

## LICENSING BOARD

**Venue:** Town Hall, Moorgate  
Street, Rotherham. S60  
2TH

**Date:** Wednesday, 13 February  
2013

**Time:** 9.30 a.m.

## A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Minutes of the previous meeting of the Licensing Board held on 9th January, 2013. (Pages 1 - 2)
6. Licensing Service - Proposed fee increase. (Pages 3 - 10)
  - Licensing Manager, Licensing Service, Neighbourhood and Adult Services, to report.
7. Exclusion of the Press and Public.

The following item is likely to be considered in the absence of the Press and Public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).
8. Determination of Licensing issues - house to house collections. (Pages 11 - 13)
  - Senior Licensing Officer, Licensing Service, Neighbourhood and Adult Services, to report.
9. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences. (Pages 14 - 24)
  - Licensing Manager, Licensing Service, Neighbourhood and Adult Services, to report.

10. Date and time of next meeting: -

- Wednesday, 20<sup>th</sup> March, 2013, to start at 9.30 am in the Rotherham Town Hall.

**LICENSING BOARD**  
**9th January, 2013**

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Beck, Buckley, Dodson, Falvey, Foden, Goult, J. Hamilton, N. Hamilton, McNeely, Read, Robinson, Sangster and Swift.

Apologies for absence had been received from Councillors Donaldson, Doyle, Havenhand and P. A. Russell.

**Q40.       DECLARATIONS OF INTEREST.**

Councillors B. Dodson, N. Hamilton and C. Robinson declared an interest in relation to an item on the agenda (Application for the Review of the Hackney Carriage / Private Hire Driver's Licence), as potentially being known to the applicant. They withdrew from the room whilst this item was being considered and took no part in the discussion or decision making.

**Q41.       MINUTES OF THE PREVIOUS MEETING OF THE LICENSING BOARD HELD ON 12TH DECEMBER, 2012.**

The minutes of the previous meeting of the Licensing Board held on Wednesday 12th December, 2012, were considered.

Resolved: - That the minutes of the previous meeting be agreed as a correct record.

**Q42.       EXCLUSION OF THE PRESS AND PUBLIC.**

Resolved: - That the following items be considered in the absence of the press and the public as being exempt under the provisions of the Police Act, 1997, and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act, 1972 (business affairs and the prevention of crime).

**Q43.       DETERMINATION OF LICENSING ISSUES - HOUSE TO HOUSE COLLECTIONS.**

Consideration was given to the report submitted by the Licensing Manager concerning the following applications for the grant of a licence to carry out house-to-house collections: -

| Organisation         | Area                                 | Date  |
|----------------------|--------------------------------------|---|
| Tree of Hope Charity | Whole of the Rotherham Borough       | 21st January, 2013<br>- 8th December, 2013  |
| Sense                | Whole of the Rotherham Borough       | 7th January, 2013 -<br>6th January, 2014    |
| CancerKey Limited    | UK<br>Whole of the Rotherham Borough | 1st February, 2013<br>- 31st December, 2013 |

Members of the Licensing Board expressed concerns that applications did not

always contain sufficient information relating to the exact percentage of the donations that would be received by the named charities. Concerns also existed in relation to the charities' / collection organisations' relevance to the local area and local community.

Resolved: - That the three applications, as submitted, be refused.

**Q44. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS' LICENCES.**

The Licensing Board considered the report of the Licensing Manager relating to the application for the grant of hackney carriage / private hire drivers' licences in respect of Messrs. S.A.F. and L.M.M.H..

Mr. S.A.F. attended the meeting and was interviewed by the Licensing Board.

Resolved: - (1) That the application for the grant of a hackney carriage / private hire driver's licence in respect of Mr. S.A.F. be approved for a period of three-years and he be issued with a written warning as to his future conduct.

(2) That consideration of the application for the grant of a hackney carriage / private hire driver's licence in respect of Mr. L.M.M.H. be deferred until the February, 2013, meeting of the Licensing Board, to allow the applicant a further opportunity to attend.

**Q45. APPLICATION FOR THE REVIEW OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE.**

The Licensing Board considered the report of the Licensing Manager relating to the application for the review of the hackney carriage / private hire driver's licence in respect of Mr. C.S..

Mr. C.S. attended the meeting and was interviewed by the Licensing Board.

Resolved: - (1) That hackney carriage / private hire driver's licence in respect of Mr. C.S. be maintained on its existing conditions.

**Q46. DATE AND TIME OF NEXT MEETING: -**

Resolved: - That the next meeting of the Licensing Board be held on Wednesday 13th February, 2013, to start at 9.30 am in the Rotherham Town Hall.

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| <b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b> |
|--|

|                     |   |
|---------------------|---|
| <b>Meeting:</b>     | Licensing Board                           |
| <b>Date:</b>        | 13 February, 2013                         |
| <b>Title:</b>       | Licensing Service – Proposed fee increase |
| <b>Directorate:</b> | Neighbourhood and Adult Services          |

## 5. Summary

This report outlines the proposed licensing fee increases to be effective from 1<sup>st</sup> April 2013.

## 6. Recommendations

- (i) That Members approve the proposed fee structure for non-statutory licensing fees at the rate of increase indicated.
- (ii) That Members direct officers to undertake the necessary consultation with the hackney carriage and private hire trade associations and place a notice in the local press outlining the proposed fee increases in relation to Private Hire/Hackney Carriage Vehicles and Private Hire Operators.
- (iii) That a further report be presented for consideration and determination of the private hire/hackney carriage vehicle and private hire operator fees to the Licensing Board held on 10 April 2013 following the end of the consultation period.

## 7. Proposals and Details

The proposed increase in licensing fees reflects the direct costs involved in maintaining the current level of administrative and enforcement services. The increase is necessary to ensure the cost of delivering services is met within budget.

The increase represents a 2.7% (rounded up/down to the nearest pound) increase in fees commencing in the financial year 2012/13. This is in line with most recently published CPI figure in December 2012.

The fees for administering the Licensing Act 2003 are not included as they are set by central government and are standard throughout the country. However there is a change to the legislation via the Police, Crime and Social Responsibility Act which will come into force at some point in 2013 which will allow the local authority to set the fees based on full cost recovery. Members will be asked to consider a report on this when more is known about the exact date of implementation.

The fees outlined in Appendix A are those that it is proposed to increase by 2.7% (rounded up/down to the nearest pound).

## **Vehicles**

In relation to Private Hire/Hackney Carriage Vehicles the testing is carried out by Translinc who have yet to indicate what their increased charges will be. They will be inline with the Motoring RPI Index and these increases will be passed directly onto the trade.

## **Sex Establishments**

The fee for this licence has not been subject to the increase of 2.7% as a report outlining changes to the proposed licensing of these premises including fee structure will be brought to Licensing Board sometime in 2013.

## **General**

We are currently working on procedures within the office including administrative procedures which will require a full costing out of how much it costs to process particular applications. This is quite a lengthy process and needs to be very thorough in order to avoid any possibility of a legal challenge. Indications are that particularly in relation to driver applications the true cost of processing appears to be much higher than the increases proposed.

Due to the current economic climate these types of fee increase are not being proposed, however members may be requested to review such fees in future.

## **8. Finance**

Local Authorities can only set fee levels (where they are non-statutory and not prescribed) which are reasonable and proportionate to the costs incurred in providing a licensing service, in terms of administration processes and enforcement responsibilities.

## **9. Risks and Uncertainties**

Failure to recover an appropriate level of revenue from licensing fees would result in the cost of service provision being greater than the income received. This would mean the service could not be delivered in budget which could lead to a reduction in the levels of services provided, especially in terms of enforcement.

## **10. Policy and Performance Agenda Implications**

Failure to recover funding sufficient to meet the costs of the service could result in the section failing to deliver its statutory functions. The setting of fees, as part of the budget setting process, forms part of the Councils Service and Financial Planning framework which supports the delivery of cost effective and efficient services.

The setting of fees as part of the budget setting process is consistent with the Corporate Plan's cross cutting themes of sustainable development and fairness as it ensures the delivery of a cost effective licensing service. It also ensures that the Council continues to maintain its statutory functions and undertakes enforcement to support the delivery of safe and sustainable communities in Rotherham.

## 11. Background Papers and Consultation

Consultation will take place with the private hire and hackney carriage trades will take place in relation to the setting of the fees for vehicles and operators only. Any comments received will be submitted in a report to Licensing Board on 10 April 2013.

**Contact Name:** Deborah Bragg, Licensing Manager, 34524  
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APPENDIX A

**Rotherham Borough Council – Proposals for Licensing Fees 2013/14**

**Fees proposed to increase by 2%  
(rounded up to nearest £)**

(i) Private Hire/Hackney Carriage Licensing

|  | <u>Present Fees</u> | <u>Proposed Fees</u> |
|--|---------------------|----------------------|
| <b>Hackney Carriage/Private Hire Drivers</b> |                     |                      |
| 1 to 3 years                                 | £150                | £154                 |
| Up to 1 year                                 | £ 82.00             | £84.00               |
| Knowledge Test                               | £16.00              | £17.00               |
| DVLA Record Check                            | £10.00              | £10.50               |
| Replacement Badge                            | £18.00              | £19.00               |
| Criminal Records Bureau Enhanced Disclosure  | £44.00              | £44.00               |

**Hackney Carriage/Private Hire Vehicles**

|   |         |         |
|---|---------|---------|
| Application Fee<br>(vehicles under the age of 5 licensed for 1 full year) | £109.00 | £112.00 |
| Application Fee<br>(vehicles over the age of 5 licensed for 6 months)     | £54.50  | £56.00  |

**Inspection Fees – charged by Translinc – 1.7% increase (rounded up to nearest pound  
Fee**

|   |                      |
|---|----------------------|
| New Applications/Renewals/Replacement Vehicles<br>Including issuing of MOT Certificate where applicable | £78 (£77 in 2012/13) |
|---|----------------------|



6 month test (old intermediate) £66 (£65 in 2012/13)

Missed Appointment £50 - **unchanged**  
(unless exceptional circumstances can be demonstrated)

Full Retest £78 (£77 in 2012/13)  
(where use of smoke meter/brake tester/headlight beam tester is required)

Partial Retest £37 - **unchanged**  
(all items except those which are identified as free within VOSA Guidelines)

Vehicle Plates £31.00 £32.00  
**(vehicles under the age of 5 licensed for 1 full year)**

Vehicle Plates £15.50 £16.00  
**(vehicles over the age of 5 licensed for 6 months)**

Transfer of Vehicle Licence £41.00 £42.00  
(from one owner to another)

Approval of trailer for attachment to vehicle £36.00 £37.00

Approval of advertisement £37 per advert £38 per advert

Hackney Carriage Door Sign £6.00 £7.00

### **Private Hire Operators**

|                   |      |      |
|-------------------|------|------|
| 1 to 3 vehicles   | £138 | £142 |
| 4 to 20 vehicles  | £185 | £190 |
| 21 to 40 vehicles | £438 | £449 |
| Over 40 vehicles  | £644 | £661 |

|   | <u>Present Fees</u> | <u>Proposed Fees</u>               |
|---|---------------------|------------------------------------|
| <b>Miscellaneous</b>  |                     |                                    |
| Copy of Licence   | £18.00              | £18.50                             |
| Request for Information from File                               |                     | £10 as per DP Act 1998 per request |
| <b>Other Licences/Registrations</b>                             |                     |                                    |
| (ii) Approved Premises (Marriages/Civil Partnerships) (3 years) | £1500               | £1539                              |
| Transfer  | £30.00              | £31.00                             |
| Variation   | £275                | £286                               |
| (iii) <u>Small Bus Permits</u>                                  | £ 23.00             | £24.00                             |
| <u>Sex Shops</u>  | £7635               | £7635                              |
| (iv) <u>Motor Salvage Operators</u>                             |                     |                                    |
| 3 year Registration Grant/ Renewal                              | £98.00              | £100.00                            |
| Certified Copy of Register (each copy up to a max of 5)         | £15.00              | £15.50                             |
| Copy of Database  | £9.00               | £9.50                              |

|                            |                 |                 |
|----------------------------|-----------------|-----------------|
| Public Access to Register  | Free            | Free            |
| <b>Other Miscellaneous</b> |                 |                 |
| Photocopying               | £0.25 per sheet | £0.26 per sheet |

**Gambling Act 2005 Fees and charges**

**Premises Licences**

**2013/14 Proposed charges shown in bold**

| <b>Premises Type</b>                | <b>New Application</b> |              | <b>Annual fee</b> |              |
|-------------------------------------|------------------------|--------------|-------------------|--------------|
| Existing Casinos                    |                        |              |                   |              |
| New Small Casinos                   | 6469                   | <b>6637</b>  | 8086              | <b>8296</b>  |
| New Large Casino                    | 8086                   | <b>8296</b>  | 7926              | <b>8132</b>  |
| Regional Casino                     | 12128                  | <b>12443</b> | 12128             | <b>12443</b> |
| Bingo Club                          | 2696                   | <b>2766</b>  | 810               | <b>821</b>   |
| Betting premises (excluding Tracks) | 2156                   | <b>2212</b>  | 487               | <b>499</b>   |
| Tracks                              | 2156                   | <b>2212</b>  | 810               | <b>831</b>   |
| Family Entertainment Centres        | 1618                   | <b>1660</b>  | 540               | <b>554</b>   |
| Adult Gaming Centre                 | 1618                   | <b>1660</b>  | 810               | <b>831</b>   |

|                                     | <b>Application to vary</b> | <b>Application to Transfer</b> | <b>Application for Reinstatement</b> | <b>Application for Provisional Statement</b> | <b>Licence Application (provisional statement holders)</b> | <b>Copy Licence</b> | <b>Notification of change</b> |
|-------------------------------------|----------------------------|--------------------------------|--------------------------------------|--|--|---------------------|-------------------------------|
| New Small Casinos                   | 3234 <b>3318</b>           | 1455 <b>1492</b>               | 1455 <b>1492</b>                     | 6468 <b>6636</b>                             | 2427 <b>2490</b>   | 25                  | 50                            |
| New Large Casino                    | 4043 <b>4148</b>           | 1726 <b>1770</b>               | 1726 <b>1770</b>                     | 8086 <b>8296</b>                             | 4043 <b>4148</b>   | 25                  | 50                            |
| Bingo Club                          | 1403 <b>1440</b>           | 972 <b>997</b>                 | 972 <b>997</b>                       | 2804 <b>2877</b>                             | 972 <b>997</b>   | 25                  | 50                            |
| Betting premises (excluding Tracks) | 1201 <b>1232</b>           | 972 <b>997</b>                 | 972 <b>997</b>                       | 2804 <b>2877</b>                             | 972 <b>997</b>   | 25                  | 50                            |
| Tracks                              | 1005 <b>1031</b>           | 768 <b>788</b>                 | 768 <b>788</b>                       | 2007 <b>2059</b>                             | 768 <b>7888</b>  | 25                  | 50                            |
| Family Entertainment Centres        | 810 <b>831</b>             | 757 <b>777</b>                 | 757 <b>777</b>                       | 1618 <b>1660</b>                             | 757 <b>777</b>   | 25                  | 50                            |
| Adult Gaming Centre                 | 810 <b>831</b>             | 972 <b>997</b>                 | 972 <b>997</b>                       | 1618 <b>1660</b>                             | 972 <b>997</b>   | 25                  | 50                            |
|                                     |                            |                                |                                      |  |  |                     |                               |

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