

LICENSING PANEL

31 JULY 2014

PRESENT: Councillors Asghar Majeed (Chairman), Philip Bicknell (Vice-Chairman), George Bathurst, Tom Burnsall, Carwyn Cox, John Fido, Geoffrey Hill, David Hilton, Charles Hollingsworth, Lynne Jones, Derek Sharp.

Officers: Alan Barwise, Robert Cowan, Steve Johnson and Roxana Khakinia.

PART I

01/14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Natasha Airey, Maureen Hunt, Peter Lawless and Sayonara Luxton.

02/13 DECLARATIONS OF INTEREST

None

03/13 MINUTES

RESOLVED: That the minutes of the meeting of the Panel held on 16 April 2014 be approved.

04/13 OBJECTION TO PROPOSED INCREASE TO HACKNEY CARRIAGE FARES

The Panel received a report from Alan Barwise, Licensing Manager, and Steve Johnson, Enforcement Principal, regarding objections to a proposed increase to Hackney Carriage fares.

It was noted that at the previous Licensing Panel on 16 April 2014, Members had resolved to increase RBWM Hackney Carriage fares by 3% with a 20p increase per additional passenger for fares of more than two passengers. Statute required such a resolution to be the subject of a notice to be published in at least one of the local newspapers specifying a period of fourteen days from the date of the first publication for any objections to be raised. Mr Mohammed Yasin, a representative of the Hackney Carriage trade, submitted a formal objection to the proposed new tariff. Mr Yasin also suggested an alternative proposal. Members considered the proposed amendments to the new tariff in accordance with the request from the Trade.

Mr Yasin submitted that the figures used to calculate rates would leave Hackney Carriages with a less than 3% increase in rates, contrary to what had been resolved at the previous Licensing Panel meeting. For this reason, he had submitted his objections. However Councillor David Hilton noted that Mr Yasin's calculations were based on incorrect figures which produced a low number. Councillor Hilton provided his own calculations based on the correct figures which showed Hackney Carriage rates worked out at 3%, and just over 3% in a number of instances.

The Panel heard representations from other members of the Trade who used their speaking time to highlight the fact rates had not risen in a number of years. They requested rates be increased to meet the national average, as well as requesting for different rates on holidays such as Christmas and New Years Day.

The Panel voted to leave fares as per the resolution of the Licensing Panel meeting on 16 April 2014.

RESOLVED: The Panel's resolution of the Licensing Panel meeting on 16 April 2014 regarding Hackney Carriage fares be upheld.

Ten Councillors voted in favour of the motion (Councillors George Bathurst, Tom Burnsall, Carwyn Cox, John Fido, Geoffrey Hill, David Hilton, Charles Hollingsworth, Lynne Jones, Asghar Majeed and Derek Sharp.). One Councillor voted against the motion (Councillor Philip Bicknell).

05/13 STATEMENT OF LICENCING POLICY PROCESS

The Panel received a report from Alan Barwise, Licensing Manager, and Steve Johnson, Enforcement Principal, regarding RBWM's Statement of Licensing Policy Process.

The Panel noted that the Council was required to update its Licensing Policy to come into effect 5 January 2016. This was described as a substantial process which involved drafting a new document following a wide ranging consultation. Members of the Licensing Panel were asked to approve the proposed timetable and consultation process.

It was noted that the Policy required consultation with a wide group of people as indicated in paragraph 14 of the report. Also, paragraph 2.5 of the report highlighted potential areas to be incorporated into the Policy, such as a protocol in relation to exchanging documents before Licensing Panel sub-committee meetings. Paragraph 15 of the report stated the timetable for implementation which included the requirement that Full Council approve the Policy.

RESOLVED: The Panel endorse the commencement of the Licensing Policy process, including the proposed timetable and consultation, as set out in the report.

06/13 HOUSE TO HOUSE CHARITY COLLECTION POLICY

The Panel received a report from Steve Johnson, Enforcement Principal, regarding RBWM's House-to-House Charity Collection Policy.

The Panel noted that the report recommended Members approve a guideline that a minimum of 75% of the proceeds from house-to-house charitable collections be applied to charitable purposes. It was noted that the relevant organisations would be consulted on the proposals.

The Panel noted that 20 to 30 applications were received per year. There was no fee to be paid. Concern had been raised that too large a percentage of collections was used to cover costs. In some cases, collections were made by private companies and sold on to charities. The recommendation of the report ensured the majority of collections went directly to the charity concerned.

The Panel noted that this recommendation would focus on local charities. National charities were regulated by central government.

The Panel all agreed they were in favour of the control mechanism in principle. Members then debated the appropriate minimum percentage that could reasonably be expected to go directly to a charity. 90-100% was noted as unworkable as charities had to cover their administrative costs. It was noted that this activity would be policed through auditing and that all charities had to be registered. Auditing in itself created cost implications for charities. The Panel voted in favour of a minimum of 75%. However both Councillors Asghar Majeed and George Bathurst voted against the motion as they believed the percentage should have been closer to 100%.

RESOLVED: The Panel's endorse the commencement of consultation into setting a policy that a minimum of 75% of the proceeds of all house-to-house charitable collections in the Borough must be donated directly to the charity concerned.

Nine Councillors voted in favour of the motion (Councillors Philip Bicknell, Tom Burnsall, Carwyn Cox, John Fido, Geoffrey Hill, David Hilton, Charles Hollingsworth, Lynne Jones and Derek Sharp.). Two Councillor voted against the motion (Councillors George Bathurst and Asghar Majeed).

07/13 AMENDING RBWM'S HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM

The Panel received a report from Steve Johnson, Enforcement Principal, regarding amending the RBWM Hackney Carriage and Private Hire Penalty Points System.

The report had been deferred from the previous Licensing Panel meeting in April 2014. The report had been deferred to seek legal advice.

The report recommended that Members give authority to the Community Protection and Enforcement Lead to consult with the Trade about adding waiting, other than on a Hackney Carriage rank, to the list of infringements covered by the Penalty Points System. The report also recommended other necessary amendments be made to the System. It was noted that, should the Panel endorse this recommendation, a further report stating the results of the consultation would be produced for the next meeting of the Licensing Panel.

Councillor John Fido supported the recommendation in principle, though he highlighted a need to provide sufficient space on the ranks for Hackney Carriages if the Panel was to endorse the recommendation.

Discussing other amendments to the Penalty Points System, Councillor Derek Sharp requested that "failing to notify the Licensing Officer of any points or convictions being imposed by the Courts" should be penalised with 6 points, not just 3. This was unanimously supported by the Panel.

Additionally, Councillor George Bathurst requested more be done regarding taxis waiting in loading bays. The Panel voted unanimously that this be delegated to officers to rectify.

RESOLVED: The Panel's endorse the report's recommendation that authority be given to the Community Protection and Enforcement Lead to consult with the Trade about adding waiting, other than on a Hackney Carriage rank, to the list of infringements covered by the Penalty Points System. Additionally, authority be given to the Community Protection and Enforcement Lead to consult on increasing the penalty for "failing to notify the Licensing Officer of any points or convictions being imposed by the Courts" from 3 points to 6 points.

08/13 DATES OF FUTURE MEETINGS

Members noted the date of the next meeting were noted as:

- 9 October 2014
- 13 January 2015

- 7 April 2015

09/13 MEETING

The meeting, which began at 6.00pm, ended at 7.20pm

Chairman.....

Date.....