-social behaviour in the area at present.

In summing up, the Objector explained that his real concerns surrounded the possibility for live entertainment as well as patrons not leaving quietly.

The Applicant summed up by stating that realistically, not many people would be spending time in the outdoor area as they would be there to play cue sports inside. She also reiterated that it is within the terms and conditions of membership that should any members cause issues to the club or surrounding residents, then their membership would be terminated.

The Applicant confirmed that should the licence be granted; she would be sending a letter to all local residents with her direct contact information so they could raise any issues with her immediately. She also confirmed that the car park would hold approximately 30 cars and that it was a members club whereby limited tables have to be booked, so she did not envisage a situation whereby members would need to use surrounding roads to park.

With regards to applying for regulated entertainment, the Applicant explained that this was so they could use microphones for presentation evenings and occasionally some competitors may want some walk on music but that the equipment in the club is hard to move once in place, so to move it for a band to come in would not be workable and was not part of their vision for the premises.

Finally, the Applicant was happy to confirm that she would not let anybody into the premises for the final hour – that being from 11pm in the week and midnight at the weekend.

In reaching its decision, the Sub Committee considered the application on its own merits, having regard to both national guidance and the Council's own policy. The Sub-Committee considered the application on its own merits and due consideration was given to the evidence available before them including the objections raised.

In accordance with the High Court's decision in *R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)*, the Sub Committee attached the appropriate weight to the fact that none of the Responsible Authorities, who are to be considered experts in their individual fields, had objected to the application.

In particular, the Sub Committee considered paragraph 9.15 of the Licensing Act 2003 Statutory Guidance which states that it is reasonable to expect the local authority exercising environmental health functions to make representations where

there are concerns about noise nuisance. It was noted that environmental health had not objected.

The Sub Committee fully considered the submissions provided by the Objectors as well as the oral submissions presented at the hearing. The Sub Committee noted that a large proportion of the submissions surrounded parking issues in the vicinity of the premises, which is not a consideration for the purpose of determining a licence application and therefore, this was not taken into account.

Having listened to all the evidence, the Sub Committee considered that the Applicant had demonstrated a willingness to take steps to prevent, so far as was possible, problems arising at or from the premises that may undermine the Licensing Objectives.

Having heard the representations from the Applicant and her witness, the Sub Committee was satisfied that the Applicant took her responsibilities in respect of the Licensing Objectives seriously, and that the concerns of local residents had been taken into account and this would continue to be the case. This was particularly evident given the time taken to prepare a comprehensive supporting document addressing the residents' concerns, and the ongoing relationship that the Applicant wishes to build with the local community.

The Sub Committee note that the procedure, should any local residents witness nuisance arising from the premises, is to make an immediate report to the Council's Environmental Health department. The Applicant will no doubt be aware that if the premises 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 for a Premises Licence in respect of The Cue Club, Kenpas Hall, rear of 51 Kenpas Highway, Coventry CV3 6AW be granted, subject to the following additional condition:

“No person is to be permitted entry to the premises from 2300hrs Sunday to Thursday, and 0000hrs (Midnight) Friday and Saturday.”

20. **Any Other Business**

There were no other items of business.

(Meeting closed at 12.20 pm)

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Coventry City Council

Public report

Licensing and Regulatory Committee

23rd January 2024

Name of Cabinet Member:

Not Applicable

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

Not applicable

Title:

Hackney Carriage and Private Hire Licensing Fee Review 2024

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive summary:

To inform members of a review of the current fees in relation to the licensing of Taxis and Private hire drivers, vehicles and operators and following the required consultation process, seek approval to adopt the proposed new fees and charges.

Recommendations:

It is recommended that the Licensing & Regulatory Committee:

- (A) Approve, subject to consideration of any comments received, the proposed fee changes detailed in Appendix A;
- (B) Authorise the Chief Legal Officer to make the necessary arrangements to advertise the applicable proposed fee variations; and
- (C) Note that if any formal objections are received in response to the statutory notice that a further report will be presented on the 12th of March 2024.

List of Appendices included:

Appendix A – Proposed fee changes

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 2024

1 Background

- 1.1 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.
- 1.2 In relation to drivers licence fees, Section 53(2) states; A district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration.
- 1.3 Section 70 states; A district council may charge such fees for the grant of vehicles and operators licences as maybe resolved from time to time and as may be sufficient to cover the cost of :
- 1. Carrying out inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed
 - 2. The reasonable cost of providing hackney carriage stands
 - 3. Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.
- 1.4 A fee review was undertaken on the 5th of December 2022, to address proposed charges made for the processing and issuing of licences to drivers and operators to reflect the changes and associated costs. These charges were implemented on the 8th of February 2023.
- 1.5 Fees should be reviewed on a regular basis, and a such a cost analysis has been completed looking at current fees and overall costs. Consequently, it is recommended that fees for the coming year be adjusted to accurately reflect the cost of the service.
- 1.6 Before the fees are set, the local authority must publish in a newspaper circulating in the area, details of the proposed variation and set a period of not less than 28 days for the receipt of any objections to the proposal.

2. Options considered and recommended proposal

- 2.1 It is recommended that the Licensing & Regulatory Committee:
- (A) Approve, subject to consideration of any comments received, the proposed fee changes detailed in Appendix A;
 - (B) Authorise the Chief Legal Officer to make the necessary arrangements to advertise the applicable proposed fee variations; and
 - (C) Note that if any formal objections are received in response to the statutory notice that a further report will be presented on the 12th of March 2024.

2.2 It is proposed to increase charges for the fees as indicated in the tables below:

Licence Fee	Current Charge		Proposed Charge		Increase	
	Hackney Carriage £	Private Hire £	Hackney Carriage £	Private Hire £	Hackney Carriage £	Private Hire £
New Applicant Driver Licence	675	595	715	630	40	35
Driver Renewal	315		335		20	
Additional Driver Licence	315		331		16	
Driver Re-Grant	335		352		17	
New Vehicle	255		270		15	
Vehicle Renewal	220		240		10	
Vehicle Re-Grant	240		250		10	
Vehicle Transfer	30		32		2	
Vehicle Registration Change	40		42		2	
New & Renewal Operator	2200		2300		100	
Operator Re-Grant	2240		2350		110	

Ancillary Fees	Current Charge £	Proposed Charge £	Increase £
DBS/DVLA Enquiry	65.00	70.00	5.00
Hackney Carriage Road Knowledge Test	55.00	60.00	5.00
Driver Training Course (initial applicants only)	110.00	115.00	5.00
3 Yearly Driver Refresher Training (Mandatory)	55.00	60.00	5.00
Vehicle MOT Inspection	60.00	65.00	5.00
Vehicle MOT Inspection (re-test)	30.00	32.50	2.50

2.3 It is proposed that there will be no change to any other Licences and charges at this time and the above changes are summarised in Appendix A.

2.4 These fees will be reviewed annually.

3. Results of consultation undertaken

3.1 The statutory notice requires a 28 day consultation period. Any objections received will be considered at a Licensing & Regulatory Committee meeting on the 12th of March 2024 before the proposed fee changes are approved. If no objections are received the proposed fee changes will be approved and effective from 1st of April 2024.

4. Timetable for implementing this decision

4.1 If this report is approved, the proposed 2024 changes in drivers' licence fees and vehicle tests/re-tests will be advertised in a local newspaper setting out the variation proposed, and public notices will be displayed in Council Offices and on the Council website for a 28-day period. These notices will describe the way objections can be received. Any objections received will be considered at the subsequent Licensing & Regulatory Committee meeting to be held on the 12th of March 2024. If no objections are received, the proposed fees will come into force on the 1st of April 2024.

5. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

5.1. Financial Implications

The proposed fee structure has been designed to enable the continued operation of the Taxi Licensing office on a self-financing basis. Future fee revisions and staffing levels will be routinely re-evaluated in line with any further legislative changes and financial considerations. Fee revisions are explained in paragraph 2.2 of this report, with a detailed list of proposed fee changes shown in Appendix A.

5.2. Legal Implications

5.2a 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.

5.2b 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.

5.2c 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 and public are given an opportunity to object to any item on the proposed fee table.

5.2d 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.

5.2e Running parallel with the public notice of the proposed changes, will be an official notification via text message to the trade informing them of the consultation, the proposed fees, and how to make objections within the 28-day consultation period.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

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

6.2. How is risk being managed?

Ensuring that established procedures are followed.

6.3. What is the impact on the organisation?

None

6.4. Equalities / EIA?

Not Applicable

6.5. Implications for (or impact on) climate change and the environment?

None

6.6. Implications for partner organisations?

None

Report author(s):**Name and job title:**

Mick Coggins, Senior Licensing & Enforcement Officer

Directorate:

Law and Governance – Regulatory Services

Tel and email contact:

024 7683 2183

Taxi.Licensing@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Names of approvers for submission: (officers and members)				
Legal: Syeda Ahmed	Barrister Regulatory Team	Law and Governance	05/01/2024	05/01/2024
Thomas Robinson/Usha Patel	Governance Services Officer	Law and Governance	05/01/2024	05/01/2024
Debbie Cahalin-Heath	Strategic Manager – Regulation and Communities	Regulatory Services	22/12/2023	03/01/2024
Davina Blackburn	Strategic Lead – Regulation and Communities	Regulatory Services	22/12/2023	22/12/2023
Cath Crosby	Finance Manager	Streetscene & Regulatory Service	05/01/2024	11/01/2024
Julie Newman	Chief Legal Officer	Law and Governance	05/01/2024	08/01/2024

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Hackney Carriage/Private Hire Licensing Proposed Fee Structure 2024 – Proposed Fee Increases

Drivers both Hackney Carriage (HC) and Private Hire (PH)

Cost for New Applicant's Driver Licence

	Current cost		Proposed cost	
	Hackney Carriage	Private Hire	Hackney Carriage	Private Hire
Application	95	95	100	100
DBS / DVLA Cost	65	65	70	70
Driver Training	110	110	115	115
Road Knowledge Test (HC only)	55	-	60	-
Driving / wheelchair assessment	100	75	105	80
Licence (3 year)	250	250	265	265
Total	£675	£595	£715	£630

Cost for Driver Licence Renewal

	Current cost	Proposed cost
DBS / DVLA Cost	65	70
Licence (3 year)	250	265
Mandatory CSE Refresher Training	55	60
Total	£370	£395

Cost for Additional Driver Licence (where a driver already has a HC or PH licence and requires the other licence PH or HC in addition)

	Current cost	Proposed cost
DBS / DVLA Cost (only if within 6 months of current licence expiring)	65	70
Additional Licence (3 year)	250	265
Total	£315	£335

Cost for Driver Licence Re-Grant (grant licence within 6 months of licence expiring)

	Current cost	Proposed cost
DBS / DVLA Cost	65	70
Licence (3 year)	270	285
Mandatory CSE Refresher Training	55	60
Total	£390	£415

Vehicles both Hackney Carriage and Private Hire

Cost for New Vehicle Licence

	Current cost	Proposed cost
Licence	255	270
Taxi Test	60	65
Total	£315	£335

Cost for Vehicle Licence Renewal

	Current cost	Proposed cost
Vehicle Licence	220	230
Taxi Test	60	65
Total	£280	£295

Cost for Vehicle Licence Re-Grant (grant licence within 90 days of licence expiring)

	Current cost	Proposed cost
Vehicle Licence	240	250
Taxi Test	60	65
Total	£300	£315

Operators

Cost for Operators (New and Renewal)

	Current cost	Proposed cost
Operator's Licence	2200	2300
Total	£2200	£2300

Cost for Operators Re-Grant of Licence (Grant licence within 6 months of licence expiring)

	Current cost	Proposed cost
Operator's Licence	2240	2350
Total	£2240	£2350

N.B. – Enhanced Disclosure Barring Service checks (DBS's) may be requested by the Taxi Licensing Office at anytime, if it is believed necessary, and the new pricing will be as in the above tables. Licensed hackney carriage and private hire drivers are required to undertake six-monthly DBS's unless they have subscribed to the DBS Update Service at a cost of £13 per annum.

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