

**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE held at Surrey
Heath House, Camberley on
17th September 2008**

+ Cllr David Hamilton - Chairman
+ Cllr Stuart MacLeod - Vice-Chairman

- Cllr Rodney Bates	+ Cllr Bruce Mansell
- Cllr Bill Chapman	+ Cllr Mrs Patricia Pearce
+ Cllr Mrs Vivienne Chapman	+ Cllr Audrey Roxburgh
+ Cllr Mike Drew	+ Cllr Stewart Stevenson
- Cllr Craig Fennell	+ Cllr David Whitcroft
+ Cllr Surinder Gandhum	+ Cllr Gret Woodason
+ Cllr Paul Innicki	

+ Present
- Apologies for absence presented

006/L MINUTES

The minutes of the meeting held on 3rd June 2008 were confirmed and signed by the Chairman.

PART I
(public)

007/L MEETING WITH VEHICLE PROPRIETORS AND DRIVERS

Members were informed that Associations had been established by vehicle proprietors and drivers in other local authority areas, for the purpose of considering matters of common interest in relation to the operation of hackney carriages and private hire vehicles. Although Officers had tried to encourage the formation such an association for the proprietors and drivers within the borough, no effective organisation had been formed.

As a compromise, a meeting had been held with a cross section of proprietors and drivers on 30th July 2008 to seek views on various matters. The topics which the drivers and proprietors had requested to be discussed at Committee follow at minutes 008/L, 009/L, 010/L and 011/L.

Members agreed that the meeting held on 30th July had been an excellent compromise solution.

RESOLVED, that the report on the meeting held on 30th July 2008 with proprietors and drivers of licensed hackney carriage and private hire vehicles be noted.

008/L AGE LIMITS ON VEHICLES SUBMITTED FOR LICENSING AS HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Committee was reminded that the Council had adopted a policy that no vehicle should be licensed which, at the time of being first presented for licensing, was first registered with the Driver and Vehicle Licensing Agency more than three years

previously or, in the case of a vehicle presented for re-licensing, after five years since first being registered with the Driver and Vehicle Licensing Agency.

The Council had received a number of petitions from drivers who had requested that the age limit be extended.

The Committee considered the options and agreed not to change the Council policy.

RESOLVED that the existing Council guidelines with regard to age limits on vehicles submitted for licensing as hackney carriages and private hire vehicles be retained without amendment.

009/L RESTRICTION ON NUMBER OF LICENSES ISSUED FOR HACKNEY CARRIAGES

The Committee was advised that under Section 16 of the Transport Act 1985 the granting of a licence could be refused for the purpose of limiting the number of hackney carriages but only if the licensing authority had been satisfied that there was no significant demand for the services of hackney carriages within its area.

In order to consider a restriction on the number of licences issued, a survey on unmet demand would have to be carried out, which could be costly. Considering that the number of licences issued by the Council for hackney carriages had been fairly static, and the cost implication of carrying out a survey, Members considered that the current policy without limitations should be retained.

Members also acknowledged that the issue of licences was a self regulating function.

RESOLVED, that the request to investigate the possibility of limiting the number of hackney carriage licences issued be not pursued.

010/L HACKNEY CARRIAGE AND PRIVATE LICENCE FEES

The Committee was advised that proprietors and drivers, at a meeting on 30th July 2008, claimed that the fees charged by the Council were in excess of those charged by other local authorities in the area. Under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 the Council was entitled to charge fees to cover the cost of undertaking the hackney carriage and private hire licensing function.

The figures detailing the budget for the licensing function were circulated to Members at the meeting. Members requested clarification of the range of charges used by Councils in Surrey and the Licensing Manager was asked to circulate details of this by e-mail prior to the next meeting.

RESOLVED that the concerns expressed by proprietors and drivers in relation to fees charged for hackney carriage and private hire licences be noted and that no action be taken.

011/L ADVERTISING ON VEHICLES

The Committee was advised that the Council's policy in relation to advertising on hackney carriage and private hire vehicles had last been reviewed in November

2006. Some drivers felt that, in the current economic climate, they would benefit from companies advertising on their vehicles, generating a welcome additional income.

Some Members had no objections to adverts being placed on hackney carriage vehicles, provided the Council could retain control of the types of adverts used. Members requested that more information including some photographs showing examples of advertising be brought to the next Committee.

RESOLVED, that a decision on the Council's policy in relation to restrictions on advertising on hackney carriage and private hire vehicles be deferred to the next Committee meeting, in order to obtain more information on advertising.

012/L MEMBER TRAINING

The Committee was reminded that, under the provisions of the Licensing Act 2003 and the Gambling Act 2005, Members were required to undertake training with regard to the provisions of the Acts before sitting on the Adjudication Sub-Committee to determine licence applications.

Some Members had still not received training as detailed above. The training would be primarily for those Members who had not received any training, but due to recent changes in legislation would also be useful as a refresher session.

The Licensing Manager agreed to circulate potential dates for the training to Committee by e-mail.

RESOLVED, that the dates for Member training regarding the Licensing Act 2003 and the Gambling Act 2005 be circulated by e-mail and availability be confirmed by Members.

013/L LICENSING ACT 2003 – SUMMARY OF DECISIONS

The Committee received a report on the summary of decisions taken in respect of licence applications that had been dealt with under the powers delegated to the Head of Legal and Corporate Services and the Licensing Manager.

Members were advised that the Adjudication Sub-Committee hearing on 5th September in respect of the Vue Cinema, had been adjourned until 3rd October 2008.

RESOLVED, that the report on the summary of decisions taken in respect of licence applications that have been dealt with under the powers delegated to the Head of Legal and Corporate Services and the Licensing Manager be noted.

CHAIRMAN