

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 19 MARCH 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillors

P A Davies  
E Dodd  
R D Jenkins  
P N John

Councillors

D R W Lewis  
J E Lewis  
H E Morgan  
E Venables

Officers:

L Jones - Head of Regulatory Services  
A Lee - Legal Officer  
A Rees - Senior Democratic Services Officer - Committees

56 APOLOGIES FOR ABSENCE

Apologies were received from the following Members for the reasons so stated:

Councillor G W Davies MBE - Holiday  
Councillor C J James – Unwell  
Councillor P James - Unwell

57 DECLARATIONS OF INTEREST

Councillor R D Jenkins declared a prejudicial interest on agenda item no. 4 – Licensing Functions: Discretionary Licence Fees and Charges 2015/16 as his daughter and her partner are employed by a taxi operator. Councillor Jenkins withdrew from the meeting during consideration of this item.

58 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 20 May 2014 be approved as a true and accurate record.

59 LICENSING FUNCTIONS: DISCRETIONARY LICENCE FEES AND CHARGES 2014/15

The Head of Regulatory Services presented a report, the purpose of which was to determine licensing fees and charges for 2015/2016. He explained that the Licensing Committee had the power to determine fees and charges in respect of those licensing functions within the purview of the Committee and to hear and determine objections relating to proposed fee revisions.

The Head of Regulatory Services reported that fees for many of the licensing functions were currently set by statute and the Council had no discretion to vary licence fees for Licensing Act 2003 activities. However, the Council was able to set fees for taxi licensing and gambling premises. He stated that the Local Government Association had issued to local authorities in relation to locally set fees, which outlines the full breadth of issues that should be taken into account when setting local fees. The

Guidance highlighted one legal challenge in respect of fee setting on the ongoing Hemming v Westminster Case.

The Head of Regulatory Services reported that a recent judicial review against a Welsh local authority had made specific rulings which relate to the consideration of surpluses and deficits generated from fees levied in previous years in respect of taxi licensing.

The Head of Regulatory Services informed the Committee that a Statement of Accounts had been produced for the Licensing service in its entirety for the period 2009/10 to 2013/14, which showed a deficit of income on the service each year. He stated that work was underway to embed within the authority good practice principles and changes were being made to time recording systems and the creation of separate financial codes for each regime would mean that over the course of the 2015/16 financial year, the exact cost of issuing the various types of licence could be determined and the origin of deficits pinpointed.

The Head of Regulatory Services reported that in order to inform future fee setting in light of the Court Judgments it was proposed that licence fees are held at the current 2013/14 levels over the course of 2015/16 and remain unchanged until they are set for the 2016/17 financial year. He stated that the Council at its meeting on 25 February 2015 had as part of the Medium Term Financial Strategy increased fees and charges by CPI at the prevailing rate of 0.5% plus 1%. The Head of Regulatory Services informed the Committee applying a 1.5% increase to discretionary fees would have yielded additional income of £3,240 in 2014/15. He stated that this potential increase in licensing income was outweighed by the potential risk to the authority of future challenge if it did not fully embrace best practice recommendations and recent case law in determining its fees.

The Committee expressed concern at the deficit of income on the service each year from 2009/10 to 2013/14. The Head of Regulatory Services informed the Committee that the authority was trying to get to a position where the service is cost neutral, or as close as reasonably possible.

The Committee questioned the impact the Regulatory Services collaboration would have on the licensing function in terms of fee setting. The Head of Regulatory Services informed the Committee that fee setting was a Council function and each of the three authorities involved in the Regulatory Services collaboration would have to retain separate Licensing Committees.

RESOLVED: That the Committee approved the proposals in respect of discretionary licence fees for 2015/16 as follows:

- (1) That in line with service requirements, there is no increase in licence fees for the 2015/16 financial year;
- (2) That the work currently ongoing to develop a framework for the precise costing of licence fees is used for fee determination in future years, taking into account any surpluses or deficits prevailing at that time;
- (3) That the administrative costs of replacement licence / photocard badges and for the transfer of vehicle ownership which have been charged separately are incorporated into the licence application fee with effect from 2015/16.

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider this item in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicant.

<u>Minute No.</u>	<u>Summary of Item:</u>
61	Exempt minutes of the Meeting of the Licensing Committee of 20 May 2014.