

Agenda

Environment and Licensing Committee

Date: **Tuesday 18 January 2022**

Time: **4.15 pm**

Place: **Council Chamber**

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 Rachael Ellis
Councillor Des Gibbons
Councillor Julie Najuk
Councillor Alex Scroggie
Councillor Martin Smith
Councillor Sam Smith
Councillor Clive Towsey-Hinton
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 30 November 2021** 5 - 6
- 3 **Declaration of Interests.**
- 4 **Proposed General and Taxi Licensing Fees for 2022/23** 7 - 13
Report of the Head of Environment
- 5 **Health and Safety Prosecution under the Health and Safety at Work Etc. Act 1974 - Section 3** To Follow
Report of the Senior Legal Officer.
- 6 **Any other item which the Chair considers urgent.**
- 7 **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.
- 8 **Change of Circumstances of Hackney Carriage/Private Hire Driver - MM** 15 - 28
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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 30 November 2021

Councillor Marje Paling (Chair)

Present: Councillor Sandra Barnes Councillor Alex Scroggie
Councillor Pat Bosworth Councillor Martin Smith
Councillor Roxanne Ellis Councillor Sam Smith
Councillor Des Gibbons Councillor Paul Wilkinson
Councillor Julie Najuk

Absent: Councillor Nicki Brooks and Councillor Clive Towsey-Hinton

Officers in Attendance: C Allcock, J Brough, A Dubberley, P Gibbs,
B Hopewell and R Pentlow

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence was received from Councillors Brooks and Towsey-Hinton.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 2 NOVEMBER 2021

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS.

None.

4 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

5 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.

**6 CHANGE OF CIRCUMSTANCES OF HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER JM**

Consideration was given to a report of the Director of Environment Communities and Leisure, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

The complainant attended the meeting and addressed the committee.

JM attended the meeting and also addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To revoke the Hackney Carriage/Private Hire Driver's Licence held by JM, with immediate effect.

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

**7 CHANGE OF CIRCUMSTANCES OF HACKNEY
CARRIAGE/PRIVATE HIRE DRIVER - MM**

The Committee was informed that MM's representative had requested that consideration of the report was deferred until the next meeting of the Committee.

RESOLVED:

To defer consideration of the report to the next meeting of the Committee. If MM does not attend, the Change of Circumstance will be considered in his absence.

The meeting finished at 6.15 pm

Signed by Chair:
Date:



Report to Environment and Licensing Committee

Subject: Proposed General and Taxi Licensing Fees for 2022/23

Date: 18th January 2022

Author: Head of Environment

Purpose

To approve a proposed increase to the general fees for 2022/23 shown in Appendix 1. To approve the proposed fees for taxi driver, operator and vehicle for 2022/23 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 2022/23 with effect from 1 April 2022.**
- 2. Members approve the fees for taxi driver, operators and vehicle licences as detailed in Appendix 2 for 2022/23 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 2022/23 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 2022/23 are designed to ensure that the service operates towards a full cost recovery basis. All fees in Appendix 1 for 2022/23 show an increase of fees from 2021/22, 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. During 2021/22 fees were raised to reflect the increase in applications being received and enforcement work carried out as the lockdown restrictions were lifted. Now that the trade is back to pre-pandemic levels and above in terms of public demand, the administration and enforcement workload for the Licensing Team is back to pre-pandemic levels.
- 1.4 Members are also asked to take into consideration that, notwithstanding the recent lockdowns, 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 2022/23 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 2022/23 there is no requirement to advertise any increase 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 2022/23 be approved to come into force from 1 April 2022.
- 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 2022/23 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 2022. 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 2022/23

8.2 Appendix 2 – Taxi driver, vehicles and operator proposed fees 2022/23

9 Background Papers

9.1 None



Proposed Public Protection fees 2022/23

Type of Fee	2021/22 £	Approx.% increase	2022/23 £
Taxi Licence			
Knowledge Test Fee	74	5.5	78
Vehicle Inspection	93	5.5	98
Vehicle Re-test (including after accident damage/enforcement action)	58	5.5	61
Meter Test	42	5.5	44
Transfer of vehicle licence	16	5.5	17
Change of name and/or address on a licence	16	5.5	17
Replacement badge fee	20.50	5.5	21.50
Replacement paper licence	16	5.5	17
Replacement plate fee plus plate deposit	18	5.5	19
Vehicle registration change	16	5.5	17
Replacement badge holder	7	5.5	7.5
Massage and Special Treatment			
Special treatment involving massage	235.50	5.5	248.50
Special treatment (no massage – eg. only sunbed/laser)	220	5.5	232
Laser treatment - first application plus MST/ST fee	305.50	5.5	322.50
Laser treatment-renewal plus MST/ST	154	5.5	162.50
Laser treatment-variation	305.50	5.5	322.50
Registrations – Ear piercing/tattooing/electrolysis/acupuncture			
Person	85.50	5.5	90.50
Premises	185	5.5	195
Sex Establishments			
Part A	4298	5.5	4534
Part B	3930	5.5	4146
Mobile Home			
New site licence	683	5.5	720.50
Transfer/amendment	229	5.5	241.50
Annual pitch	7.50	5.5	8

Animal Activity			
Initial application			
Application fee	194.50	5.5	205
Grant of licence fee	145.50	5.5	153.50
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	157	5.5	165.50
Grant of licence fee	120.50	5.5	127
For horse riding establishments there will be an additional fee to cover the costs of the vet's fees for inspection.			
Rescore fee	221	5.5	233
Licence variation fee	49	5.5	51.50



Proposed Public Protection fees 2022/23

Type of Fee	2021/22 £	Approx.% increase	2022/23 £
Taxi Licence			
Driver Licence Fee 1 year	158	5.5	166.50
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)	409	5.5	431.50
Vehicle Licence Fee	154	5.5	162.50
Operator's Licence 1 year	117 plus 117 per additional vehicle	5.5	123.50 plus 123.50 per additional vehicle
Operator's Licence 5 year	620 plus 175 per additional vehicle	5.5	654 plus 184.50 per additional vehicle

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