



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Environment and Licensing Committee

Date: **Tuesday 9 February 2021**

Time: **2.10 pm**

Place: **Virtual Meeting**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Pat Bosworth
Councillor Boyd Elliott
Councillor Roxanne Ellis
Councillor Des Gibbons
Councillor Julie Najuk
Councillor Sam Smith
Councillor Clive Towsey-Hinton
Councillor John Truscott
Councillor Paul Wilkinson

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AGENDA

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1 Apologies for Absence and Substitutions.

2 To approve, as a correct record, the minutes of the meeting held on 12 January 2021 5 - 7

3 Declaration of Interests.

4 Proposed General and Taxi Licensing Fees for 2021/22 9 - 15

Report of the Corporate Director of Environment, Communities and Leisure

5 Any other item which the Chair considers urgent.

6 Exclusion of the Press and Public.

To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

7 Appeal against Director's Decision for Immediate Revocation of Hackney Carriage/Private Hire Licence - MK 17

Report of the Director for Communities and Leisure

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 12 January 2021

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Des Gibbons
Councillor Pat Bosworth Councillor Julie Najuk
Councillor Boyd Elliott Councillor Clive Towsey-Hinton
Councillor Roxanne Ellis Councillor Paul Wilkinson

Absent: Councillor Sam Smith and Councillor John Truscott

Officers in Attendance: C Allcock, A Dubberley and P Gibbs

55 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Smith.

56 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETINGS HELD ON 1 AND 8 DECEMBER 2020.

RESOLVED:

That the minutes of the above meetings, having been circulated, be approved as a correct record subject to clarifying minutes 53 and 54 to make clear the reasons that the applications were being deferred.

57 DECLARATION OF INTERESTS.

None received.

58 AIR QUALITY (TAXI AND PRIVATE HIRE VEHICLES DATABASE) (ENGLAND AND WALES) REGULATIONS 2019 – MEMORANDUM OF UNDERSTANDING 2020 REVISION

Consideration was given to a report of the Community Protection Manager which concerned the Memorandum of Understanding between the Council and the Department for Environment, Food and Rural Affairs, relating to the statutory requirement placed on all local authorities to submit information to DEFRA for the purposes of maintaining a database in relation to all Hackney Carriage and Private Hire Vehicles licensed by the Council.

RESOLVED to:

- 1) Note the obligations placed on the Council under the Regulations as outlined in the amended Memorandum of Understanding, signed by the Community Protection and Pollution Control Manager; and
- 2) Delegate authority to the Corporate Director of Director of Health and Community Wellbeing to sign Memorandums of Understanding biannually unless there is a significant change to the MOU.

59 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

60 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

61 APPLICATION FOR A 1 YEAR JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - CP

Consideration was given to a report of the Corporate Director of Environment, Communities and Leisure, which had been circulated prior to the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for CP.

CP attended the meeting.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from policy.

RESOLVED:

To refuse CP's application for a Joint Hackney Carriage/Private Hire Driver's Licence.

CP was advised of the right of appeal against the decision of the Committee.

APPLICATION FOR A ONE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - TUR

Consideration was given to a report of Corporate Director of Environment, Communities and Leisure, which had been circulated prior to the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for TUR. The application had been deferred from the previous meeting to allow the applicant to provide references. Members briefly adjourned to consider the references.

TUR attended the meeting.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from policy.

RESOLVED:

To refuse TUR's application for a Joint Hackney Carriage/Private Hire Driver's Licence.

TUR was advised of the right of appeal against the decision of the Committee.

The meeting finished at 3.30 pm

Signed by Chair:
Date:

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Report to Environment and Licensing Committee

Subject: Proposed General and Taxi Licensing Fees for 2021/22

Date: 9 February 2021

Author: Corporate Director of Environment, Communities and Leisure

Purpose

To approve a proposed increase to the general fees for 2021/22 shown in Appendix 1. To approve the proposed fees for taxi driver, operator and vehicle for 2021/22 as shown in Appendix 2, subject to advertisement requirements being satisfied.

Recommendation(s)

THAT:

- 1) Members approve the fees and charges detailed in Appendix 1 for 2021/22 with effect from 1 April 2021.**
- 2) Members approve the fees for taxi driver, operators and vehicle licences as detailed in Appendix 2 for 2021/22 for advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976, such fees to automatically come into force if no objections are received within the statutory period. If any objections are received within the statutory period that these be referred back to Committee for consideration in accordance with the legislation.**

1 Background

- 1.1** The fixing of fees proposed in the attached fee schedules at Appendix 1 and 2 for 2021/22 is a function of the Environment and Licensing Committee as laid out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

- 1.2 The proposed fees and charges for 2021/22 are designed to ensure that the service operates towards a full cost recovery basis. All fees in Appendix 1 for 2021/22 show an increase of fees from 2020/21, this increase reflects increased costs and a fuller assessment of the total costs of providing the service. The service has historically been delivered at a cost to the Council and requires a subsidy to break even. The increases in fees over the past few years have been made to progress towards a full cost recovery model, this year's increase brings the service a step closer to a full cost recovery model however, it is anticipated that the service will still be a cost to the Council and still require a subsidy to breakeven.
- 1.3 During the COVID-19 pandemic in 2020 Members resolved not to increase the fees set out in Appendix 2, for taxi driver, operator and vehicle licences for the financial year 2020/21. This was in recognition of the continuing difficulties faced by the taxi trade during the pandemic and the fees remained at the 2019/20 level.
- 1.4 Members are asked to take into consideration, however, that in recent years there has been an increase in licensing enforcement investigations involving complex cases as well as high visibility compliance checks across the region which has placed a further burden on existing resources.
- 1.5 With specific reference to taxis, The Local Government (Miscellaneous Provisions) Act 1976 ('the Act') permits the Council to set vehicle and operator licence fees, but where this fee exceeds £25, as is the case at Gedling, a public notice of the proposed fees must be advertised in a local newspaper circulating in the district. The advertisement must advise where any objections to the fee changes can be lodged and must allow a period of at least 28 days from publication of the notice for objections to be lodged. If no objections are made or if all objections are withdrawn the fees come into effect at the end of the 28 day period on the date specified in the notice. Where objections are not withdrawn, the Council must then consider the objections before determining the fee level and setting a further date, not later than two months after the first specified date, on which the new fees shall come into force.
- 1.6 In relation to taxi drivers' licence application fees in Appendix 2, there is no statutory requirement to publicise any changes in the level of fees. However, as with the vehicle and operator licence fees, Gedling will publish details of the proposed fees for 2021/22 and provide for a period of 28 days from publication for any objections to the fees to be lodged with the Council. Any such objections will be considered by the Council before the proposed fees are finally approved. This 28 day period will be a period of consultation, the results of this will be considered before final determination of these fees.

- 1.7 In relation to the fees listed in the attached Appendix 1 for 2021/22 there is no requirement to advertise any increases in fees and again, the fees have been calculated on a cost recovery basis. All fees with the exception of the application for a sex establishment license are solely to cover the costs of administering the application, whether the application is approved or not. For sex establishment applications, the fee is broken down into part A, paid by all for an application and part B, paid additionally by successful applicants to cover the extra costs of administering and enforcing the licence. This approach is in line with the Provision of Services Regulations 2009.

2 Proposal

- 2.1 It is proposed that the fees and charges detailed in Appendix 1 for 2021/22 be approved to come into force from 1 April 2021.
- 2.2 In respect of the taxi driver licence fee, operator licence fee and vehicle licence fee, it is proposed that the fees outlined in Appendix 2 for 2021/22 be approved for advertisement in accordance with the Act and subject to no objections being received by the specified date (28 days after publication) those fees will come into effect on 1 April 2021. If objections are received, in line with the Act the Council will have to consider the objections and set a further date no later than 2 months after the first specified date on which the new fees would come into force.

3 Alternative Options

- 3.1 That the fee increase is not approved resulting in the Council not operating the service at full cost recovery.

4 Financial Implications

- 4.1 The proposed fees and charges are designed to ensure that the service operates on a full cost recovery basis

5 Legal Implications

- 5.1 None

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 - Proposed general fees for the Public Protection Service for 2021/22

8.2 Appendix 2 – Taxi driver, vehicles and operator proposed fees 2021/22

9 Background Papers

9.1 None

Statutory Officer approval

Approved by:

Date: 1/2/2021
Chief Financial Officer

Approved by:

Date: 1/2/2021
Monitoring Officer



Proposed Public Protection fees 2021/22

Type of Fee	2020/21 - £	Approx.% increase	2021/22
Taxi Licence			
Knowledge Test Fee	70	5.5	74
Vehicle Inspection	88	5.5	93
Vehicle Re-test (including after accident damage/enforcement action)	55	5.5	58
Meter Test	40	5.5	42
Transfer of vehicle licence	15	5.5	16
Change of name and/or address on a licence	15	5.5	16
Replacement badge fee	19.50	5.5	20.50
Replacement paper licence	15	5.5	16
Replacement plate fee plus plate deposit			
Vehicle registration change	15	5.5	16
Replacement badge holder	6.50	5.5	7
Massage and Special Treatment			
Special treatment involving massage	223.50	5.5	235.50
Special treatment (no massage – eg. only sunbed/laser)	208.50	5.5	220
Laser treatment - first application plus MST/ST fee	289.50	5.5	305.50
Laser treatment-renewal plus MST/ST	146	5.5	154
Laser treatment-variation	289.50	5.5	305.50
Registrations – Ear piercing/tattooing/electrolysis/ acupuncture			
Person	81	5.5	85.50
Premises	175	5.5	185
Sex Establishments			
Part A	4074	5.5	4298
Part B	3726	5.5	3930
Mobile Home			
New site licence	648	5.5	683
Transfer/amendment	217	5.5	229
Annual pitch	7	5.5	7.50

Animal Activity			
Initial application			
Application fee	184.50	5.5	194.50
Grant of licence fee	138	5.5	145.50
For dog breeding and horse riding establishments there will be an additional fee to cover the costs of the vet's fees for the inspection.			
Renewal application			
Application fee	149	5.5	157
Grant of licence fee	114.50	5.5	120.50
For horse riding establishments there will be an additional fee to cover the costs of the vet's fees for inspection.			
Rescore fee	209.50	5.5	221
Licence variation fee	46.50	5.5	49



Proposed Public Protection fees 2021/22

Type of Fee	2020/21 - £	Approx.% increase	2021/22 - £
Taxi Licence			
Driver Licence Fee 1 year	150	5.5	158
Driver Licence Fee 3 year – (If a 3 year licence is refused or not granted for any reason £100 of the application fee will be refunded to the applicant)	388	5.5	409
Vehicle Licence Fee	146	5.5	154
Operator's Licence 1 year	111 plus 111 per additional vehicle	5.5	117 plus 117 per additional vehicle
Operator's Licence 3 year	588 plus 166 per additional vehicle	5.5	620 plus 175 per additional vehicle

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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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