



Oadby and Wigston Borough Council

TO COUNCILLOR:

G S Atwal
Ms A R Bond
G A Boulter
Mrs L M Broadley
F S Broadley

Ms K Chalk
Miss M V Chamberlain (Vice-
Chair)
M H Charlesworth
R F Eaton
B Fahey

J Kaufman
Mrs H E Loydall (Chair)
K J Loydall
R H Thakor

Dear Councillor et al,

I hereby summon you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held at the Council Offices, Station Road, Wigston on **THURSDAY, 14 JANUARY 2016 at 7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
06 January 2015

Mark Hall
Chief Executive

AGENDA

PAGE NO'S

- 1. Apologies for Absence**
- 2. Appointment of Substitutes**
- 3. Declarations of Interest**

Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.

- 4. Minutes of the Previous Meeting held on 01 October 2015** **1 - 5**

To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.

- 5. Petitions and Deputations**

To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.

- 6. 12-Month Motor Insurance Certificates Consultation** **6 - 9**

- 7. Private Hire Operators' Licence Fees Update**
- 8. Child Sexual Exploitation (Verbal Update)**
- 9. Miscellaneous Licensing Matters (Verbal Update)**

10 - 11

**MINUTES OF A MEETING OF THE LICENSING AND REGULATORY COMMITTEE
HELD AT THE COUNCIL OFFICES, WIGSTON ON THURSDAY 01 OCTOBER 2015
COMMENCING AT 7:00 PM**

<u>IN ATTENDANCE:</u>		
Chairman - Mrs H E Loydall Vice Chairman - Miss M V Chamberlain		
COUNCILLORS:		
G S Atwal	Ms A R Bond	G A Boulter
M H Charlesworth	R F Eaton	B Fahey
J Kaufman	K J Loydall	
OFFICERS IN ATTENDANCE:		
S Eyre	J Mortell	S Illston
S Ball		

Min Ref.	Narrative	Officer Resp.
7.	<p>APOLOGIES FOR ABSENCE</p> <p>An apology for absence was received from Councillors F S Broadley, Mrs L M Broadley, Ms K Chalk and R H Thakor.</p>	
8.	<p>MINUTES OF PREVIOUS MEETING HELD ON 22 JULY 2015</p> <p>RESOLVED THAT:</p> <p>The minutes of the previous meeting of the Committee held on 22 July 2015 be taken as read, confirmed and signed.</p>	
9.	<p>DECLARATIONS OF INTEREST</p> <p>Councillor G S Atwal declared that he was a taxi driver by profession for Leicester City Council.</p>	
10.	<p>APPOINTMENT OF SUBSTITUTES</p> <p>None.</p>	
11.	<p>PETITIONS AND DEPUTATIONS</p> <p>None.</p>	
12.	<p>ADMISSION OF ADDITIONAL ITEM</p> <p>RESOLVED THAT:</p> <p>By reason of special circumstance in that an additional item of business needed to be considered before the next meeting of the Licensing and Regulatory Committee, the item entitled "Ultra-Low Emission Vehicles</p>	

	(ULEV) Taxi Scheme' was considered at this meeting as a matter of urgency in accordance with Section 100B(4)(B) of the Local Government Act 1972.	
13.	<p>ULTRA-LOW EMISSION VEHICLE (ULEV) TAXI SCHEME</p> <p>The Committee gave consideration to the additional item admitted as delivered by the Interim Licensing Team Leader which should be read together with these minutes as a composite item.</p> <p>He requested Members to approve an aliquot financial contribution of £1,775 to be made by this Council from the licensing budget for the purposes of employing the services of a consultant. This was in order to re-submit an initially unsuccessful joint-bid to potentially secure funding from a second allocation of a £20m fund made available by the Office for Low Emission Vehicles (OLEV) to local authorities to allow operators to increase the uptake of low emission (i.e. electric-powered) taxis and thus improve air quality in urban areas. The bid was reported to be submitted in partnership with the other six District Councils in Leicestershire led by Leicester City Council, with each authority making a contribution relative to its size and number of licensed hackney carriages and private hire vehicles. It was stated that the amount(s) of the second allocation and subsidy per vehicle was yet to be confirmed in figures by the OLEV.</p> <p>Councillor Ms A R Bond enquired as to the requirements to be made in respect of an infrastructure system of accessible charging stations throughout the Borough. The Interim Licensing Team Leader advised that information on the same was yet to be received from the OLEV.</p> <p>The Chair advised Councillor G S Atwal that he be mindful of any potential pecuniary interest associated with this item, and the prospect of any subsequent challenges attached thereto, whilst determining his individual voting preference given the Member's earlier declaration.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>A financial contribution of £1,775 be made by this Council for the purposes of employing the services of a consultant in order to submit a joint-bid under the Ultra-Low Emission Vehicle (ULEV) Taxi Scheme.</p>	
14.	<p>REVIEW OF GAMBLING ACT STATEMENT OF LICENSING POLICY</p> <p>The Committee gave consideration to the report and appendices delivered by the Interim Licensing Team Leader as set out in the report (at pages 4 - 36) which should be read together with these minutes as a composite document.</p> <p>It was stated that the reviewed Statement of Licensing Policy (hereafter "the Policy") sought Members' recommendation to be brought before the next meeting of the full Council on 08 December 2015 for approval ahead of its enforcement commencing on 31 January 2016. He advised that the Policy was, substantively, a reaffirmation of the preceding edition and additionally incorporating comprehensive guidance as to: (i) the definition of a "track" under the Gambling Act 2005 (at Part 21, pages 22 - 29); (ii)</p>	

	<p>the requirement of local risk assessments (at Part 8, page 13); and (iii) the provision of a local area profile, detailing a total of eight gambling premises within the Borough (at Part 9, pages 13 - 14). The Interim Licensing Team Leader was of the opinion that the Borough was not susceptible to a significant risk posed by gambling institutions.</p> <p>He reported that the Policy was sent out for consultation for a period of 5 weeks commencing on 10 August and closed on 20 September, drawing Members' attention to the notable representations made by the Bingo Association, the Racecourse Association and the Association of British Bookmakers (upon the instructions of Gosschalks Solicitors) as set out in the Policy (at pages 5 and 6). A reference was also made to a full list of consultees in Appendix 2 of the Policy (at page 36).</p> <p>Councillors G A Boulter and Ms A R Bond sought further clarification as to the inclusive definition of a "track" pertaining to other unspecified venues and events which accommodate the provision of betting activity.</p> <p>The Interim Licensing Team Leader advised Members' that the term "track" was to be given a wide construction so to include any such 'other premises on any part of which a race or other sporting event takes place or is intended to take place', as per the 2005 Act. It was stated that this would also include temporary and occasional use notices and that the list provided was non-exhaustive of the types of venues and events envisaged within the remit of the Act (at page 22 of the Policy).</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The reviewed Statement of Licensing Policy be recommended to the full Council on 08 December 2015 for approval.</p>	
15.	<p>CHANGE TO PRIVATE HIRE OPERATOR BOOKINGS</p> <p>The Committee gave consideration to the report delivered by the Licensing Officer as set out (at page 37) which should be read together with these minutes as a composite document.</p> <p>The Licensing Officer summarised the effects of the Deregulation Act 2015, Section 11 as effectively permitting private hire operators within the Borough from 01 October 2015 to sub-contract bookings to other operators based in other districts (subject to the specified exceptions).</p> <p>RESOLVED THAT:</p> <p>The changes to the legislation be noted.</p>	
16.	<p>ADDITIONAL LICENCE PERIODS FOR PRIVATE HIRE OPERATORS AND COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCES</p> <p>The Committee gave consideration to the report delivered by the Licensing Officer as set out (at pages 38 - 39) which should be read together with these minutes as a composite document.</p>	

The Licensing Officer stated that the default obligation incumbent upon the Council was to issue Private Hire Operator and Combined Hackney Carriage/Private Hire Driver Licences for a valid licence period of five and three years, respectively, and that the effects of the Deregulation Act 2015, Section 10 was to afford the provision to issue licences for a shorter licence period. It was emphasised that such a provision was to operate as an exception only upon consideration of a valid business case. It was stated that no changes were proposed in respect of any existing fees for the default licence periods and proposed a new fee structure to account for, and in proportion to, shorter license periods.

Members were further advised that only any change in licence fees for a Private Hire Operator Licence must be advertised in a local newspaper circulating in the area and a period of 28 days allowed for any objections to be received. It was stated that any objections must be considered within two months of the end of the objection period before any fee change can be implemented: the Council must then decide whether to implement the proposed fee, or implement a revised fee.

The Licensing Officer invited Members to approve the recommendations and delegations set forth in the report (at pages 38 – 39).

Councillor M H Charlesworth welcomed the proposal whilst acknowledging receipt of an objection received on 28 September 2015 and noting the contents therein.

The Licensing Officer confirmed that he was in receipt of the said objection and that, although the contents were a matter for consideration by this Council's legal department, it did not ostensibly present any substantive concerns. The Chair confirmed that a letter would be drafted by the Council's legal department to respond to the objector and that a copy of the response would be distributed to Members, accordingly.

Councillor J Kaufman enquired as to whether the proposed fee structure was similar to that adopted by other local authorities. The Licensing Officer confirmed that a broadly-similar fee structure had been adopted.

Councillor Ms A R Bond vacated the Council Chamber at 7:38 pm.

UNANIMOUSLY RESOLVED THAT:

- (1) The changes to both fees and operational licence periods be approved;
- (2) The Interim Licensing Team Leader, the Licensing Officer and the Legal and Licensing Assistant be granted delegated authority to consider written requests submitted for licences to be granted for a shorter licence period;
- (3) The default position for the issue of licences be five years for a Private Hire Operator and three years for a Combined Drivers Licence be approved, with all latter applications being subject to Disclosure and Barring Service (DBS) and Driver Vehicle Licensing Agency (DVLA) checks and medicals every 6 years (or annually if the applicant is over 70 years of age); and
- (4) The Chair, Vice-Chair and a third Member be delegated to

	consider any objections to the proposed fee, and if appropriate, revise the proposed fees and agree an implementation date.	
17.	CHILD SEXUAL EXPLOITATION (VERBAL UPDATE)	
	<p>Councillor Ms A R Bond returned to the Council Chamber at 7:42 pm.</p> <p>The Committee gave consideration to the verbal update delivered by the Interim Licensing Team Leader which should be read together with these minutes as a composite item.</p> <p>The Interim Licensing Team Leader reported that since the last meeting of the Committee on 22 July 2015, he attended a meeting at Leicestershire County Council at which the Child Sexual Exploitation Group Leader and other District Authority Leaders were present.</p> <p>He advised Members that it was still Leicester City Council's intention to provide mandatory Child Sexual Exploitation (CSE) awareness briefings to its hackney carriage and private hire vehicle drivers from the beginning of November 2015. It was said that the content of the proposed training and assessment package was yet to be confirmed by Leicester City Council and that, once given, ought to be implemented across the entire Country in the hope to set a unified and consistent benchmark. It was added that further information was yet to be forthcoming.</p> <p>The Chair endorsed the policy arguments behind the initiative although expressed a concern as to the intended revocation of licences from licence holders for non-attendance at CSE awareness briefings. She was hopeful that taxi drivers within the Borough would welcome the initiative in order to better safeguard children and young people.</p> <p>Councillor J Kaufman stated that he was in support of the initiative and the notable inclusion of mandatory attendance at CSE awareness briefings as part of the issuing conditions of any given licence.</p> <p>RESOLVED THAT:</p> <p>The verbal update be noted.</p>	

The Meeting Closed at 7:49 PM

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CHAIRMAN
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THURSDAY 14 JANUARY 2016
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Agenda Item 6



Licensing and Regulatory Committee	Thursday, 14 January 2016	Matter for Information and Decision
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Title: 12-Month Motor Insurance Certificates Consultation

Author: Stephen Eyre – Interim Licensing Team Leader

1. Introduction

The purpose of this report is to provide Members with an update in respect of the matter of the 12-month motor insurance certificates consultation.

2. Recommendation

It is recommended that:

- a. a 6-week consultation period takes place; and
- b. the Committee support the consultation.

3. Information

On 22 July 2015, a report was brought to the Licensing and Regulatory Committee relating to the Council's stance on 7-day motor insurance certificates being produced by Hackney Carriage and Private Hire Vehicle licence holders.

At that time it was felt that by accepting 7-day motor insurance certificates, there was a chance that the Borough's public may be put at risk of drivers failing to renew their insurance. The Committee agreed that only 12-month motor insurance certificates would be accepted in the future.

Unfortunately, the history behind the situation was not fully understood and the response by insurance companies was to instigate Judicial Review proceedings. One of the main strands contained in the Judicial Review papers was that the Council had not consulted on the matter. The Council has responded that they are willing to undertake a full consultation and therefore proceeding with the Judicial Review is unnecessary. This omission is now being rectified and the draft consultation document can be found at Appendix 1.

The document is aimed at three parties: current Hackney Carriage and Private Hire Vehicle licence holders, the Police and the insurance companies/brokers acting for licence holders, with questions tailored for each.

The Council's stance on the matter is clear in that should all licence holders take up the 7-day motor insurance option, it would create an extra workload impacting on the quality of service given by the Licensing department. There could be safety issues for the Borough's public if drivers forget to renew on a weekly-basis.

It is proposed that a six-week consultation period takes place and that the Committee support the consultation. The result of the consultation will be brought back to the next

Licensing and Regulatory Committee on 07 April 2016.

Email: stephen.eyre@oadby-wigston.gov.uk

Tel: (0116) 257 2677

Implications	
Equalities	No significant implications.
Financial	As in any proceedings, potential for costs awards which will be increased if it goes to a full hearing.
Legal	The willingness to undertake a consultation exercise has been put forward by the Council to mitigate the claim.
Risk	No significant implications.

Draft 12-Month Motor Insurance Certificates Consultation

The following will be amended into a formal letter and amended in such a way to make it specific for the three parties being consulted. The matter will also be put on the web-site to make it available for all residents of the Borough.

Oadby and Wigston Borough Council (BC) invites comments from the trade and any other interested parties in relation to a consultation on licensed vehicle insurance certificates.

The Council currently accepts 7-day insurance certificates but would like to cease this practice in favour of 12-month certificates. The reason for this is as follows:

- a) If all licence holders (there currently 153 licensed vehicles) opted for 7-day certificates it would create a large volume of administrative work for the Council which would impact on the quality of service offered to other licensing applicants and licence holders.
- b) There would be an increased chance that licence holders inadvertently fail to keep their policies up to date consequently use their vehicles on the road without insurance.
- c) The public of Oadby, Wigston and South Wigston may be exposed to travelling in uninsured vehicles.

THE TRADE

To help Oadby and Wigston Borough Council gain a better understanding of the issues surrounding hackney carriage and private hire insurance would you please answer the following questions.

- 1) If you are a current Oadby and Wigston BC hackney carriage or private hire vehicle licence holder do you provide 7-day insurance certificates to the Council? If so what is the benefit to your hackney carriage or private hire operation? (go to Question 3)
- 2) If you are a current Oadby and Wigston BC hackney carriage or private hire vehicle licence holder, have you considered obtaining 7-day insurance certificates in the past? If so, why did you decide against the move?
- 3) As a matter of policy, should the Council accept 7-day insurance certificates – ‘Yes’ or ‘No’. Please explain your reasoning.
- 4) Have you any other comments that might help the Council make an informed decision on the matter that would be of benefit to the public, licence holders and the Council.

THE POLICE

Has the Leicestershire Police any comments that would help us to decide whether 7-day insurance certificates are appropriate for the District’s licensed vehicles and unlikely to cause any issues with uninsured driving?

INSURANCE COMPANIES AND BROKERS

- 1) Does your company/brokerage provide 7-day insurance certificates for Oadby and Wigston BC hackney carriage and private hire vehicle licence? If so in what way does this service assist the licence holders?

- 2) In what way would licence holders be disadvantaged if the Council does adopt a policy to accept 12-month certificates only?
- 3) Have you any other comments that might help the Council make an informed decision.

The consultation will run from *DD/MM/2016* to *DD/MM/2016*. Your contribution is welcomed and you may reply by:

- a) Email to licensing@oadby-wigston.gov.uk; or
- b) Post to Oadby and Wigston Borough Council, Station Road, Wigston, LE18 2DR.

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Agenda Item 7



Licensing and Regulatory Committee	Thursday, 14 January 2016	Matter for Information and Decision
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Title: Private Hire Operators' Licence Fees - Update

Author: Stephen Eyre – Interim Licensing Team Leader

1. Introduction

The purpose of this report is to provide Members with an update in respect of the matter of Private Hire Operators' (PHO) Licence Fees.

2. Recommendation

This matter has been brought before this Committee as a discussion item.

It is either recommended that:

- a. The PHO licence fee structure should be introduced as proposed; or
- b. If the Committee decides that the decision is unsafe, the consultation process be restarted.

3. Information

On 01 October 2015, a change in legislation meant that local authorities should issue Hackney Carriage and Private Hire Drivers' Licences for 3 years and Private Hire Operators' (PHO) licences for 5 years.

As Oadby and Wigston Borough Council's dual badge was currently issued for 3 years, there were few changes to be made in that area. However, as PHO licences were issued for only 1 year, changes had to be made to the fee structure.

The law on changing PHO licence fees is quite straight forward with a Public Notice being placed in a local newspaper, which in this case was the Leicester Mercury and then waiting 28 days to see whether any representations are received. On receipt of any representations, the local authority should consider them and then has the option to amend the proposed fees: but whatever it decides, the decision must be implemented within 2 months from the end of the 28 day consultation period.

The new fee structure for PHO licences was proposed as follows:-

Licence Period	Licence Fee
1 year	£260.00
2 years	£483.00
3 years	£670.00
4 years	£820.00
5 years	£932.00

The Public Notice was placed in the 02 October 2015 edition of the Leicester Mercury. The representation period end-date was 06 November 2015.

During the representation period, an individual sent a lengthy email complaining about various issues relating to taxi licensing and the way the licence fees were calculated. He also wanted the proposed PHO licence fees to be withdrawn.

Unfortunately the only means of contacting this individual was through e-mail and on 17 December 2015 the Interim Licensing Team Leader, Stephen Eyre, wrote to him inviting him to withdraw his representation. No reply has been received.

Enquiries have been made to identify the individual in question. However, an Oadby and Wigston Borough Council licence holder of the same name has denied he is the author of any correspondence to the Council. The email address is equally non-specific: a generic email provided through aol.com.

In view of the lack of response to the invitation to withdraw, it is recommended by Officers that the PHO licence fee structure should be introduced as proposed. However, if the Committee decides that this decision is unsafe, then the consultation process will have to be restarted.

Email: stephen.eyre@oadby-wigston.gov.uk

Tel: (0116) 257 2677

Implications	
Equalities	No significant implications.
Financial	The fees that may be charged for licences are governed by legislation which requires the Council to cover up to its reasonable costs and does not charge a fee which intended to make a profit. The current gross annual budget for taxi licences is £53,750.
Legal	There is a legal requirement to consider and implement the proposed/revised fees within the prescribed objection period and to duly follow procedure should the consultation process be restarted.
Risk	Regulatory governance (CR6).