

**To: The Members of the Licensing Committee
(Councillors Jenns, Clews, Davey, N Dirveiks,
Gosling, Hanratty, Henney, Ingram, Lewis,
Morson, Singh, Smith, Smitten, E Stanley and
A Wright)**

For the information of other Members of the Council

This document can be made available in large print and electronic accessible formats if requested.

For general enquiries please contact Jenny Price, Democratic Services Officer, on 01827 719450 or via e-mail jennyprice@northwarks.gov.uk.

For enquiries about specific reports please contact the officer named in the reports.

LICENSING COMMITTEE AGENDA

31 JANUARY 2017

The Licensing Committee will meet in the Council Chamber, The Council House, South Street, Atherstone, Warwickshire on Tuesday 31 January 2017 at 6.30pm.

AGENDA

PART I - PUBLIC BUSINESS

- 1 Evacuation Procedure**
- 2 Apologies for Absence**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

- 4 **Minutes of the meeting of the Committee held on 6 June 2016** – copy herewith to be approved as a correct record and signed by the Chairman.

5 **Public Participation**

Up to twenty minutes will be set aside for members of the public to put questions to elected Members. Questions should be submitted by 9.30am 2 working days prior to the meeting. Participants are restricted to five minutes each. If you wish to put a question to the meeting please contact David Harris on 01827 719222 or email democraticservices@northwarks.gov.uk.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPER)

- 6 **Service Plan for the Licensing Section** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The purpose of this report is to seek the Committee's approval to the 2017/18 Service Plan for the Licensing Section.

The Contact Officer for this report is Stephen Whiles (719326).

- 7 **General Fund Fees and Charges 2017/2018** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report covers the fees and charges for 2016/17 and the proposed fees and charges for 2017/18.

The Contact Officer for this report is Nigel Lane (719371).

- 8 **General Fund Revenue Estimates 2017/18** - Report of the Deputy Chief Executive

Summary

This report covers the revised budget for 2016/17 and an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/21.

The Contact Officer for this report is Nigel Lane (719371).

- 9 **Local Government (Miscellaneous Provisions) Act 1976 – Taxi Licensing - Policy Document and Guidance Relating To The Definition Of ‘Fit And Proper’ Persons** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report asks the Committee to consider recommending the adoption of a policy relating to the definition of ‘fit and proper’ persons to hold a hackney carriage or private hire drivers licence or a private hire operators licence.

The Contact Officer for this report is Stephen Whiles (719326).

- 10 **Local Government (Miscellaneous Provisions) Act 1976 Hackney Carriage and Private Hire Drivers’ Qualifications** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report asks the Committee to consider changing the qualification requirements for making application for a Hackney Carriage or private hire drivers’ licence.

The Contact Officer for this report is Stephen Whiles (719326).

- 11 **Local Government (Miscellaneous Provisions) Act 1976 Taxi Driver Communication and Language Assessment** - Report of the Assistant Chief Executive and Solicitor to the Council

Summary

The report asks Members to consider consulting on the introduction of mandatory assessments of taxi driver applicants for evidence of satisfactory communication and language skills.

The Contact Officer for this report is Stephen Whiles (719326).

JERRY HUTCHINSON
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE LICENSING COMMITTEE

6 June 2016

Present: Councillor Jenns in the Chair

Councillors Clews, Henney, Jarvis, Lewis, Smitten, E Stanley and A Wright

Apologies for absence were received from Councillors N Dirveiks, Hanratty, Ingram, Morson and Moss

1 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Clews declared a pecuniary interest in Minute No 5 – Animal Boarding Establishments Act 1963 – Review of Fees for Home Boarding, left the meeting and took no part in the discussion thereon.

2 **Minutes**

The minutes of the meeting of the Committee held on 25 January 2016, copies having been previously circulated, were approved as a correct record and signed by the Chairman.

3 **Mandatory Safeguarding Training for Hackney Carriage and Private Hire Drivers**

The Assistant Chief Executive and Solicitor to the Council sought the Committee's agreement to introduce a mandatory course on the subject of safeguarding training for all Hackney Carriage and Private Hire drivers licensed by the Council. A revised recommendation was circulated at the meeting.

Recommended:

That the Council adopts as policy that all existing Hackney Carriage and Private Hire Drivers must have undertaken a safeguarding training course approved by the Council by 1 October 2016, and from that date all new applicants will be required to complete this course prior to becoming licensed.

4 **Local Government (Miscellaneous Provisions) Act 1976 – Taxi Licensing – Policy Document and Guidance Relating to the Definition of ‘Fit and Proper’ Persons**

The Assistant Chief Executive and Solicitor to the Council asked the Committee to consider recommending the adoption of a policy relating to the definition of ‘fit and proper’ persons to hold a hackney carriage or private hire drivers licence or a private hire operators licence.

Resolved:

- a **That the inclusion of the Mandatory Safeguarding Training for Hackney Carriage and Private Hire Drivers in the policy document and guidance relating to the definition of ‘Fit and Proper’ Persons be agreed; and**
- b **That the changes suggested by Members to the ‘minimum periods free from conviction’, contained within Appendix A to the report of the Assistant Chief Executive and Solicitor to the Council, be consulted upon and a further report be brought back to the next meeting of the Committee for consideration.**

5 **Animal Boarding Establishments Act 1963 – Review of Fees for Home Boarding**

The Assistant Chief Executive and Solicitor to the Council asked the Committee to consider adopting a revised scale of fees in respect of home boarding establishments.

Resolved:

That the revised fee structure for the grant of an animal boarding licence to home boarders, at set out in paragraph 3.5 of the report of the Assistant Chief Executive and Solicitor to the Council, be agreed.

6 **Adoption of Model Conditions in Respect of Licenses for Animal Establishments**

The Assistant Chief Executive and Solicitor to the Council sought adoption of the Chartered Institute of Environmental Health (CIEH) model licence conditions in respect of animal boarding establishments, dog breeding establishments and pet shops.

Resolved:

That, as a condition of animal boarding, dog breeding and pet shop licences issued by the Council, the premises must always comply with the current model licence conditions of the Chartered Institute of Environment Health (CIEH).

7 Local Government (Miscellaneous Provisions) Act 1982 Byelaws for Cosmetic Piercing and Semi-Permanent Skin Colouring

The Assistant Chief Executive and Solicitor to the Council detailed the proposal for acceptance by the Council of two new sets of byelaws for cosmetic piercing and semi-permanent skin colouring.

Resolved:

- a That the model byelaws for cosmetic piercing and semi-permanent skin colouring be adopted; and**
- b That the existing fee for ear piercing be adopted and applied for cosmetic piercing and semi-permanent skin colouring and the fee be subject to a yearly review.**

A Jenns
CHAIRMAN

Agenda Item No 6

Licensing Committee

31 January 2017

Report of the Assistant Chief Executive and Solicitor to the Council

Service Plan for the Licensing Section

1 Summary

- 1.1 The purpose of this report is to seek the Committee's approval to the 2017/18 Service Plan for the Licensing Section.

Recommendation to the Committee

That the Service Plan as set out in the Appendix to the report be agreed.

2 Report

- 2.1 Corporate Plan Targets and Divisional Service Plans are normally agreed in the January/February cycle of meetings and adopted by Full Council in February at the same time as the Budget.

- 2.2 The Service Plan for the Licensing Section is set out in the Appendix to this report.

- 2.3 Where there are any budget implications for another Board/Committee arising out of this work programme, those implications will be drawn to the attention of the relevant Board/Committee in the Budget report going to this cycle of meetings. Similarly, any budgetary implications for this Committee from Divisional Plans being reported to other Boards/Committees are dealt with in the Budget Report also on this agenda.

- 2.4 Once the Corporate Plan Targets and Divisional Service Plans have been agreed, they will be subject to the following reporting procedures for monitoring performance:-

- Monthly reports are considered by Management Team;
- A traffic light warning indicator is used:-
 - Red – target not likely to be achieved.
 - Amber – target currently behind schedule and requires remedial action in order to be achieved.
 - Green – target currently on schedule to be achieved;

- Progress reports to each Board/Committee meeting.

3 Report Implications

3.1 Finance and Value for Money Implications

3.1.1 Where possible, Targets and indicators for 2017-18 will be achieved from within existing Committee resources. Details of any additional funding will be in appropriate cases, the subject of reports to the Committee.

3.2 Human Resources Implications

3.2.1 Any Human Resources implications resulting from proposals will be the subject of further reports to the Committee.

3.3 Risk Management Implications

3.3.1 The main risk is ensuring that the Council prioritises its resources to enable it to deliver its priorities. The performance monitoring arrangements set out above provide the mechanism to ensure that remedial action can be taken to review progress and ensure that priority outcomes are delivered.

3.4 Links to Council's Priorities

3.4.1 These are set out in the Appendix.

The Contact Officer for this report is Stephen Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

LICENSING SERVICE PLAN 2017/18

2016/17 saw a number of notable changes to Council policy:

1. A new statement of licensing policy under the Licensing Act 2003
2. A new statement of licensing policy under the Gambling Act 2005
3. A new policy requiring all taxi drivers to undergo safeguarding training
4. The adoption of new model conditions in respect of licensed animal premises
5. The adoption of new model bylaws in respect of cosmetic skin piercing and semi permanent tattooing.

Further Member training was carried out in October 2016 and this has resulted in more Members volunteering to sit on Licensing Sub Committees for hearings.

There were also a number of hearings and prosecutions notably:

1. One taxi driver who's licence was revoked by the Licensing Enforcement Officer an action subsequently approved by the Sub Committee. This man was reported to the Police for his actions and was subsequently gaoled for sexual assault.
2. Two taxi driver's licences were revoked as they were found not to be working in North Warwickshire but in Coventry. Three further drivers surrendered their licences after being interviewed.
3. One pet shop owner was prosecuted and fined for breaches of licence conditions. Licensing Sub Committee subsequently refused to allow him to renew his licence.

For the coming year there are further challenges

1. The Immigration Act 2016 requires the Council to carry out more rigorous checks into the residency and employment rights of foreign nationals when considering applications for licences.
2. A House Of Lords committee is currently reviewing the Licensing Act 2003 and may recommend changes to the legislation. Independently of this the Government is introducing further amendments to the Act
3. Officers will continue to review existing policies and determine where new policies are needed and bring these to the Licensing Committee for consideration.

SERVICE PLAN 2017/18

Smoke Free Legislation

1. No programmed inspections to be carried out. Routine checks to be carried out by all members of Environmental Health's Commercial Team when visiting Commercial Premises in connection with other core functions such as food safety, Licensing Act etc.
2. All complaints from members of the public or employees to be investigated as appropriate by the Licensing Enforcement Officer and enforcement action taken in accordance with the Licensing Enforcement Policy after consultation with the Environmental Health Manager. Where complaints relate to activities outside normal office hours a joint inspection will be made with another Officer from the Environmental Health Division. Around ten complaints are anticipated.

Hackney Carriages/Private Hire Vehicles

3. All applications/renewals to be dealt with by the Licensing Administrator
4. Each vehicle is to be MoT tested every six months. Notification of due tests to be the responsibility of the Licensing Enforcement Officer.
5. Each vehicle is to receive an unannounced inspection by the Licensing Enforcement Officer twice per annum (approximately 100 vehicles = 200 visits)
6. All complaints about hackney carriages/private hire vehicles to be investigated by the Licensing Enforcement Officer and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside normal office hours a joint inspection will be made with another Officer from the Environmental Health Division. Less than five complaints are anticipated.

Street Traders Licenses

7. All applications to be dealt with by the Licensing Enforcement Officer and Licensing Administrator with reference to the Council's street trading consent policy.
8. All licence holders to be inspected twice per annum by the Licensing Enforcement Officer.
9. All complaints about Illegal Street trading to be investigated by the Licensing Enforcement Officer and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside normal office hours a joint inspection will be made with another officer from the Environmental Health Division. Around ten complaints are anticipated.

Licensing Act 2003

10. All applications, variations and reviews are to be dealt with by the Licensing Enforcement Officer and Licensing Administrator in consultation as required with the Environmental Health Manager and Solicitor to the Council.
11. Visits to licensed premises will be made by the Licensing Enforcement Officer with follow up visits and enforcement action as required, after consultation with the Environmental Health Manager. Visits by the Licensing Enforcement Officer are to be focussed on 'high risk' premises where evidence or intelligence suggest there may be problems and also upon change of ownership or Designated Premises Supervisor and to new premises. Where appropriate joint visits will be made with the Police, Trading Standards, Fire Officer or other responsible body. Lower risk premises may be visited by other Officers (eg Food Safety Officers) acting as 'eyes and ears' whilst performing their normal duties.
12. All complaints about licensed premises to be investigated by the Licensing Enforcement Officer and where appropriate, enforcement action to be taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside normal office hours a joint inspection will be made with another Officer from the Environmental Health Division
13. All temporary event notices are to be dealt with by the Licensing Administrator. Around 150 temporary event notices are anticipated.
14. A multi agency meeting will be arranged bi monthly by the Environmental Health Manager to discuss issues around licensed premises in the Borough and agree a co-ordinated response to any issues identified.

Gambling Act 2005

15. All new applications to be dealt with by the Licensing Enforcement Officer and Licensing Administrator
16. All complaints about Gambling Act activities to be investigated by the Licensing Enforcement Officer and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside normal office hours a joint inspection will be carried out with another Officer from the Environmental Health Division.
17. Gambling permits issued when the Act first came into force are renewable after ten years and these renewals will begin in 2017. All applications for renewal will result in an audit of the premises concerned to check on levels of compliance.

Street Collections, Small Society Lotteries & House to House Collections

18. All applications to be dealt with by the Licensing Administrator. (Approximately 30 street collections, 50 house to house collections and 85 small society lotteries)
19. All complaints about illegal street collections etc to be investigated by the Licensing Enforcement Officer and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside of normal office hours a joint inspection will be made with another Officer from the Environmental Health Division.

Animal Welfare Licenses

20. All applications and applications for renewals will be dealt with by the technical officers in the Environmental Health Division.
21. All licence holders are to be inspected on application for a new licence or a renewal. Other inspections will be carried out where there is reason due to intelligence or a history of non compliance.
22. All complaints about animal welfare to be investigated by the technical officers in the Environmental Health Division and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside of normal office hours a joint inspection will be made with another Officer from the Environmental Health Division.

Special Treatments

23. All applications for registration will be dealt with by the Senior Environmental Health Officer (Commercial).
24. All premises are to be inspected on application for a new registration. Other inspections will be carried out where there is reason due to intelligence or a history of non compliance.
25. All complaints about special treatments to be investigated by the Senior Environmental Health Officer (Commercial) and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside of normal office hours a joint inspection will be made with another Officer from the Environmental Health Division.

Scrap Metal Dealers

26. All applications for licences will be dealt with by the Licensing Enforcement Officer.

27. All complaints about scrap metal dealers will be investigated by the Licensing Enforcement Officer and/or Senior Pollution Control Officer/Pollution Control Officer in conjunction with the Environment Agency and Police where necessary and appropriate enforcement action taken after consultation with the Environmental Health Manager. Where complaints relate to activities outside of normal office hours a joint inspection will be made with another Officer from the Environmental Health Division and/or Police and Environment Agency.
28. At least one joint operation will be carried out with the Police to check on compliance of licensed scrap metal collectors and take enforcement action against any unlicensed operators found. **PI**
29. Holders of scrap metal site licences will receive inspections in conjunction with the Police and further follow up visits as required to ensure compliance with the legislation. Visits will be made on the basis of intelligence.

Agenda Item No 7

Licensing Committee

31 January 2017

**Report of the
Assistant Chief Executive and Solicitor to
the Council**

**General Fund Fees and Charges
2017/2018**

1 Summary

- 1.1 The report covers the fees and charges for 2016/17 and the proposed fees and charges for 2017/18.

Recommendation to the Committee

That the schedule of fees and charges for 2017/18, set out in the report be accepted.

2 Introduction

- 2.1 At its meeting held in September, the Executive Board agreed the budget strategy for 2017/21, which included an allowance for price increases of 2%, equating to £830 of additional income.

3 Fees and Charges Proposed for 2017/2018

- 3.1 Attached for the Committee's consideration at Appendix A are details of present and proposed fees and charges for the financial year 2017/18. The amounts shown have been included in the revenue estimates for 2017/18.
- 3.2 Prices have been increased by 2% on Licences and Registration only.
- 3.3 Following changes made by the Deregulation Act 2015, from 1 October 2015 driver's licences are issued on a three yearly basis and Private Hire Operators every five years. A review of all taxi and private hire fees was undertaken in assessing the changes, and revised fees were agreed by this Committee on 27 July 2015, effective from 1 October 2015. These are unchanged for 2017/18.
- 3.4 No increases have been applied to the Licensing and Gambling Authority fees, as these charges are statutory and so not set by ourselves.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The pricing structure contained in this report is expected to generate additional income of £200 above the revised budget for 2016/17. The variance between the above figure and the figures in the budget strategy relate to an inflation allowance applied incorrectly to Hackney Carriage and Private Hire fees in the budget strategy.

4.1.2 This will contribute to the achievement of income targets, which are contained within the Deputy Chief Executive's report on the General Fund estimates 2017/18, presented elsewhere within the agenda for this meeting. A 1% change in income generated by services reporting to this Board would result in an increase or decrease in income of £100.

4.2 Risk Management

4.2.1 Changes to fees and charges may impact on the level of demand. However, this has been considered in proposing the revised charges.

The Contact Officer for this report is Nigel Lane (719371).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

NORTH WARWICKSHIRE BOROUGH COUNCIL**LICENSING COMMITTEE****FEES AND CHARGES FROM 1 APRIL 2017**

| | 2016/2017 TOTAL CHARGE £ | 2017/2018 TOTAL CHARGE £ | VAT RATING |
|--|---|---|-----------------------|
| ANIMAL BOARDING ESTABLISHMENT LICENCE | | | |
| New application | 219.70 | 224.10 | Outside Scope |
| Renewal | 167.70 | 171.10 | " |
| Variation | 50.00 | 51.00 | " |
| HOME BOARDERS LICENCE | | | |
| New application | 117.00 | 119.00 | Outside Scope |
| Renewal | 90.00 | 92.00 | " |
| Variation | 50.00 | 51.00 | " |
| PET SHOP LICENCE | | | |
| Up to 25m ² | | | |
| New application | 179.50 | 183.00 | Outside Scope |
| Renewal | 127.50 | 130.00 | " |
| Up to 50m ² | | | |
| New application | 219.70 | 224.00 | " |
| Renewal | 167.70 | 171.00 | " |
| Up to 100m ² | | | |
| New application | 260.10 | 265.30 | " |
| Renewal | 208.10 | 212.30 | " |
| Over 100m ² | | | |
| New application | 293.60 | 299.50 | " |
| Renewal | 241.50 | 246.30 | " |
| RIDING ESTABLISHMENT LICENCE | | | |
| New application | 187.20 | 191.00 | Outside Scope |
| Renewal | 161.20 | 164.50 | " |
| DANGEROUS WILD ANIMAL LICENCE | | | |
| New application | 187.20 | 191.00 | Outside Scope |
| Renewal | 161.20 | 164.50 | " |
| ZOO LICENCE (4-yearly) | | | |
| Grant or renewal | 438.60 | 447.40 | Outside Scope |
| Transfer | 102.00 | 104.00 | " |
| Variation | 102.00 | 104.00 | " |
| Re-issue or replacement | 25.50 | 26.00 | " |
| DOG BREEDING LICENCE | | | |
| New application | 280.20 | 285.80 | Outside Scope |
| Renewal | 228.20 | 232.80 | " |
| Amendment to an existing licence | 52.00 | 53.00 | " |
| ACUPUNCTURE, TATTOOING, EAR PIERCING & ELECTROLYSIS LICENCE | | | |
| | 154.40 | 157.50 | Outside Scope |
| STREET TRADING LICENCE | | | |
| Food sales | 1,515.50 | 1545.80 | Outside Scope |
| Non food sales | 750.20 | 765.20 | " |
| SEX ESTABLISHMENT LICENCE | | | |
| Transfer or variation | 2,530.10 | 2580.70 | Outside Scope |
| | 560.20 | 571.40 | " |
| SCRAP METAL LICENCE (3-yearly) | | | |
| Site | 306.00 | 312.10 | Outside Scope |
| Collector | 183.60 | 187.30 | Outside Scope |

NORTH WARWICKSHIRE BOROUGH COUNCIL**LICENSING COMMITTEE****FEES AND CHARGES FROM 1 APRIL 2017**

| | 2016/2017 TOTAL CHARGE £ | 2017/2018 TOTAL CHARGE £ | VAT RATING |
|--|---|---|-----------------------|
| HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES | | | |
| (the figures in 2015/16 reflect the changes agreed from 1st October 2015) | | | |
| Private hire operator's licence (5 yearly) | 276.98 | 276.98 | Outside Scope |
| Hackney Carriage licence (annual) | 271.90 | 271.90 | " |
| Private Hire Vehicle licence (annual) | 271.90 | 271.90 | " |
| Drivers licence (Includes badge) (3 yearly) | 230.12 | 230.12 | " |
| Vehicle licence transfer new vehicle | 92.80 | 92.80 | " |
| Vehicle licence transfer new owner | 35.60 | 35.60 | " |
| Replacement of driver's badge | 23.80 | 23.80 | " |
| Replacement of lost documents | 23.80 | 23.80 | " |
| Vehicle plate | 33.40 | 33.40 | " |
| Medical fee full (including Occupational Health fee) | 108.00 | 108.00 | " |
| Medical fee review (including Occupational Health fee) | 108.00 | 108.00 | " |
| Please note that the Occupational Health fee is subject to change | | | |
| MoT retest fee | 42.50 | 42.50 | " |
| Failure to attend an MOT appointment | 30.00 | 30.00 | " |
| Fixed smoking penalty | 32.10 | 32.10 | " |
| Standard Disclosure and Barring Service check (£26.00 plus £16.50 admin. charge) | 41.30 | 42.50 | " |
| Enhanced Disclosure and Barring Service check (£44.00 plus £16.50 admin. charge) | 59.30 | 60.50 | " |
| Please note that the DBS fee is subject to change | | | |

NORTH WARWICKSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2017

FEES FOR LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

PLEASE NOTE THAT THE CHARGES BELOW ARE SUBJECT TO CHANGE

SCHEDULE 1

(regulation 3)

RATEABLE VALUES AND BANDS

The breakdown of premises by NDR rateable value on which all premises based fees are calculated

| Rateable Value | Band |
|-----------------------------|-------------|
| No rateable value to £4,300 | A |
| £4,300 to £33,000 | B |
| £33,001 to £87,000 | C |
| £87,001 to £125,000 | D |
| £125,001 and above | E |

SCHEDULE 2

(regulation 4(2), (3) and 6(1))

APPLICATION FEE REQUIRED FOR

**PREMISES LICENCES AND CLUB PREMISES CERTIFICATES
AND VARIATIONS TO LICENCES/CLUB PREMISES CERTIFICATES**

| Band | Fee | | |
|-------------|-------------------|-------------------|-----------------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | £ |
| A | 100.00 | Outside Scope | 100.00 |
| B | 190.00 | " | 190.00 |
| C | 315.00 | " | 315.00 |
| D | 450.00 | " | 450.00 |
| E | 635.00 | " | 635.00 |

| Band | Multiplied fee if primarily selling alcohol | | |
|-------------|--|-------------------|-----------------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | £ |
| A | N/A | Outside Scope | N/A |
| B | N/A | " | N/A |
| C | N/A | " | N/A |
| D | 900.00 | " | 900.00 |
| E | 1,905.00 | " | 1,905.00 |

SCHEDULE 3

regulation 4(4)

ADDITIONAL FEE

| Number of persons | Additional Fee | | |
|--------------------------|-----------------------|-------------------|-----------------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | |
| 5,000 to 9,999 | 1,000.00 | Outside scope | 1,000.00 |
| 10,000 to 14,999 | 2,000.00 | " | 2,000.00 |
| 15,000 to 19,999 | 4,000.00 | " | 4,000.00 |
| 20,000 to 29,999 | 8,000.00 | " | 8,000.00 |
| 30,000 to 39,999 | 16,000.00 | " | 16,000.00 |
| 40,000 to 49,999 | 24,000.00 | " | 24,000.00 |
| 50,000 to 59,999 | 32,000.00 | " | 32,000.00 |
| 60,000 to 69,999 | 40,000.00 | " | 40,000.00 |
| 70,000 to 79,999 | 48,000.00 | " | 48,000.00 |
| 80,000 to 89,999 | 56,000.00 | " | 56,000.00 |
| 90,000 and over | 64,000.00 | " | 64,000.00 |

NORTH WARWICKSHIRE BOROUGH COUNCIL

LICENSING COMMITTEE

FEES AND CHARGES FROM 1 APRIL 2017

FEES FOR LICENSING APPLICATIONS UNDER THE LICENSING ACT 2003

PLEASE NOTE THAT THE CHARGES BELOW ARE SUBJECT TO CHANGE

SCHEDULE 5

(regulation 5, 7)

ANNUAL FEE

PART 1

Required by each premises licence/club certificate annually after November 2006

There are exceptions

| Band | Fee | | |
|------|------------|---------------|----------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | £ |
| A | 70.00 | Outside Scope | 70.00 |
| B | 180.00 | " | 180.00 |
| C | 295.00 | " | 295.00 |
| D | 320.00 | " | 320.00 |
| E | 350.00 | " | 350.00 |

| Band | Multiplied fee if primarily selling alcohol | | |
|------|---|---------------|----------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | £ |
| A | N/A | Outside Scope | N/A |
| B | N/A | " | N/A |
| C | N/A | " | N/A |
| D | 640.00 | " | 640.00 |
| E | 1,050.00 | " | 1,050.00 |

PART 2 (see comment on schedule5)

| Number | Additional Fee | | |
|------------------|----------------|---------------|----------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | £ |
| 5,000 to 9,999 | 500.00 | Outside Scope | 500.00 |
| 10,000 to 14,999 | 1,000.00 | " | 1,000.00 |
| 15,000 to 19,999 | 2,000.00 | " | 2,000.00 |
| 20,000 to 29,999 | 4,000.00 | " | 4,000.00 |
| 30,000 to 39,999 | 8,000.00 | " | 8,000.00 |
| 40,000 to 49,999 | 12,000.00 | " | 12,000.00 |
| 50,000 to 59,999 | 16,000.00 | " | 16,000.00 |
| 60,000 to 69,999 | 20,000.00 | " | 20,000.00 |
| 70,000 to 79,999 | 24,000.00 | " | 24,000.00 |
| 80,000 to 89,999 | 28,000.00 | " | 28,000.00 |
| 90,000 and over | 32,000.00 | " | 32,000.00 |

SCHEDULE 6 (Regulation 8)

**PRESCRIBED FEES FOR PERMITTED TEMPORARY ACTIVITIES,
PERSONAL LICENCES AND MISCELLANEOUS**

| Application or notice | Fee | | |
|--|------------|---------------|----------------------|
| | NET CHARGE | VAT RATING | TOTAL CHARGE 20% VAT |
| | £ | | £ |
| section 25 (theft, loss, etc. of premises licence or summary) | 10.50 | Outside Scope | 10.50 |
| section 29 (application for a provisional statement where premise | 315.00 | " | 315.00 |
| section 33 (notification of change of name or address) | 10.50 | " | 10.50 |
| section 37 (application to vary licence to specify individual as pre | 23.00 | " | 23.00 |
| section 42 (application for transfer of premises licence) | 23.00 | " | 23.00 |
| section 47 (interim authority notice following death etc. of licence | 23.00 | " | 23.00 |
| section 79 (theft, loss etc. of certificate or summary) | 10.50 | " | 10.50 |
| section 82 (notification of change of name or alteration of rules of | 10.50 | " | 10.50 |
| section 83(1) or (2) (change of relevant registered address of club | 10.50 | " | 10.50 |
| section 100 (temporary event notice) | 21.00 | " | 21.00 |
| section 110 (theft, loss etc. of temporary event notice) | 10.50 | " | 10.50 |
| section 117 (application for a grant of personal licence) | 37.00 | " | 37.00 |
| section 126 (theft, loss etc. of personal licence) | 10.50 | " | 10.50 |
| section 127 (duty to notify change of name or address) | 10.50 | " | 10.50 |
| section 178 (right of freeholder etc. to be notified of licensing mat | 21.00 | " | 21.00 |
| Minor variations | 89.00 | " | 89.00 |
| Section 410(application to vary premises licence to include alternative licence condition) where the only variation sought is the inclusion of the alternative licence condition | 23.00 | " | 23.00 |

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE
FEES AND CHARGES FROM 1 APRIL 2017

FEES UNDER THE GAMBLING ACT 2005

| Premises Type | Conversion | Conversion | Non-Conversion | Non-Conversion | Annual Fee | Variation | Transfer of | Reinstatement | Provisional | Change of | Copy of |
|------------------------------|--------------------|--------------------|-----------------------|-----------------------|-------------------|------------------|--------------------|----------------------|--------------------|----------------------|----------------|
| | Fast-Track | Non- Fast | Provisional | Other premises | | | Licence | Fee | Statement | Circumstances | Licence |
| | Application | Track | statement | (i.e. new) | | | | | | | |
| | £ | Application | premises | £ | £ | £ | £ | £ | £ | £ | £ |
| | | £ | £ | | | | | | | | |
| Regional Casino | 0.00 | 0.00 | 6,400.00 | 12,000.00 | 12,000.00 | 6,000.00 | 5,200.00 | 5,200.00 | 12,000.00 | 50.00 | 25.00 |
| New Large Casino | 0.00 | 0.00 | 4,000.00 | 8,000.00 | 8,000.00 | 4,000.00 | 1,720.00 | 1,720.00 | 8,000.00 | 50.00 | 25.00 |
| New Small Casino | 0.00 | 0.00 | 2,400.00 | 6,400.00 | 4,000.00 | 3,200.00 | 1,440.00 | 1,440.00 | 6,400.00 | 50.00 | 25.00 |
| Existing Casinos | 240.00 | 1,600.00 | 0.00 | 4,000.00 | 2,400.00 | 1,600.00 | 1,080.00 | 1,080.00 | 0.00 | 50.00 | 25.00 |
| Bingo Premises | 240.00 | 1,400.00 | 960.00 | 2,800.00 | 800.00 | 1,400.00 | 960.00 | 960.00 | 2,800.00 | 50.00 | 25.00 |
| Adult Gaming Centre | 240.00 | 800.00 | 960.00 | 1,600.00 | 800.00 | 800.00 | 960.00 | 960.00 | 1,600.00 | 50.00 | 25.00 |
| Betting Premises Tracks | 240.00 | 1,000.00 | 760.00 | 2,000.00 | 800.00 | 1,000.00 | 760.00 | 760.00 | 2,000.00 | 50.00 | 25.00 |
| Family Entertainment Centres | 240.00 | 800.00 | 760.00 | 1,600.00 | 600.00 | 800.00 | 760.00 | 760.00 | 1,600.00 | 50.00 | 25.00 |
| Betting Premises (other) | 240.00 | 1,200.00 | 960.00 | 2,400.00 | 480.00 | 1,200.00 | 960.00 | 960.00 | 2,400.00 | 50.00 | 25.00 |

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE
FEES AND CHARGES FROM 1 APRIL 2017

FEES UNDER THE GAMBLING ACT 2005

| | TOTAL CHARGE £ |
|---|-------------------------------|
| LICENSED PREMISES GAMING MACHINE PERMIT | |
| Occasion on which fee may be payable | |
| Grant | 150.00 |
| Existing operator Grant | 100.00 |
| Variation | 100.00 |
| Transfer | 25.00 |
| Annual Fee | 50.00 |
| Change of name | 25.00 |
| Copy of Permit | 15.00 |
| LICENSED PREMISES AUTOMATIC NOTIFICATION PROCESS | |
| Occasion on which fee may be payable | |
| On notification | 50.00 |
| CLUB GAMING PERMITS | |
| Occasion on which fee may be payable | |
| Grant | 200.00 |
| Grant (Club Premises Certificate holder) | 100.00 |
| Existing operator Grant | 100.00 |
| Variation | 100.00 |
| Renewal | 200.00 |
| Renewal (Club Premises Certificate holder) | 100.00 |
| Annual Fee | 50.00 |
| Copy of Permit | 15.00 |
| CLUB MACHINE PERMITS | |
| Occasion on which fee may be payable | |
| Grant | 200.00 |
| Grant (Club Premises Certificate holder) | 100.00 |
| Existing operator Grant | 100.00 |
| Variation | 100.00 |
| Renewal | 200.00 |
| Renewal (Club Premises Certificate holder) | 100.00 |
| Annual Fee | 50.00 |
| Copy of Permit | 15.00 |
| FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS | |
| Occasion on which fee may be payable | |
| Grant | 300.00 |
| Renewal | 300.00 |
| Existing operator Grant | 100.00 |
| Change of name | 25.00 |
| Copy of Permit | 15.00 |
| PRIZE GAMING PERMITS | |
| Occasion on which fee may be payable | |
| Grant | 300.00 |
| Renewal | 300.00 |
| Existing operator Grant | 100.00 |
| Change of name | 25.00 |
| Copy of Permit | 15.00 |
| SMALL LOTTERY REGISTRATION | |
| Grant | 40.00 |
| Annual Fee | 20.00 |

Agenda Item No 8

Licensing Committee

31 January 2017

Report of the
Deputy Chief Executive

General Fund Revenue Estimates
2017/18

1 Summary

- 1.1 This report covers the revised budget for 2016/17 and an estimate of expenditure for 2017/18, together with forward commitments for 2018/19, 2019/20 and 2020/21.

Recommendation to the Committee

- a To accept the revised budget for 2016/17; and**
- b To accept or otherwise vary the Estimates of Expenditure for 2017/18, as submitted, for them to be included in the budget to be brought before the meeting of the Executive Board on 7 February 2017.**

2 Introduction

- 2.1 In consultation with other Assistant Directors, the Assistant Director (Finance and Human Resources) has prepared an estimate of net expenditure for 2017/18 and this, together with a revised budget for 2016/17, appears in Appendices A and B. To provide a more complete picture of the spending pattern of the service, the actual figures for 2015/16 are shown.
- 2.2 At its meeting in September, the Executive Board agreed the budget strategy for 2017-2021 which required savings of £2.3 million over a four year period. This required budget savings of £730,000 in 2017/18 with additional savings of £500,000, £500,000 and £550,000 in 2018/19, 2019/20 and 2020/21 respectively. Some limited growth was built into the strategy in specific areas.
- 2.3 Assistant Directors were asked to identify areas where savings could be made, either by a reduction in expenditure or through the generation of additional income. No savings have been identified for this Board.

2.4 A subjective analysis of the Committee's requirement is shown below:

| | Approved Budget 2016/17 £ | Revised Budget 2016/17 £ | Original Budget 2017/18 £ |
|-------------------------------------|--|---|--|
| Employee Costs | 22,330 | 22,120 | 22,750 |
| Premises | 50 | 50 | 50 |
| Supplies and Services | 6,760 | 6,120 | 6,690 |
| Transport | 5,460 | 6,100 | 6,220 |
| Gross Expenditure | 34,600 | 34,390 | 35,710 |
| Income | (131,100) | (130,440) | (108,820) |
| Net Controllable Expenditure | (96,500) | (96,050) | (73,110) |
| Departmental Support | 54,330 | 54,780 | 55,810 |
| Central Support | 37,850 | 34,450 | 35,250 |
| Net Expenditure | (4,320) | (6,820) | 17,950 |

2.5 There are no capital charges relating to budgets within this report.

3 **Comments on the 2016/17 Revised Budget**

3.1 The revised budget for 2016/17 is estimated to give net income of £6,820, an improvement of £2,500 on the approved provision. The main reasons for variations are set out below.

3.2 **Licensing and Registration £880**

3.2.1 Income is forecast to reduce with the reduction in the number of Street Traders and Riding Establishment licences, partially offset by renewals of four yearly Zoo licences.

3.3 **Hackney Carriages (£480)**

3.3.1 There has been a reduction in employee costs relating to changes in salary allocations and a small one off income budget relating to lost badges and plates.

3.4 **Departmental and Central Support (£2,950)**

3.4.1 Central support costs have decreased due to changes in the salary allocations from central services and financial services.

4 **Comments on the 2017/18 Estimates**

4.1 The 2016/17 estimate has been prepared, taking into account the following assumptions:

- A 1% pay award from 1 April 2017;
- Increases in the Council's pension contribution rate for current employees of 0.75% per annum up to 20120/21;

- An increase in income has been allowed to reflect the increases included in the fees and charges report elsewhere on this agenda.

4.2 The estimated budget for 2017/18 is £17,950; an increase in costs £22,270 on the 2016/17 approved budget and an increase in cost of £24,770 on the revised 2016/17 budget. The main reasons for variations are set out below.

4.3 Licences and Registrations £6,580

4.3.1 Income has fallen as the Scrap Metal (Site and Collectors) Licences were renewed in 2016/17 for three years with the next renewal not due until 2019/20. In addition the Zoo licences were renewed in 2016/17, and are therefore not due again until 2020/21.

4.4 Hackney Carriages £16,140

4.4.1 Income has reduced by £15,060 as the new three yearly Drivers Licences were issued in 2016/17.

4.5 Departmental Support and Central Support £1,830

4.5.1 Central Support costs have increased due to the pay award and pension costs.

5 Growth Items

5.1 A provision for growth was not included in the Council's Budget Strategy, approved in September 2016 by the Executive Board. There are no growth items relating to the services covered by this board.

6 Income

6.1 Changes in the levels of fees and charges for services under the responsibility of this Board are covered in another report on tonight's agenda. Income on fees and charges is expected to contribute to the achievement of income targets.

7 Risks to Services

7.1 The key risk to the budgetary position of the Council from services under the control of this Board is

| | Likelihood | Potential impact on Budget |
|---|------------|----------------------------|
| Fee income – The levels of some licences, especially those related to alcohol licensing, street trading, pet shops and other commercial enterprises are at risk from a downturn in the economy. | Low | Low |

8 Future Year Forecasts

- 8.1 In order to assist with medium-term financial planning, Members are provided with budget forecasts for the three years following 2017/18. The table below provides a subjective summary for those services reporting to this Board:

| | Forecast Budget 2018/19 £ | Forecast Budget 2019/20 £ | Forecast Budget 2020/21 £ |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Employee Costs | 23,280 | 23,830 | 24,060 |
| Premises | 50 | 50 | 50 |
| Supplies and Services | 7,690 | 7,040 | 7,510 |
| Transport | 6,220 | 6,220 | 6,220 |
| Gross Expenditure | 37,240 | 37,140 | 37,840 |
| Income | (121,280) | (127,540) | (112,400) |
| Net Controllable Expenditure | (84,040) | (90,400) | (74,560) |
| Departmental Support | 57,060 | 58,350 | 59,360 |
| Central Support | 36,090 | 37,010 | 37,880 |
| Net Expenditure | 9,110 | 4,960 | 22,680 |

- 8.2 The forecasts given above have used a number of assumptions, which include pay awards of 2% in 2018/19 to 2020/21 and general increases in supplies and services of 2% in 2018/19 and 2020/21.
- 8.3 There are various licences that are only renewed every three to four years which means that the income will fluctuate between financial years.
- 8.4 These forecasts are built up using current corporate and service plans. Where additional resources have already been approved, these are also included. However, these forecasts will be amended to reflect any amendments to the estimates, including decisions taken on any further corporate or service targets.

9 Report Implications

9.1 Finance and Value for Money Implications

- 9.1.1 As detailed in the body of the report.

9.2 Environment and Sustainability Implications

- 9.2.1 Continuing the budget strategy will allow the Council to manage its expected shortfall in resources without disruption of essential services.

9.3 Risk Management Implications

- 9.3.1 There are a number of risks associated with setting a budget, as assumptions are made on levels of inflation and demand for services. To minimise the risks, decisions on these have been taken using past experience and knowledge, informed by current forecasts and trends. However, the risk will be managed through the production of regular budgetary control reports, assessing the impact of any variances and the need for any further action.

The Contact Officer for this report is Nigel Lane (719371).

NORTH WARWICKSHIRE BOROUGH COUNCIL
LICENSING COMMITTEE SUMMARY
SUMMARY OF GENERAL FUND REVENUE ESTIMATES

| Code | Description | Actual 2015/2016 £ | Approved Budget 2016/2017 £ | Revised Budget 2016/2017 £ | Original Budget 2017/2018 £ |
|-------------|-------------------------------------|-----------------------------------|--|---|--|
| 4000 | Licensing Authority | (43,667) | (45,240) | (45,190) | (44,970) |
| 4001 | Licences and Registration | (9,942) | (16,160) | (15,280) | (8,700) |
| 4008 | Hackney Carriages | (32,184) | (25,200) | (25,680) | (9,540) |
| 4019 | Gambling Act Authority | (9,720) | (9,900) | (9,900) | (9,900) |
| | Net Controllable Expenditure | (95,513) | (96,500) | (96,050) | (73,110) |
| | Departmental Support | 51,366 | 54,330 | 54,780 | 55,810 |
| | Central Support | 34,937 | 37,850 | 34,450 | 35,250 |
| | Licensing Committee Total | (9,210) | (4,320) | (6,820) | 17,950 |

4000 - LICENSING AUTHORITY

The Council is the Licensing Authority for the Borough. It is required to process and issue licences to premises and individuals to allow the sale of alcohol and for certain events that occur within the Borough.

| DESCRIPTION | ACTUALS 2015/2016 | APPROVED BUDGET 2016/2017 | REVISED BUDGET 2016/2017 | ORIGINAL BUDGET 2017/2018 |
|-------------------------------------|------------------------------|--|---|--|
| Employee Expenditure | 15,374 | 12,270 | 12,320 | 12,520 |
| Supplies and Services | 456 | 1,300 | 1,300 | 1,320 |
| GROSS EXPENDITURE | 15,830 | 13,570 | 13,620 | 13,840 |
| GROSS INCOME | (59,497) | (58,810) | (58,810) | (58,810) |
| NET CONTROLLABLE EXPENDITURE | (43,667) | (45,240) | (45,190) | (44,970) |
| Departmental Support | 33,552 | 34,640 | 34,930 | 35,600 |
| Central Support | 14,368 | 15,520 | 13,220 | 12,810 |
| NET EXPENDITURE | 4,252 | 4,920 | 2,960 | 3,440 |

Contributes to corporate priority :

- Improving leisure and wellbeing opportunities
- creating safer communities

KEY PERFORMANCE INDICATORS

| | | | | |
|------------------------|---------|---------|---------|---------|
| Number of licences | 451 | 490 | 460 | 460 |
| Gross cost per licence | £141.35 | £130.06 | £134.28 | £135.33 |
| Net cost per licence | £9.43 | £10.04 | £6.43 | £7.48 |

4001 - LICENCES AND REGISTRATION

The issuing of licences that enable applicants to undertake a range of activities including the operation of animal boarding facilities, pet shops and street trading.

| DESCRIPTION | ACTUALS 2015/2016 | APPROVED BUDGET 2016/2017 | REVISED BUDGET 2016/2017 | ORIGINAL BUDGET 2017/2018 |
|-------------------------------------|------------------------------|--|---|--|
| Employee Expenditure | 892 | - | - | - |
| Supplies and Services | 1,122 | 1,680 | 1,680 | 1,700 |
| GROSS EXPENDITURE | 2,015 | 1,680 | 1,680 | 1,700 |
| GROSS INCOME | (11,956) | (17,840) | (16,960) | (10,400) |
| NET CONTROLLABLE EXPENDITURE | (9,942) | (16,160) | (15,280) | (8,700) |
| Departmental Support | 6,974 | 8,650 | 8,740 | 8,890 |
| Central Support | 8,324 | 9,000 | 8,240 | 8,010 |
| NET EXPENDITURE | 5,356 | 1,490 | 1,700 | 8,200 |

Contributes to corporate priority :

- Supporting employment and business
- creating safer communities

KEY PERFORMANCE INDICATORS

| | | | | |
|------------------------|---------|---------|---------|---------|
| Number of licences | 74 | 82 | 72 | 74 |
| Gross cost per licence | £233.95 | £235.73 | £259.17 | £251.35 |
| Net cost per licence | £72.38 | £18.17 | £23.61 | £110.81 |

4008 - HACKNEY CARRIAGES

The licensing and enforcement of taxis, private hire vehicles, drivers and operators, within the Borough.

| DESCRIPTION | ACTUALS 2015/2016 | APPROVED BUDGET 2016/2017 | REVISED BUDGET 2016/2017 | ORIGINAL BUDGET 2017/2018 |
|-------------------------------------|----------------------|---------------------------------|--------------------------------|---------------------------------|
| Employee Expenditure | 11,743 | 10,060 | 9,800 | 10,230 |
| Premises | - | 50 | 50 | 50 |
| Supplies and Services | 5,170 | 3,780 | 3,140 | 3,670 |
| Transport Related Expenditure | 5,685 | 5,460 | 6,100 | 6,220 |
| GROSS EXPENDITURE | 22,599 | 19,350 | 19,090 | 20,170 |
| GROSS INCOME | (54,783) | (44,550) | (44,770) | (29,710) |
| NET CONTROLLABLE EXPENDITURE | (32,184) | (25,200) | (25,680) | (9,540) |
| Departmental Support | 9,079 | 9,230 | 9,280 | 9,470 |
| Central Support | 11,292 | 12,260 | 12,070 | 13,480 |
| NET EXPENDITURE | (11,813) | (3,710) | (4,330) | 13,410 |

Contributes to corporate priority :

- Supporting employment and business
- creating safer communities

KEY PERFORMANCE INDICATORS

| | | | | |
|------------------------------|---------|---------|---------|---------|
| Number of vehicles licences | 105 | 100 | 105 | 105 |
| Number of operators licences | 9 | 8 | 9 | 9 |
| Number of drivers licences | 107 | 120 | 107 | 112 |
| Gross cost per licence | £194.43 | £179.12 | £182.99 | £190.80 |
| Net cost per licence | -£53.45 | -£16.27 | -£19.59 | £59.34 |

4019 - GAMBLING ACT AUTHORITY

As the Licensing Authority, the Council is responsible for issuing premises, betting office and race track, bingo club, adult gaming centre, and family entertainment centre licences in the Borough. It will also issue permits for gaming machines in members' clubs and licensed premises, prize gaming and unlicensed family entertainment centres within the Borough.

| DESCRIPTION | ACTUALS 2015/2016 | APPROVED BUDGET 2016/2017 | REVISED BUDGET 2016/2017 | ORIGINAL BUDGET 2017/2018 |
|-------------------------------------|----------------------|---------------------------------|--------------------------------|---------------------------------|
| Employee Expenditure | 151 | - | - | - |
| GROSS EXPENDITURE | 151 | - | - | - |
| GROSS INCOME | (9,871) | (9,900) | (9,900) | (9,900) |
| NET CONTROLLABLE EXPENDITURE | (9,720) | (9,900) | (9,900) | (9,900) |
| Departmental Support | 1,761 | 1,810 | 1,830 | 1,850 |
| Central Support | 954 | 1,070 | 920 | 950 |
| NET EXPENDITURE | (7,005) | (7,020) | (7,150) | (7,100) |

Contributes to corporate priority :

- Supporting employment and business
- creating safer communities

KEY PERFORMANCE INDICATORS

| | | | | |
|-----------------------------|---------|---------|---------|---------|
| Number of Gambling licences | 91 | 100 | 91 | 91 |
| Gross cost per licence | £31.49 | £28.80 | £30.22 | £30.77 |
| Net cost per licence | -£76.98 | -£70.20 | -£78.57 | -£78.02 |

Agenda Item No 9

Licensing Committee

31 January 2017

**Report of the
Assistant Chief Executive and Solicitor to
the Council**

**Local Government (Miscellaneous
Provisions) Act 1976 – Taxi
Licensing - Policy Document And
Guidance Relating To The
Definition Of ‘Fit And Proper’
Persons**

1 Summary

- 1.1 The report asks the Committee to consider recommending the adoption of a policy relating to the definition of ‘fit and proper’ persons to hold a hackney carriage or private hire drivers licence or a private hire operators licence.

Recommendation to the Council

That the policy relating to the definition of ‘fit and proper’ persons to hold a hackney carriage or private hire vehicle drivers licence, or a private hire operators licence (Appendix A) be adopted.

2 Consultation

- 2.1 Councillors Jenns (Chair) and Lewis (Vice Chair) have been sent an advanced copy of this report for comment. The proposal has also been placed on the Council website for eight weeks and there has been consultation with the taxi trade, the Police and Child Protection Service. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 The objective of the taxi licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so. In particular that they are safe drivers with a good driving record and adequate experience, sober, medically fit, honest and trustworthy. At its meeting of 28 May 2012, your Committee agreed to recommend to Council the adoption of a policy relating to fit and proper persons and this was subsequently adopted by Council.
- 3.2 This document set out a stance for the Council on the relevance of convictions, cautions and medical matters in respect of applications for the grant of new licences and the renewal of existing licences and issues that may arise in respect of drivers at other times.

- 3.3 These guidelines are to assist the members of the Licensing Committee in their decision making and to maintain the consistency of decisions made. They also provide clearer information to current drivers/operators and potential applicants.
- 3.4 The policy was reviewed in light of the recent incidents of child sexual exploitation involving taxi drivers that have come to light in places such as Rotherham and a revised policy brought before your Committee on 6th June 2016. The policy had been simplified and written in a clearer format. The main changes were that a much more rigorous approach had been taken to crimes of a violent or sexual nature.
- 3.5 On this occasion Members were not content to approve the policy as they felt a more rigorous policy should apply in certain areas than had been suggested.
- 3.6 The policy has been reviewed again and amended in line with Members views. The opportunity has also been taken to introduce two new categories which had been omitted from the first draft. These are human trafficking for exploitation and terrorism offences.
- ... 3.7 A draft policy is attached (Appendix A) and Members are asked to consider recommending its adoption as Council policy.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 There are no finance or value for money implications contained in the report.

4.2 Safer Communities Implications

- 4.2.1 The policy would assist the Council in preventing unsuitable people from obtaining taxi drivers licences thereby helping to protect the community from harm. A well regulated taxi service is important in providing safe transport for many people in vulnerable situations.

4.3 Legal and Human Rights Implications

- 4.3.1 There are no material legal implications arising from the adoption of the new policy provided the relevant statutory procedures are followed.

4.4 Environment and Sustainability Implications

- 4.4.1 There are no adverse environmental implications in the report.

4.5 Health, Wellbeing and Leisure Implications

4.5.1 A well regulated taxi service will allow more people access to health and leisure opportunities which will increase general wellbeing

4.6 Human Resources Implications

4.6.1 There are no human resource implications contained within the report.

4.7 Risk Management Implications

4.7.1 There is a risk that if the Council does not have a policy it is more likely that it could face legal challenges over its decisions and that unsuitable and possibly dangerous people could obtain drivers' licences

4.8 Equalities Implications

4.8.1 There are no negative impacts of opportunity for any known group. Applications will be considered in accordance with legislative requirements and Council policy and each case will be judged on its merits. Therefore there are no equality impact issues in respect to the granting of consents.

4.9 Links to Council's Priorities

4.9.1 Creating Safer Communities
Improving leisure and wellbeing opportunities
Promoting sustainable and vibrant communities
Supporting employment and business

The Contact Officer for this report is Stephen Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|----------------------------|---------------|-----------------------------------|-------------|
| | | | |



NORTH WARWICKSHIRE BOROUGH COUNCIL

TAXI LICENSING

(HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES)

Policy Document and Guidance Relating to the
Definition of 'Fit and Proper' Persons

Including

The consideration of the grant, suspension or revocation of hackney carriage and private hire driver's and operator's licences in respect of convictions, cautions and medical conditions.

Contents

| | Section Page Number |
|--|---------------------|
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| Traffic Offences | 8 |
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| Sexual Offences | 11 |
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Introduction

This document sets out the Council's stance on the relevance of convictions and cautions and medical matters in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle, driver's operator's and proprietor's licences.

These guidelines are to assist the Licensing Committee and Licensing Sub Committee (collectively referred to as the Committee) in their decision-making and to maintain the consistency of the decisions made. They will also provide clearer information to current and potential applicants.

The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, medically fit, honest and trustworthy. It is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operator's licence, and also, when considering offences by, or other complaints about, an existing driver.

Each case will be considered on its own merits. Any necessary hearings will be conducted in privacy unless on balance the public interest suggests otherwise. The list of offences and other complaints detailed in this document is not exhaustive and the Council may take into consideration any other matters not specifically listed.

As part of this policy, the Council does not permit a person to apply for a hackney carriage or private hire licence until:

1. They have held a driving licence for a minimum of 2 years.
2. They have passed as a minimum the Blue Lamp Trust standard taxi driving test or a higher qualification at least QCF Level 2.
3. They can demonstrate that they have the right to work in the UK.
4. They have undertaken training approved by the Licensing Authority in Safeguarding Vulnerable Persons & Prevention Of Child Sexual Exploitation.

Any appeals against decisions in respect of refusal to grant must be made to the Magistrates Court.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the issue of driver suitability:

"...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence."

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

...the District Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

1. That he has since the grant of the licence.
 - i) Been convicted of an offence involving dishonesty, indecency or violence; or
 - ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of Part of this Act; or
2. Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Procedure

1. The completed application and associated documents will be considered.
2. The Licensing Manager will then grant the licence or renewal where the Applicant is deemed to be fit and proper in accordance with the policy.
3. Where the policy indicates that an application should be refused the Licensing Manager will write to the Applicant and advise that refusal is proposed and indicate the reason why.
4. The Applicant will then be given the chance to make representations to the Councils Licensing Sub Committee ("the Committee") before a decision is made. Representations can be made in person or in writing.
5. The Applicant will need to notify the Council within 21 days if they want their application to be considered by the Committee.
6. When this notification is received a hearing before the Committee will be arranged and the Applicant notified of the date.
7. A report will be prepared and submitted to the Committee which will contain details of why refusal of the application has been proposed and include any evidence that the Applicant has already submitted. The Applicant will be given a copy of the report and the opportunity to submit further evidence in advance of the hearing.
8. The Applicant may attend the hearing and address the Members of the Committee. The Applicant may choose to attend with a legal representative or a friend who may speak on their behalf. The Applicant may choose not to attend but to send in written representations for the Committee to consider. If the Applicant does not attend the Committee may decide to consider the application in their absence.
9. The Committee will then decide whether to grant or refuse the application based on whether they believe that the applicant is fit and proper to hold a licence. The Applicant will be notified of the decision in writing. If the decision is to refuse the application then the written notification will include reasons for the refusal and details of how to appeal.
10. If an Applicant indicates that they do not want their application or renewal to be considered by the Committee or does not respond then the Licensing Manager will review the application after 21 days and decide whether to grant or refuse the licence. The Applicant will then be informed of the decision and reasons in writing along with

the right of appeal.

“Fit and Proper Person”

There is no absolute definition as to what constitutes a “fit and proper person”. However, considering the range of passengers that a driver may carry, for example, elderly people, unaccompanied children, people with disabilities, those who have had too much to drink, lone women and foreign visitors, the Committee will want to have confidence that such people would be able to rely on the driver.

Some important areas that will be considered by the Committee are:

- Honesty and trustworthiness - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars; any passenger would expect to be charged the correct fare for a journey and then given the correct change; they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- Courtesy - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will be expected not to have any convictions or cautions for offences of a violent or threatening nature.
- Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- Good knowledge of the area that they are working in.
- Good physical and mental health.
- Ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change, etc.
- Good knowledge and awareness of any special requirements that disabled passengers may have.
- To be able to exercise judgement in deciding whether a young person or vulnerable adult entering a taxi is placing him / herself in harm's way by association with a controlling or over solicitous adult or by the influence of drugs and / or alcohol.

Protecting the Public

The over-riding consideration of the members of the Committee is to protect the travelling public. Having considered and applied the appropriate guidelines, the following question should be applied:

“Would I allow my daughter or son, granddaughter or grandson, spouse, mother or father, or any other person I care for or any vulnerable person I know, to get into a vehicle with this person alone?”

If answer is yes, then favourable consideration should be given towards allowing the application to proceed (subject to any other test being completed); or permitting the licence to continue if there is one in force.

If the Committee has reasonable doubts, then an application should be refused until those doubts can be allayed through further evidence being supplied or consideration be given to revocation or suspension of the licence. It is the applicant’s responsibility to provide sufficient evidence to this effect.

Compliance With Conditions And Requirements Of The Licensing Authority

The Committee may take into account an applicant’s relevant history while holding a licence, from this or any other authority, and also, in deciding whether a person is a fit and proper person to hold a licence, or continue to hold, such matters as their record of complaints, or positive comments from members of the public, their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

Convictions / Cautions

The licence application form requires that the applicant must disclose all convictions and cautions. These include any spent convictions under the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) Order 2003. An existing licence holder must report any such convictions within seven days to the Licensing Authority.

The Committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person’s suitability to hold, or continue to hold, a licence and consider the possible implications of granting such a licence, or allowing an existing licence to continue.

Applicants must disclose any cautions they have received or any pending matters. Existing licence holders must report these within 7 days to the Licensing Authority.

If a licence is granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.

The disclosure of any conviction will not necessarily preclude an applicant from being issued a licence. However, all convictions, spent or live, will be assessed, and may be taken into consideration.

All hackney carriage and private hire drivers and operators, proprietors and drivers currently holding a licence must disclose any conviction or caution imposed on them, whether for motoring offences or any other reason, in writing to the Council within 7 days.

Rehabilitation Periods

These guidelines have separated the various offences affecting such an application into categories, each detailing the period that must usually elapse after a particular offence within that category, before an applicant can be considered a fit and proper person to hold a licence. If, after consideration by the Committee, a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

The Committee will not consider evidence as to whether an applicant did or did not commit an offence of which a Court has convicted them. The applicant may, however, explain any mitigating factors, which they may consider led to them committing the offence. The Committee may choose to take these factors into account, together with all other relevant information, in deciding whether the applicant is a fit and proper person to hold or retain a licence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court, the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended pending the outcome of the appeal.

Convictions for offences may not automatically prevent a person from proceeding with an application or mean that his licence is revoked or suspended. However, the number, type and frequency of any offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct, or to give a similar warning to an existing licence holder. If a significant history of offences is disclosed, refusal of an application or a revocation or suspension may result.

Hackney Carriage/Private Hire Offences

| Offence | Minimum period free from conviction |
|--|--|
| Providing false information on licence application | 5 Years |
| Using an unlicensed vehicle | 5 Years |
| Driving a licensed vehicle without a licence/Operating a vehicle without an operator's licence/Proprietor using an unlicensed driver | 5 Years |
| Not wearing identity badge | 5 Years |
| Obstruction of an authorised officer/constable/failing to comply with requirement of authorised officer or Constable. | 5 Years |
| Overcharging/Unnecessarily prolonging journey | 5 Years |
| Failing to produce records/documents on request | 5 Years |
| Failing to notify change of details including address, convictions, cautions and accidents. | 5 Years |

These minimum periods are following conviction by a court or where a driver has accepted a Simple Caution. Officers will prosecute for these offences in accordance with the Enforcement Policy which is available on the Council website.

The Enforcement Policy describes how action will be taken in a graduated manner which is

proportionate to the matter under consideration. For example the actions that can be taken are:

- Informal warning
- Formal Warning
- Formal Action, including Simple caution, Prosecution or actions by the Committee.

TRAFFIC OFFENCES

New applicants:

Any new applicant who has 9 penalty points or more on his driving licence will be required to appear before the Council's Licensing Committee and should expect their application to be rejected. The Licensing Committee may, upon considering any representations by the applicant at a meeting:

- Issue the licence with or without a written warning
- Refuse the application.

For any offences totaling 8 or fewer points on an applicant's driving licence, a licence may be granted, with a formal warning with regard to future conduct.

Any applicant that has been convicted of a major traffic offence will be assessed in accordance with the table below.

Existing Licence Holders

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

Convictions for traffic offences may not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

Any existing licence holder who has 9 penalty points or more on his driving licence will be required to appear before the Committee to explain their convictions. The Committee then have the option of:

- Taking no further action
- Giving a written warning
- Requiring the driver to pass a DSA private hire/hackney drivers test, **at the driver's own expense**, within 2 months of their decision.
- Suspending the Licence upon conditions or for a period of time
- Revoking the licence.

Any driver who has been convicted of a major traffic offence will be assessed in accordance with the table below.

| Offence | Offence Code | Minimum period free from conviction |
|--|----------------------------------|---|
| Death/serious injury by dangerous driving | DD10/DD80 | Not suitable to be licensed |
| Manslaughter or Culpable Homicide whilst driving a vehicle | DD60 | Not suitable to be licensed |
| Death by careless driving | CD40/CD50/CD60 CD70/CD80/CD90 | Not suitable to be licensed |
| Dangerous/Furious Driving | DD40/DD90/MR09 | Not suitable to be licensed |
| Careless Driving | CD10/CD20/CD30 | 10 Years |
| Driving/Attempting to drive under the influence of alcohol or drugs | DR10/DR20/DR80 MR29 | 10 years |
| Failing to stop/report an accident/accident offences | AC10/AC20 AC30/MR19 | 10 Years |
| In charge of vehicle under the influence of alcohol/drugs | DR40/DR50/DR90 | 10 Years |
| Failing to provide a specimen for analysis/refusing to give permission for specimen analysis | DR30/DR31/DR61 DR60/DR70 | 10 Years |
| Driving without insurance | IN10 | 5 Years |
| Driving or attempting to drive whilst disqualified | BA10/BA30/MR49 | 10 years |
| Driving other than in accordance with a licence | LC20/LC50 | 5 Years |
| Driving having failed to notify a disability/false declaration about fitness | LC30/LC40 | 10 Years |
| Driving whilst using a mobile phone | CU80 | 5 years |
| Disqualification following totting up | TT99 | 5 years from end of disqualification period |
| | | |

MEDICAL PROBLEMS PRESENTED

New applicants

Any applicant who's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years; or has received a conviction for driving a vehicle after failing to notify a disability; or made a false declaration about fitness and medical health, will be required to appear before the Licensing Committee and should expect their application to be rejected, until medical proof of current fitness can be provided.

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or nominated practitioner at their own expense, which may be required be brought to any Committee hearing. The Committee may consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to public safety.

If the Committee has any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to overcome

these doubts.

Existing Licence Holders

Any existing licence holder whose driving licence has been revoked or refused on medical grounds by the DVLA or who has received an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, will be required to appear before the Licensing Committee and should expect their renewal application to be rejected, until medical proof of current fitness can be provided.

If evidence to the above is not declared, but is discovered by officers, the driver must attend a meeting of the Committee to explain why they failed to declare it.

All licensed drivers must submit to a medical inspection every three years by either their own GP/consultant or one of the nominated medical practitioners. However, if at any time the Environmental Health Manager or the Committee feel that a medical condition has arisen or an existing one has deteriorated since a previous medical was taken, an additional medical report may be required to be obtained at the driver's own expense.

SEXUAL OFFENCES

| Offence | Minimum Period Free From Conviction |
|--|--|
| Rape | Not suitable to be licensed |
| Assault by penetration | Not suitable to be licensed |
| Sexual assault | Not suitable to be licensed |
| Sexual offences involving a child or young person | Not suitable to be licensed |
| Indecent exposure | Not suitable to be licensed |
| Prostitution/Soliciting | Not suitable to be licensed |
| Soliciting prostitutes from a motor vehicle or kerb crawling | Not suitable to be licensed |
| Human trafficking for exploitation | Not suitable to be licensed |

DRUG OFFENCES

| Offence | Minimum Period Free From Conviction |
|---|--|
| Supply of controlled drugs/Possession with intent to supply | Not suitable to be licensed |
| Possession of a controlled drug | 5 Years |

VIOLENCE AND PUBLIC ORDER OFFENCES AND OFFENCES AGAINST PROPERTY

| Offence | Minimum Period Free From Conviction |
|---|--|
| Murder | Not suitable to be licensed |
| Manslaughter | Not suitable to be licensed |
| Grievous Bodily Harm/Unlawful Wounding | Not suitable to be licensed |
| Robbery | Not suitable to be licensed |
| Arson With Intent To Endanger Life | Not suitable to be licensed |
| Arson | 10 Years |
| Riot Or Violent Disorder | 10 Years |
| Possession Of A Firearm | Not suitable to be licensed |
| Assault Occasioning Actual Bodily Harm | 10 Years |
| Assaulting A Police Officer | 10 Years |
| Threats To Kill | Not suitable to be licensed |
| Witness Intimidation | 10 Years |
| Affray | 10 Years |
| Possession Of An Offensive Weapon Or Bladed Article | Not suitable to be licensed |
| Harassment With Fear Of Violence | Not suitable to be licensed |
| Harassment | 10 Years |
| Criminal Damage (Value Over £5000) | 5 Years |
| Criminal Damage (Value Under £5000) | 3 Years |
| Threatening Behaviour – Section 4 & 4A Public Order Act | 7 Years |
| Common Assault | 7 Years |
| Drunk And Disorderly In A Public Place | 5 Years |
| Disorderly Behaviour – Section 5 Public Order Act | 5 Years |
| Terrorism Offences | Not suitable to be licensed |

OFFENCES OF DISHONESTY

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

| Offence | Minimum Period Free From Conviction |
|-------------------------------------|--|
| Burglary | Not suitable to be licensed |
| Fraud (Sentence Of Imprisonment) | Not suitable to be licensed |
| Fraud (No Sentence Of Imprisonment) | 5 Years |
| Theft (Sentence Of Imprisonment) | Not suitable to be licensed |
| Theft (No Sentence Of Imprisonment) | 10 Years |
| Vehicle taking | 5 Years |

COMPLAINTS AGAINST DRIVERS

Complaints are occasionally made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare or threatening or failing to respond to a reasonable request by officers. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the Licensing Committee.

The Committee should then consider the complaint together with any history of complaints made against the driver to assess any patterns. On the basis of the evidence, the Committee should consider whether the driver is a fit and proper person to hold a licence.

APPEALS

Any applicant refused a driver’s licence on the grounds that the Committee is not satisfied they are a fit and proper person to hold such a licence, or who has had their licence suspended, revoked or had a condition attached with which they disagree has a right of appeal to the magistrates’ court within 21 days of the notice of decision .

GLOSSARY

Appeal A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. The decision of the Committee may be upheld or overturned.

Caution A signed admittance of guilt of committing an offence where no further action is taken at that time. It may be taken into account in the case of re-offending.

Committee A panel of the Licensing Committee gathered together to consider the suitability of a person to hold a taxi related licence.

Any reference to “Committee” will be classed as the Licensing Committee for the purposes of Licensing.

Conviction Judicial determination that someone is guilty of a criminal offence

Fit and Proper Person A person who is of no threat to the general public, has a good character and is therefore deemed fit and suitable to hold a licence.

Hackney Carriages A vehicle that can carry passengers for hire or reward, can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.

Mitigating Circumstances The conditions surrounding a conviction. These conditions may alter the perceived seriousness of a crime.

Plying for Hire To actively invite or respond to a hail for a taxi with the intent to charge a specific fare for the service

Private Hire Vehicles A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.

Proprietor The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.

Operator This is the business, which in this country can cover anything from a one person business up to the largest firm in the country

Rehabilitation The period to which the standing authority feels a person has repented their crimes.

Revoke To take back something for an indefinite period of time.

Suspend To hold something away from its owner for a period of time.

Written Warning A letter advising that although an offence was not serious enough to have warranted the suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the committee as to the person’s suitability to hold such a licence. If, in the future, similar behaviour is exhibited, the consequences could be much more severe, possibly leading to the suspension of the licence.

Agenda Item No 10

Licensing Committee

31 January 2017

**Report of the
Assistant Chief Executive And Solicitor
To The Council**

**Local Government (Miscellaneous
Provisions) Act 1976
Hackney Carriage And Private Hire
Drivers' Qualifications**

1 Summary

- 1.1 The report asks the Committee to consider changing the qualification requirements for making application for a Hackney Carriage or private hire drivers' licence.

Recommendation to the Council

That the Council change the existing policy, substituting Blue Lamp Trust taxi driver assessment for DVSA standard taxi driving test.

2 Consultation

- 2.1 Councillors Jenns (Chair) and Lewis (Vice Chair) have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 At the meeting of 26 January 2015, your Committee agreed to adopt as Council policy that all new applicants for taxi drivers licences must have passed as a minimum the DVSA standard taxi driving test or hold a higher qualification to at least QCF Level 2.
- 3.2 Without any consultation or warning the DVSA announced at the beginning of September 2016 that it was abandoning the taxi drivers test. The DVSA stated that this would take effect from 1 January 2017 but it had in fact already stopped taking bookings as soon as the announcement was made.
- 3.3 This left the Council in a very difficult position and it was necessary to source an alternative supplier as soon as possible.
- 3.4 An alternative supplier was found in an organisation called The Blue Lamp Trust which was already used by a number of local authorities. All of their assessors are DVSA approved and the test is very similar to the DVSA test.
- 3.5 The Chairman of the Committee was consulted and agreed to depart from Council policy due to the urgent nature of the problem and The Blue Lamp

Trust was engaged to carry out taxi driver assessments for applicants for driver licences.

- 3.6 Your Committee is now asked to formalise the position and agree to change Council policy by substituting The Blue Lamp Trust taxi driver assessment for the DVSA standard taxi driving test in the policy.

4 Report Implications

4.1 Finance and Value for Money Implications

- 4.1.1 There are no financial implications contained in the report.

4.2 Safer Communities Implications

- 4.2.1 The policy is essential to ensure that only persons with an acceptable standard of driving can obtain taxi driver licences.

4.3 Legal and Human Rights Implications

- 4.3.1 There are no material legal implications arising from amending the policy.

4.4 Environment and Sustainability Implications

- 4.4.1 There are no adverse environmental or sustainability implications contained in the report.

4.4 Health, Wellbeing and Leisure Implications

- 4.4.1 High standards amongst taxi drivers will enhance health, wellbeing and leisure.

4.5 Human Resources Implications

- 4.5.1 There are no human resource implications contained in the report.

4.6 Risk Management Implications

- 4.6.1 There is a risk if drivers are not tested that someone with poor driving standards could obtain a licence and put passengers and others at risk of injury.

4.7 Equalities Implications

- 4.7.1 There is no negative impact of opportunity for any known group.

4.8 Links to Council's Priorities

- 4.8.1 Creating Safer Communities
Improving Leisure and Wellbeing Opportunities

Promoting Sustainable and Vibrant Communities
Supporting Employment and Business

The Contact Officer for this report is Stephen Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

Agenda Item No 11

Licensing Committee

31 January 2017

**Report of the
Assistant Chief Executive And
Solicitor To The Council**

**Local Government (Miscellaneous
Provisions) Act 1976
Taxi Driver Communication And
Language Assessment**

1 Summary

- 1.1 The report asks Members to consider consulting on the introduction of mandatory assessments of taxi driver applicants for evidence of satisfactory communication and language skills.

Recommendation to the Committee

That the Council consult interested parties on the introduction of mandatory taxi driver communication and language assessments for all new applicants.

2 Consultation

- 2.1 Councillors Jenns (Chair) and Lewis (Vice Chair) have been sent an advanced copy of this report for comment. Any comments received will be reported verbally at the meeting.

3 Report

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976, Section 51, states that the Council shall not grant a licence to drive a Private Hire/Hackney Carriage vehicle to a person unless they are satisfied that the person is a 'fit and proper person' to hold a licence.
- 3.2 The Council has a policy on the interpretation of 'fit and proper person' and one of the clauses states that such a person must have 'the ability to read, speak and understand English, together with a working knowledge of arithmetic in giving the correct change etc.'
- 3.3 Over the recent past the Council has seen a rise in the number of people wishing to become taxi drivers for whom English is not their first language. Many of these people have very good English skills however some have a very poor standard of spoken and/or written English.
- 3.4 Applicants with poor English skills are advised by Officers that they will have to go before Licensing Sub-Committee to have their applications considered. Members are then asked to make an assessment. This is inevitably a very

subjective assessment. The current process could be challenged for being discriminatory and lacking in objectivity.

3.5 A nearby local authority have engaged Adult and Community Learning from Warwickshire County Council (ACL) to carry out taxi driver communication and language assessments. The assessments are carried out by qualified trainers and anyone that fails is signposted to suitable courses run by ACL. The scheme has run very successfully.

... 3.6 A brief outline of the assessments is attached at Appendix A. The fee for the assessment is £10 which would be payable directly to ACL. The assessments for our applicants would be held locally (Camp Hill, Nuneaton).

3.7 In order to avoid any suggestion of discrimination it would be necessary that all applicants for taxi driver licences undertake the assessment and not just those with obviously poor English skills.

3.8 Members are asked to consider consulting with interested parties with a further report following the consultation to consider whether or not to introduce the scheme.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 The fee for the assessment would be paid directly to ACL so there would be no financial implications for the Council.

4.2 Safer Communities Implications

4.2.1 It is essential that taxi drivers have good English language skills for the safety of passengers and their own safety.

4.3 Legal and Human Rights Implications

4.3.1 There are no legal or human rights implications provided the correct procedures are followed and all applicants are treated the same.

4.4 Environment and Sustainability Implications

4.4.1 There are no adverse environmental or sustainability implications from the report.

4.5 Health, Wellbeing and Leisure Implications

4.5.1 An efficient and effective taxi provision will assist people in accessing health and leisure facilities.

4.6 Human Resources Implications

4.6.1 The proposals can be accommodated within existing resources.

4.7 Risk Management Implications

4.7.1 There is a risk that if taxi drivers do not have good English and maths skills conflict situations could arise in respect of wrong destination, incorrect charging etc.

4.8 Equalities Implications

4.8.1 There are no known negative impacts of opportunity for any known group. The proposed consultation on the option for carrying out communication and language assessments is a positive proposal which would help ensure that the risk of any discriminatory practices would be minimised.

4.9 Links to Council's Priorities

4.9.1 Creating safer communities
Improving leisure and wellbeing opportunities
Promoting sustainable and vibrant communities
Supporting employment and business

The Contact Officer for this report is Steven Whiles (719326).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

| Background Paper No | Author | Nature of Background Paper | Date |
|---------------------|--------|----------------------------|------|
| | | | |

APPENDIX A

Taxi Driver Communication And Language Assessment

The assessment is done on a one- to- one basis by an English teacher and applicants will provide most of the answers verbally. There are also a number of questions with multiple-choice answers. The questions are linked to the role of a taxi driver and the assessment consists of the following sections:

Vocabulary – applicants will be asked to name a number of objects from several pictures and photographs;

Money Matters – there are around ten questions (mainly with multiple choice answers) designed to assess that applicants are familiar with numbers and have an understanding of phrases and terms relating to money;

Directions – applicants will be asked to look at a map of the area and to show that they can understand and follow directions to a number of locations on the map;

Places – applicants will be shown a number of photographs and asked to identify various places shown on them;

Phrases and meanings - this section covers various phrases and words linked to driving a taxi and applicants will be asked to show that they understand these phrases and words (around twelve questions)