

GENERAL LICENSING COMMITTEE

Minutes of a meeting of the General Licensing Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Thursday, 3rd October 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillor Emma Stevenson in the Chair

Councillors Amanda Davis (Vice-Chair), David Bennett, Mary Dooley, Will Fletcher, Jeanne Raspin, Ashley Taylor and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Charmaine Terry (Environmental Health Team Manager (Licensing)) and Matthew Kerry (Governance and Civic Officer).

GLC1-24/25 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Anne Clarke.

GLC2-24/25 URGENT ITEMS OF BUSINESS

There were no urgent items of business to be considered.

GLC3-24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

GLC4-24/25 MINUTES

Moved by Councillor Rita Turner and seconded by Councillor Mary Dooley

RESOLVED that the minutes of the meeting of the General Licensing Committee held on 22nd February 2024 be approved as a true and correct record.

GLC5-24/25 REVIEW OF THE COUNCIL'S TAXI LICENSING FEES UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Environmental Health Team Manager for Licensing explained that the Council was responsible for the licensing and regulation of Hackney Carriage and Private Hire Vehicles, Drivers, and Operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

In line with regulation 2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000, fee setting for taxi licensing was a non-Executive function of the Council and decisions were to be taken by the Committee.

GENERAL LICENSING COMMITTEE

Current taxi licensing fees were no longer sufficient to recover costs, resulting in the joint Environmental Health Service conducting a comprehensive review. A table of proposed fee calculations was attached as Appendix 1.

Benchmarking showed that the proposed fees remained competitive with neighbouring local authorities. A comparison table was attached as Appendix 2.

Any proposed variation of fees had to be advertised in a local newspaper and displayed at the Council so they could be readily seen by the public. The Council had to allow at least 28 days for comments to be made on the proposed variation. A draft notice was attached as Appendix 3.

Modifying the fees would ensure the Licensing Service remained cost neutral and recovered all reasonable costs. If the Council retained the current fees, an operating loss would occur for most licence types. For others it could result in overcharging.

To a question on the financial arrangements of holding Sub Committees, the Environmental Health Team Manager for Licensing informed that the holding of Sub Committees was part of the financial calculation and so costs (e.g., Licensing Officer and Legal Officer time, Governance, room hire, maintenance, etc.) were included in the fees.

It was reiterated that any shortfall of revenue was covered by the Council. Subsidising fees across different licences was also not an option. Any changes to legislation, both national and local (e.g., the Taxi Licensing Policy: Hackney Carriage and Private Hire Vehicle (CCTV Supplement)) increased costs. When prosecutions of unlicensed activity occurred, there would be attempts to recover costs.

The Chair sought more information on the checks the Licensing Enforcement Team carried out in their role of monitoring licence holders. The Environmental Health Team Manager for Licensing agreed to provide detailed information on applications, complaints, and interim checks at the next Committee meeting.

Of note was the time it took to carry out paper checks (e.g., DVLA, DBS, and medical checks could take months to complete).

To a further question on physical checks being carried out, the Environmental Health Team Manager for Licensing noted the District had no large town centre, and so the Enforcement Team had to coordinate at key regional sites where activity occurred (e.g., East Midlands Airport).

A previous shortage of Enforcement Officers had also affected capacity to conduct physical checks.

To a question on Derbyshire Constabulary's participation in enforcement efforts, the Environmental Health Team Manager for Licensing noted communication was constantly improving; if the police requested CCTV evidence, the Council would always attempt to provide this in safe time. However, the police were cautious with their own data and would often provide generic responses to information requests.

It was reiterated that while this issue was improving, some drivers who had been arrested by the police in months previous were still licenced by the Council due to this information not being circulated.

GENERAL LICENSING COMMITTEE

The matter had been raised with senior management, and while improvements would be made the police would often return to the default position of withholding information.

The Environmental Health Team Manager for Licensing continued presenting the report, explaining that if licence fees were too affordable, the Council would attract anyone/everyone, but if too expensive it would dissuade potential applicants from applying.

There had been a general increase in costs due to the Cost of Living Crisis, the cost of materials, and the need for additional checks. While efficiency measures had taken place, only a small number of licence type fees had decreased.

To a question on Safeguarding, the Environmental Health Team Manager for Licensing explained there was a specific list of providers that applicants needed to use; these took place in person, not digitally. However, this did need reviewing as only one provider was currently utilised. It was scheduled that these reviews take place every three years.

The Legal Team Manager – Deputy Monitoring Officer questioned the use of only North East Derbyshire District Council's departments when formulating fees; the Council's own Legal Team and Section 151 Finance Officer had not been consulted. The Environmental Health Team Manager for Licensing explained, with the joint service, the Council provided a single payment to North East Derbyshire District Council as they directly employed staff.

The fees had been difficult to quantify, and the Council's own individual costs would need to be learned. However, this would be reviewed annually moving forwards starting in 2025/26.

A Member wished to thank the Environmental Health Team Manager for Licensing and all those involved in the formulation of the fees and the writing of the report.

It was asked if the recently elected Derbyshire Police and Crime Commissioner be contacted to address the concerns of the police not providing adequate information in a safe time. The Legal Team Manager – Deputy Monitoring Officer confirmed a letter could be written on behalf of the Committee, through the Chair, asking for this to be addressed. The Committee discussed and agreed this letter would be sent.

Moved by Councillor Mary Dooley and seconded by Councillor David Bennett

RESOLVED that: 1) the Committee approves the revised draft licence fees for consultation;

- 2) The Committee requires the Joint Assistant Director of Environmental Health conduct a consultation directly with the trade and place the statutory notice in the relevant local newspaper, on the Council premises and on the Council website;
- 3) In the event objections are received, the Committee requires the Joint Assistant Director of Environmental Health to report any objections to the modified fees back to the General Licensing Committee in line with the legislative requirements;

GENERAL LICENSING COMMITTEE

- 4) In the event no objections are received, the Committee requires the Joint Assistant Director of Environmental Health implement the new fees and charges.

The meeting concluded at 10:54 hours.