



To: Members of the Licensing  
Committee

Date: 29 November 2012

Direct Dial: 01824 712568

e-mail: dcc\_admin@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 5 DECEMBER 2012** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams  
Head of Legal and Democratic Services

## **AGENDA**

### **PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTERESTS**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

**4 MINUTES OF THE LAST MEETING (Pages 5 - 12)**

To receive the minutes of the Licensing Committee held on 12 September 2012 (copy enclosed).

**5 LICENSING COMMITTEE FORWARD WORK PROGRAMME (Pages 13 - 18)**

To consider a report by the Head of Planning and Public Protection Services (copy enclosed) seeking members' approval of the Licensing Committee's forward work programme and priorities for the Licensing Section for 2013/14.

**6 UPDATE ON REVIEW OF LICENSING FEES AND CHARGES (Pages 19 - 24)**

To consider a report by the Head of Planning and Public Protection (copy enclosed) updating members on progress made with the review of the licensing fees and charges for 2013/14.

**7 POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER (Pages 25 - 28)**

To consider a report by the Head of Planning and Public Protection (copy enclosed) outlining the new powers available to the Licensing Authority from 31 October 2012 under amendments to the Licensing Act 2003 to make Early Morning Restriction Orders and impose Late Night Levies.

**PART 2 - CONFIDENTIAL ITEMS**

**EXCLUSION OF PRESS AND PUBLIC**

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act would be disclosed.

**8 REVIEW OF TWO LICENCES TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES (Pages 29 - 36)**

To consider a report by the Head of Planning and Public Protection Services (copy enclosed) seeking members' review of two licences to drive hackney carriage and private hire vehicles for failure to comply with the Council's requirement to successfully undertake a driver knowledge test.

**9 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 043844 (Pages 37 - 42)**

To consider a confidential report by the Head of Planning and Public Protection Services (copy enclosed) seeking members' determination of the suitability of Driver No. 043844 to continue to hold a Hackney Carriage and Private Hire Vehicle Drivers Licence.

**10 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE VEHICLES - APPLICANT NO. 044879 (Pages 43 - 46)**

To consider a confidential report by the Head of Planning and Public Protection Services seeking members' determination of an application received from Applicant No. 044879 for a licence to drive hackney carriage and private hire vehicles.

**11 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 044881 (Pages 47 - 50)**

To consider a confidential report by the Head of Planning and Public Protection Services (copy enclosed) seeking members' determination of an application from Applicant No. 044881 to drive hackney carriage and private hire vehicles.

## **MEMBERSHIP**

### **Councillors**

Brian Blakeley  
Joan Butterfield  
Bill Cowie  
Richard Davies  
Stuart Davies  
Hugh Irving

Barry Mellor  
Win Mullen-James  
Peter Owen  
Arwel Roberts  
Cefyn Williams

### **COPIES TO:**

All Councillors for information  
Press and Libraries  
Town and Community Councils

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## LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Council Chamber, Russell House, Rhyl on Wednesday, 12 September 2012 at 9.30 am.

### PRESENT

Councillors Bill Cowie, Richard Davies, Stuart Davies (Chair), Win Mullen-James, Peter Owen, Arwel Roberts and Cefyn Williams

### ALSO PRESENT

Principal Solicitor (AL), Licensing Officers (NJ & JT), Licensing Administration Officer (ES), and Committee Administrator (KEJ)

#### 1 APOLOGIES

Councillors Brian Blakeley, Hugh Irving and Barry Mellor

#### 2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

#### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised. However the Chair referred to remarks made at the last training session for Licensing Committee members relating to constitutional issues. He had raised the matter directly with the Head of Planning, Regeneration and Regulatory Services who had advised that those issues would be dealt with as part of the ongoing review of the constitution. Accordingly members could rest assured that the issues were being addressed.

#### 4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 19 June 2012 were submitted.

**RESOLVED** that minutes of the meeting held on 19 June 2012 be received and confirmed as a correct record.

At this point the Chair indicated his intention to vary the order of the agenda to accommodate those individuals who were attending the meeting in support of their applications/licence reviews and to hear their cases before any other business.

#### EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

## **5 REVIEW OF THREE LICENCES TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

[This item was brought forward on the agenda with the consent of the Chair]

The Licensing Officer (JT) submitted a confidential report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) seeking members' consideration of the suitability of three Drivers numbered 040298, 040448 and 040740 (corresponding individual reports listed at Appendix 1 – 3 respectively to the main report) to continue as licensed drivers following their failure to comply with the Council's requirement to successfully undertake a driver knowledge test within the designated timescale.

Members considered the individual circumstances relating to each Driver separately, treating each case on its own merits as follows –

### **(1) Driver No. 040740 (Appendix 3) – Renewal Date 31 December 2011**

Five reminders had been issued to the Driver since his licence renewal but he had made no attempt to contact officers. On 6 June 2012 the Driver had been informed that the matter would be referred to the Licensing Committee for consideration.

The Driver was in attendance in support of his case and during his submission he spoke out against the test which he felt was insufficient and failed to achieve its purpose in adequately assessing the suitability of individuals to become licensed drivers. He further advised that, in support of his application for a licence, he had produced various certificates and references which he felt proved his suitability for such employment far beyond that of the driver knowledge test. The Driver proceeded to air a number of grievances he had regarding what he perceived to be a lack of action by the Licensing Department in addressing various concerns he had raised in terms of taxi licensing. The Chair asked the Driver to confine his submission to the reasons why he had not successfully undertaken the knowledge test as required. The Driver reiterated his view that the test was insufficient and did not achieve its purpose.

Members took the opportunity to question the Driver regarding the case and it was confirmed that he had failed to respond to any of the reminders to undertake the knowledge test sent by the Licensing Department. It was also established that, by not taking the test and appearing before the Licensing Committee, he was making a protest against what he believed to be a lack of action by the Licensing Department in addressing his concerns and complaints relating to taxi licensing. He reiterated that point again when making his final statement to the committee. He added that he felt he had not been treated fairly by the Licensing Department during his dealings with them and had been harassed by Licensing Officers. The Licensing Officer (JT) confirmed she was aware that the Driver had raised issues and queries with the Licensing Department which officers had tried their best to address.

At this juncture the committee adjourned to consider the case and it was –

**RESOLVED** that consideration of the suitability of Driver No. 040740 be deferred to provide a further opportunity for the Driver to sit the knowledge test. Failure by the Driver to successfully undertake the knowledge test by the committee's next meeting (5 December 2012) would result in the matter being brought back before the committee for determination.

The reasons for the Licensing Committee's decision were as follows –

Whilst acknowledging that the Driver had a point to make with regard to licensing matters, refusal to take the knowledge test, which applied to all drivers, was not the way to make his protest. All licensed drivers were required to take the knowledge test and there were no exceptional circumstances of this case which would prevent the Driver from taking the test. The test had been called for by members of the trade and was part and parcel of the requirements to become a licensed driver. Failure by the Driver to successfully complete the test by the time of the next meeting of the Licensing Committee on 5 December 2012 would result in the committee giving serious consideration to revoking the licence on the basis that the Applicant had failed to demonstrate that he was a fit and proper person to hold a licence.

The Chair conveyed the committee's decision and reasons for that decision to the Driver.

**(2) Driver No. 040298 (Appendix 1) – Renewal Date 31 August 2011**

Six reminders had been issued to the Driver since his licence renewal and on 6 June 2012 he had been informed that the matter would be referred to the Licensing Committee. Following the Driver's unsuccessful attempt to pass the driver knowledge test the Licensing Officer (JT) was pleased to report that the Driver had since retaken and successfully passed the test.

**RESOLVED** that the successful completion of the driver knowledge test by Driver No. 040298 be noted and no further action be taken.

The reasons for the Licensing Committee's decision were as follows –

The Driver had now complied with the Council's requirement to successfully undertake a driver knowledge test and therefore it was considered that no further action was required.

**(3) Driver No. 040298 (Appendix 2) – Renewal Date 31 August 2011**

Six reminders had been issued to the Driver since his licence renewal but he had made no attempt to contact officers. On 6 June 2012 the Driver had been informed that the matter would be referred to the Licensing Committee for consideration. No response had been received from the Applicant and he was not in attendance at the meeting.

At this juncture the committee adjourned to consider the case and it was –

**RESOLVED** that Driver No. 040448 be suspended pending his successful completion of the driver knowledge test. Failure by the Driver to successfully undertake the test by the committee's next meeting (5 December 2012) would result in the matter being brought back before that committee for determination. Successful completion of the test within the suspension period would result in the suspension being lifted.

The reasons for the Licensing Committee's decision were as follows –

The committee considered that the Driver had been given sufficient opportunity in which to undertake the driver knowledge test and had shown disrespect to the committee by failing to attend the meeting and state his case. Accordingly the committee considered it appropriate to suspend the Driver's licence until such time as he passed the knowledge test. Failure by the Driver to take and successfully pass the test would result in the matter being brought back before the committee's next meeting when serious consideration would be given to revoking his licence on the basis that he was not a fit and proper person to hold a licence.

**6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 043727**

A confidential report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) was submitted upon –

- (i) an application having been received from Applicant No. 043727 for a licence to drive hackney carriage and private hire vehicles;
- (ii) the officers having not been in a position to grant the application in light of the information revealed by the Applicant and following an enhanced disclosure from the Criminal Records Bureau (CRB);
- (iii) a summary of the convictions disclosed having been provided which involved violence and dishonesty over a period from 1979 to 1997;
- (iv) a licence having been previously granted to the Applicant in 2009 based on the available information at that time which had not included the latest conviction in 1997;
- (v) the Council's current policy with regard to the relevance of convictions, and
- (vi) the Applicant having been invited to attend the meeting in support of his application and to answer members' questions thereon.

The Licensing Officer (JT) advised that the Applicant had been fully cooperative throughout the process and in his dealings with officers. Unfortunately the Applicant had been unable to attend the meeting in support of his case due to work commitments. However he had submitted a letter (circulated at the meeting) in which he apologised for his absence and asked that members take into account the following information when considering his application –



- that he genuinely believed he had disclosed the 1997 conviction at the time of his original application in 2009 which he had subsequently disclosed as part of his current application, and
- that he had also disclosed the 1997 conviction to Wrexham County Borough Council and had held a licence with that authority for over ten years.

The Licensing Officer (JT) then provided a summary of the convictions and the circumstances surrounding the 1997 conviction as relayed to her previously by the Applicant together with details of his employment history in the taxi licensing profession.

At this juncture the committee adjourned to consider the application and it was –

***RESOLVED*** that the application for a hackney carriage and private hire vehicle drivers licence from Applicant No. 043727 be granted.

The reasons for the Licensing Committee's decision were as follows –

Having considered the merits of the case members noted that the Applicant had worked as a taxi driver in the Wrexham County Borough Council area for a number of years without incident. The committee considered that the Applicant had changed his ways and had remained conviction free for a number of years. It was further noted that the Applicant had previously held a licence in the Denbighshire County Council area and had not come to the attention of licensing officers during that time, save for routine matters. It was clear that the Applicant had not declared his 1997 conviction on his previous application to this Council but he had previously declared the conviction to Wrexham County Borough Council had subsequently done so to Denbighshire County Council. Accordingly the committee did not consider that the Applicant had set out to deceive.

## **OPEN SESSION**

Upon completion of the above the meeting resumed in open session.

### **7 REVIEW OF LICENSING FEES AND CHARGES**

The Licensing Officer (NJ) submitted a report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) updating members on progress made to date on the review of the licensing fees and charges for 2013/14. Details of the comprehensive review of licensing functions had been included within the report and members were advised that officers had been unable to complete the review within the period specified by the committee at their meeting on 14 March 2012 due to staffing resource issues. The review was currently ongoing with the intention of presenting a full report to a future meeting of the committee.

***RESOLVED*** that –

- (a) *the report on progress made on the review of the licensing fees and charges for 2012/13 be receive and noted, and*

- (b) *the findings of the full review of licensing fees and charges be submitted to a future meeting of the committee for consideration.*

## **8 REVIEW OF CHARITY COLLECTIONS**

The Licensing Officer (NJ) submitted a report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) upon –

- (i) progress made to date on the review of Charity Collections, namely House to House Collections and Street Collections, in order to better reflect the nature of charitable collections and allow for more flexibility in the existing policies;
- (ii) details of the current policies for Charity Collections and proposals to better reflect the aims of the Council to –
- safeguard the interests of both public donors and beneficiaries
  - facilitate well organised collections by bona fide charitable institutions and to ensure that good standards were met
  - prevent unlicensed collections from taking place
  - ensure money was collected securely and proceeds properly accounted for
  - reduce nuisance to residents and visitors
  - achieve a fair balance between local and national causes
- (iii) the next stage of the review being to consult with legal officers and other interested parties, and
- (iv) pending completion of the full review approval being sought to allow The Royal British Legion (Poppy Appeal) to extend their current allocation for Street Collection (two days) to seven days to allow them sufficient time and flexibility to collect county wide.

The Licensing Officer responded to members' questions regarding the various types of charitable collections and particular circumstances when licences were required, either locally or via Home Office Exemption Order. She added that there was a need to raise public awareness of the issue and the possibility of bogus collections. Reference was also made to the draft policies which had been produced for consultation and members were advised that the committee's work programme would be revised to include the review of Charity Collections together with the review of other licensing policies and procedures.

**RESOLVED** that –

- (a) *the report on progress made on the review of Charity Collections be received and noted;*
- (b) *officers be authorised to consult with legal officers and other interested parties such as the Charity Commission, National Charities and any Charity that had held a Street Collection or House to House Collection in the County*

*within the last twelve months on the draft policies produced during the review, and*

- (c) *the request for a Street Collection by The Royal British Legion to collect county wide for up to seven days for the Poppy Appeal be approved.*

## **9 LICENSING COMMITTEE WORK PROGRAMME 2012/13**

A report by the Head of Planning, Regeneration and Regulatory Services was submitted (previously circulated) on the Licensing Committee's future work programme. The Licensing Officer (NJ) advised that a revised work programme would be submitted to the next meeting of the committee to include the review of other licensing policies and procedures.

**RESOLVED** *that the Licensing Committee work programme as detailed within the report be noted.*

## **10 OUTCOMES CONCERNING THE SUITABILITY OF EXISTING LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS**

The Licensing Officer (JT) submitted a report by the Head of Planning, Regeneration and Regulatory Services (previously circulated) updating members on the outcomes of resolutions made at the last Licensing Committee in respect of six licensed drivers who had failed to meet the Council's requirement to successfully complete the driver knowledge test. Officers were pleased to report that, as a result of the decisions taken by members, all six drivers had successfully undertaken the driver knowledge test, including the two drivers whose licences had been suspended which had been subsequently reinstated.

Members were pleased to note that all six drivers had successfully undertaken the driver knowledge test and it was –

**RESOLVED** *that the update report on the outcomes of resolutions made at the last Licensing Committee in respect of licensed drivers be received and noted.*

The meeting concluded at 10.35 a.m.

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# Agenda Item 5



<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	5 December 2012
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Senior Licensing Officer <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706451
<b>SUBJECT:</b>	Licensing Committee Forward Work Programme 2013/14

## 1. PURPOSE OF THE REPORT

- 1.2 To advise Members of the priorities of the Licensing Administration Section, and of a revised work programme for the Licensing Committee for the year 2013/14.

## 2. EXECUTIVE SUMMARY

- 2.1 The two main drivers for the priorities of the Licensing Administration Section are the duty placed on the Authority in relation to its responsibilities in relation to its licensing function, and the effective regulation, control and enforcement of Licensees, and the Authority's commitment to The Community Safety Partnership Action, that focuses on 'safer communities'

- 2.2 The priorities are:

1. Review of House to House Collection and Street Collection Policies.
2. Review of Rhyl Market Regulations
3. Hackney Carriage/Private Hire Driver policy and conditions
4. Hackney Carriage/Private Hire Vehicle and Operator policy and conditions
5. Review of Fees and Charges

## 3. BACKGROUND INFORMATION

- 3.1 Members may recall that at the last meeting in September, Officers informed you that a revised work programme would be presented to Members following changes of priorities of the Licensing Administration Section. The priorities that have been identified have a realistic timeframe for Officers to adhere to.

### 3.2 **Review of Rhyl Market Regulations**

The market has secured permanent Planning Permission as of October this year. The current set of regulations requires updating to reflect the conditions contained within the Planning Permission and to promote partnership working with DVSC by encouraging new businesses and local initiatives to take a free stall on the market for a limited time to help establish their business.

### 3.3 **Review of House to House Collection and Street Collection Policies**

No review of the above existing policies has taken place for a number of years. Officers have noticed an increase in requests that fall outside of our current policies eg societies wishing to collect for more than the current two days per town per year restriction.

### 3.4 **Hackney Carriage /Private Hire Driver policy and conditions Review**

To place a report before Members detailing the criteria that all new applicants for a licence to drive a hackney carriage and private hire vehicle must meet and to ask Members to consider whether any amendments are necessary in order to improve the standard of licensed drivers, with particular emphasis on ensuring the appropriate measures are in place to address the protection of children and vulnerable adults.

### 3.5 **Hackney Carriage/Private Hire Vehicle and Operator policy and conditions review**

To place a report before Members detailing the criteria that all new and renewal applicants for a hackney carriage and private hire vehicle licence and Private hire operator licence must meet and to ask Members to consider whether any amendments are necessary in order to improve the standards of vehicles and operators, with particular emphasis on ensuring that appropriate measures are in place to address the safety of the traveling public.

### 3.6 **Review of Fees and Charges**

No comprehensive review of fees and charges for administering the licensing functions has been carried out for a number of years. A report will be placed before Members detailing the actual cost for administering functions under the remit of the licensing service.

3.7 The above priorities will form the work programme for the Licensing Committee for the year ahead.

3.8 The priorities will drive a series of action plans that will lead to the desired outcomes.

3.9 The suggested forward work programme for the Licensing Committee for 2013/14 is attached at Appendix 1. The work of the Committee should reflect and direct the strategic aims of the Licensing Administration Section and it is hoped that the Committee will monitor progress of the Section and offer advice and guidance when appropriate.

4. **RECOMMENDATION**

4.1 It is recommended that the Licensing Committee consider and approve the Forward Work Programme for the Licensing Committee and the Priorities for the Licensing Section for the year 2013/14.

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**Appendix 1**

**REPORT TO: LICENSING COMMITTEE**

**DATE: 5 December 2012**

**REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION**

**SUBJECT: REVISED LICENSING COMMITTEE WORK PROGRAMME 2012/14**

<b>DATE</b>	<b>REPORT</b>	<b>COMMENT</b>
5 December 2012	Revised Forward Work Programme for 2013/14	Report for Members to approve a revised Forward Work Programme
	Update report on Fees and Charges review	Report for Members to note
	Police Reform and Social Responsibility Act 2011 – Late Night Levy and Early Morning Restriction Orders	Report for Members consideration
6 March 2013	Sex Establishment Renewal	Report for Members' to consider the renewal of existing Sex Establishment Licence
	Review of Fees and Charges for 2013/14	Report for Members to consider and approve a set of fees and charges
	Review of Market Regulations	Report for Members to consider a review of the Market Regulations for Rhyl
June 2013	Hackney Carriage and Private Hire Procedures	Report for Members' to approve the revised procedures
	Review of existing policy and conditions for Hackney Carriage and Private Hire Drivers to include; Conviction Policy Driver Dress Code Code of Conduct	Report for Members' consideration and approval for Officers to consult with all interested parties

September 2013		
	Review of House to House and Street Collection Policies	Update report on the results of the consultation undertaken on the revised policies
	Review of existing policy and conditions for Hackney Carriage and Private Hire Vehicles and Operators	Report for Members' consideration and approval for Officers to consult with all interested parties
	Review of Licensing Fees and Charges for 2014/15	Report for Members' consideration and approval
December 2013	Review of the existing Sex Establishment Policy	Report for Members' consideration
	Report on implementing a Penalty Point System for Hackney Carriage and Private Hire licence holders	Report for Members' consideration
March 2014	Agree Forward Working Programme priorities for 2014/15	
	Review of the existing Street Trading Policy	Report for Members' consideration and approval for Officers to consult all interested parties
	Sex Establishment Renewal	Report for Members' to consider the renewal of existing Sex Establishment Licence

# Agenda Item 6



<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	5 <sup>th</sup> December 2012
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Senior Licensing Officer <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706451
<b>SUBJECT:</b>	Update on review of Licensing Fees and Charges

## 1. PURPOSE OF THE REPORT

- 1.2 To update Members on the progress made to date on the review of the licensing fees and charges for 2013/14.

## 2. EXECUTIVE SUMMARY

- 2.1 A review of the fees payable in respect of various types of licences and permits administered and enforced by the Licensing Section has been requested by Members in readiness for the next financial period.

## 3. BACKGROUND INFORMATION

- 3.1 Members will be aware that at the last Licensing Committee in September Officers informed Members that a comprehensive review of each licensing function (approximately 20) was being looked at in detail to determine the actual cost for administering each function along with on-costs etc.
- 3.2 Since the last Licensing Committee meeting, Officers have completed time sheets for each licensing function that requires fees set by the Council, which details all tasks undertaken to complete that function along with how much officer time it has taken to carry out each task. Officers have found it quite difficult to calculate the actual time for all tasks, bearing in mind that some tasks may not take the same time for each application. For example a driver application may be quite straightforward if the CRB is clear of any convictions, but on the other hand another driver application may have a CRB with a long history of convictions. Officers would then have to make detailed enquiries with the applicant etc to establish the reasons and circumstances of each conviction and refer to committee for determination.

- 3.3 A sample of one of the timesheets has been attached and can be found at Appendix 1.
- 3.4 Officers have met with the Section's Senior Financial Officer, who is currently calculating all the staff on-costs, support services, management costs and any other associated costs that may be recovered.
- 3.5 In addition to the above, the recovery of costs for the Licensing software will need to be factored into any fees and charges. The Licensing Software that the section utilises is currently shared with Conwy and to produce figures on licences etc solely for Denbighshire is not as straightforward as it should be and therefore will take Officers more time to retrieve such data. For Members to be aware of the complexity of this task, and to be able to get a true cost of how much each licence costs, Officers are going to have to establish how many licences we have issued for each licensing function, not only for the functions that are subject to the fee review, but also for all other functions under the remit of the Licensing Section that may have their fees and charges set by statute.
- 3.6 Officers are obtaining specialist legal advice from James Button & Co to advise the Authority on what fees can be charged for different forms of licences and how to calculate licensing fees to avoid any legal challenges.
- 3.7 Officers are working towards presenting a full review of fees and charges to a future Licensing Committee meeting scheduled for 2013.

#### 4. **RECOMMENDATION**

- 4.1 That Members note the contents of the report with a view to receiving the full review of fees and charges at a future meeting.

## Issue of a New Hackney Carriage / Private Hire Driver or Private Hire Driver (same process) £140 TO INCLUDE £48 FOR crb

Type of Activity	Process	By Whom	Time Taken
Printing of application forms, books, preparation of CRB forms, DVLA forms, updating forms.	Photocopying, updating on word / website, updates from CRB / DVLA for forms.	Stephen Tomes / Emma Sinnett / Jo Thomas / Nicky Jones	10 minutes
Send out application form and relevant documentation	Posting item, including logging post and franking post or seeing customer face to face.	Stephen Tomes / Emma Sinnett	10 minutes
Client phones for appointment or sends in the post	Arrange appointment or complete necessary post details in spreadsheet.	Stephen Tomes / Emma Sinnett	10 minutes
Application is handed in and checked.	Application is checked to be complete and correct. 3 identification documents are checked with details on application form and the CRB form. The CRB form is checked for completion and accuracy. DVLA mandate is checked for accuracy. Receipt is given and ID documents back. Appointment is booked for a knowledge test. Incomplete application or not enough ID, send back application.	Stephen Tomes / Emma Sinnett	1 hour
Banking of payments	Money or cheque is recorded and banked. Or Visa card payments are checked and given to codes.	Stephen Tomes / Emma Sinnett	10 minutes
Criminal Record Bureau and DVLA mandate checked signed and sent to CRB / DVLA	Checking all relevant data on the form is correct and sending off the form to CRB / DVLA.	Jo Thomas / Nicky Jones	20 minutes
Knowledge Test	A necessary number of knowledge tests are undertaken with the driver, which is face to face and includes sitting with the driver through the test and marking the test / letting them know the result.	Stephen Tomes / Emma Sinnett / Jo Thomas / Nicky Jones	1 hour 20 minutes

Criminal Record Bureau check and DVLA mandate returned	Criminal record bureau check and DVLA mandate checked against the application and necessary action taken to grant the licence or refer to a manager or committee where necessary.	Jo Thomas / Nicky Jones	Up to 2 hours
Process Licence and send or give to applicant	Process application on lalpac, entering checks where necessary	Stephen Tomes / Emma Sinnett	20 minutes
Senior Licensing Officer to check licence and sign.		Jo Thomas / Nicky Jones	10 minutes
Filing of documentation	Create a new file and file into filing system	Stephen Tomes / Emma Sinnett	10 minutes
	<b>Total Time for whole process</b>		<b>6 hours</b>
<b>Enforcement Activity</b>			
Investigations	Statement taking, P.A.C.E. interview(s), audio typing of interviews, preparation of prosecution files.	Howard Birnie	? Days
Suspension of driver	Letter of suspension	Jo Thomas / Nicky Jones / Howard Birnie	20 minutes
Revocation of driver	Prepare committee reports.	Jo Thomas / Nicky Jones / Howard Birnie	2 hours
<b>Additional Costs</b>	Magocard Printer for printing cards	Price over 5 years of use £3,000 / 3000 cards printed = £1.00 a card	
	Cards and Ribbons, cleaning cards, rollers	40p a card	



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# Agenda Item 7



<b>REPORT TO:</b>	Licensing Committee
<b>DATE:</b>	5 <sup>th</sup> December 2012
<b>LEAD OFFICER:</b>	Head of Planning and Public Protection
<b>CONTACT OFFICER:</b>	Senior Licensing Officer <a href="mailto:licensing@denbighshire.gov.uk">licensing@denbighshire.gov.uk</a> 01824 706451
<b>SUBJECT:</b>	Police Reform and Social Responsibility Act 2011 – Late Night Levy and Early Morning Restriction Order

## 1. PURPOSE OF THE REPORT

- 1.1 To outline the new powers available to the Licensing Authority from the 31<sup>st</sup> October 2012 under the amendments to the Licensing Act 2003 to make Early Morning Restriction Orders and impose Late Night Levies.

## 2. EXECUTIVE SUMMARY

- 2.1 The Police Reform and Social Responsibility Act 2011 introduced amendments to the Licensing Act 2003. Whilst the vast majority of these changes were implemented on 26 April 2012 further amendments were implemented on 31<sup>st</sup> October 2012 to include the introduction of Early Morning Alcohol Restriction Orders and a Late Night Levy, both of which are intended to tackle alcohol related crime and disorder and to help to pay for extra enforcement costs associated with late opening premises

## 3. POWER TO MAKE THE DECISION

- 3.1 Police Reform and Social Responsibility Act 2011  
Licensing Act 2003 (Early Morning Alcohol Restriction Order) Regulations 2012 and The Late Night Levy (Application and Administration) Regulations 2012

## 4. BACKGROUND INFORMATION

### 4.1 LATE NIGHT LEVY

- 4.2 The late night levy is a power for licensing authorities to introduce a charge for premises that have authorisation to sell alcohol late at night. It allows licensing authorities to charge those businesses for the extra enforcement

costs that the night-time economy generates for police and local authorities.

- 4.3 If the Licensing Authority decides to apply the levy it will affect all premises within the County (both in the on-trade and the off-trade) that are licensed to sell alcohol during the hours to which the levy applies. It will be up to the Licensing Authority to decide the time at which the levy applies in their area, although it will be restricted to applying between the hours of midnight and 6am and decide what exemptions and reductions should apply from a list set out in regulations.
- 4.4 The licensing authority will have the discretion to offer an exemption from the levy to the following categories of premises and schemes:
- i. Premises with overnight accommodation
  - ii. Theatres and cinemas
  - iii. Bingo halls
  - iv. Community Amateur Sports Clubs ('CASCs')
  - v. Community premises
  - vi. Country village pubs
  - vii. Business Improvement Districts ('BIDs')
  - viii. Authorisations for New Years Eve
- 4.5 Whether or not to implement the levy will be left entirely at the discretion of the Licensing Authority which is required to make the decision based on the situation in their local area.
- 4.6 If the Licensing Authority chooses to introduce the levy in their area, all licensed premises which are authorised to supply alcohol in the levy period will be affected. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced
- 4.7 If introduced, once the levy has been collected, the Licensing Authority will deduct the costs incurred in administering and introducing the scheme. Following this deduction, at least 70% of the net amount must be passed to the Police. However, one main drawback of the levy is that the Police do not have to spend their proportion of the levy in the local area where it has been collected, or on policing associated with alcohol related crime and disorder.
- 4.8 Premises will be split into bands based upon their rateable value to determine how much they would pay under the levy. This system applies to the existing licence fee and means that larger businesses will make greater contributions to the levy than smaller ones.
- 4.9 The levy has been set at a national level and the following charges will be

applicable should the Licensing Authority choose to introduce this power:

Rateable Value Bands	A No rateable value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,001 to above	Dx2 Multiplier applies to premises in category D that primarily or exclusively sell alcohol	Ex3 Multiplier applies to premises in category E that primarily or exclusively sell alcohol
Annual Levy Charge	£299	£768	£1,259	£1,365	£1,493	£2,730	£4,440

#### 4.10 **Early Morning Restriction Orders (EMRO's)**

4.11 EMROs are being introduced alongside various other measures aimed at rebalancing the Licensing Act 2003 in favour of local communities, and to increase the tools and powers available to licensing authorities and the police to tackle alcohol-related problems in local areas.

4.12 If the Licensing Authority introduces an EMRO, it will apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO area. Licensing authorities will be required to advertise the proposal to make the EMRO and demonstrate that they have evidence to justify doing so, as well as considering representations, before its introduction.

4.13 Unlike Late Night Levy's there is no provision for the Licensing Authority to charge a fee for introducing an EMRO it is merely an extra tool for licensing authorities to tackle alcohol-related problem areas.

4.14 Again unlike Late Night Levy's, there are very limited exemptions for EMROs. The only two exemptions are :

- i. the provision of alcohol to residents through mini-bars and room service in premises with overnight accommodation
- ii. EMRO's would not apply on the 31<sup>st</sup> December for New Year Eve celebrations

5. **CONSULTATION**

- 5.1 Regulations state that if a Licensing Authority decides to implement a Levy or EMRO it must formally consult with the Police and Crime Commissioner (PCC), the Police, licence holders and others about its decision.

6. **FINANCIAL IMPLICATIONS**

- 6.1 Disregarding the potential exemptions and reductions in the levy, the number of premises that would be affected by the Levy would be approximately 175.
- 6.2 Members should be aware that it is possible that a significant number of premises with late licences may decide to reduce their sale of alcohol hours by submitting a minor variation application as the cost of the levy may not be worth the continued selling of alcohol after midnight. This would obviously result in a significant reduction in the amount levied (before any deductions or exemptions are considered).
- 6.3 Officers are mindful that they should remain impartial when presenting information to Members, but it should be noted that if Members do opt to introduce either a Late Night Levy or an EMRO it could have a significant impact on the night time economy, businesses in general and potentially moving problems to other areas

7. **RECOMMENDATION**

- 7.1 That Members note the contents of the report and for Officers to present a further detailed report to County Council at a future date for Members to consider whether to implement a Levy or EMRO or both.

By virtue of paragraph(s) 12, 13 of Part 4 of Schedule 12A of the Local Government Act 1972.

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