

## LICENSING COMMITTEE MINUTES

Friday 11<sup>th</sup> January 2008  
Council Chamber, Penns Place, Petersfield

### -: Present :-

Councillors R Ayer, (Chairman), Mrs P Bradford, (Vice-Chairman), K Carter, A B Chick, Mrs A P Claxton, Mrs D K Denston, K J Graham, Mrs M C Harvey, Mrs A C James, (minute 11 and 12 only) Mrs G Logan, Mrs J M Marshall, Mrs J A Onslow and Mrs S E Schillemore (minute 7 – part of 12 only).

### -: Officers :-

Principal Licensing Officer, Environmental Services Manager (Commercial), Principal Solicitor, Democratic Services Manager and Committee Services Co-ordinator

**7. APOLOGIES FOR ABSENCE.** There were no apologies for absence.

**8. CONFIRMATION OF MINUTES.** The minutes of the meeting held on 28<sup>th</sup> September 2007 were confirmed as a correct record, subject to the following amendment: Cllr Mrs A P Claxton be included to the list of Councillors who had attended the meeting.

**9. CHAIRMAN'S ANNOUNCEMENTS.** The Chairman announced the location of the fire exits and asked all those present to switch off their mobile telephones.

**10. DECLARATIONS OF INTEREST.** There were no declarations of interest.

**11. HACKNEY CARRIAGE (TAXI) FARES.** The Committee considered the report of the Principal Licensing Officer, ODMR.50/2008, previously circulated.

The Principal Licensing Officer introduced the report. The purpose of the report was to ask the Committee to consider increases to the fares charged by East Hampshire District Council licensed hackney carriages. The last increase had been in June 2006. She distributed to Councillors an updated Appendix 5 to the report, which included Havant Borough Council's new fare increases.

She said that in the light of increasing costs to the taxi operators, the Licensing Service had received two proposals for an increase to the

tariff. One had been from Petersfield Taxi Association (PTA) and the other from Alton Taxi Association (ATA). These proposals had been shown in paragraph 3.2 of the report. Alton had been set out in Option 1 and Petersfield in Option 2.

In considering the proposals the Principal Licensing Officer had calculated the costs incurred by the operators and these had been detailed in paragraphs 1.6 and 1.7 of the report. She had undertaken further consultation and had proposed a third option which she felt more accurately reflected the increased costs and was comparable to the fares set in other districts.

Appendix D showed the written responses to Option 2 from the two associations and one operator.

At the Taxi Forum held at Penns Place, Petersfield on 20<sup>th</sup> December 2007 it had been agreed that a request be put to the Licensing Committee to increase the soiling charge from £50 to £75 to more accurately reflect the cost of a vehicle being off the road for cleaning following soiling by a customer.

She informed the Committee that any variation to the table of fares agreed by the Licensing Committee had to be advertised and a minimum of two weeks allowed for objections. Details of the public notice procedure had been detailed at paragraph 4 of the report and shown in the flow chart in Appendix 6.

She asked the Committee to consider a request to introduce calendar controlled meters for the reasons set out in point 5 of the report. Discussion with trade representatives at the December Taxi Forum showed a willingness to consider this recommendation and it had been suggested that it be brought to the Committee.

She advised the Committee that Mr Steve Amey, Mr Barry Winter and Mr John Rumble from Petersfield Taxi Association and Mr Peter Blackman from Alton Taxi Association were present and would be able to address any questions.

Councillors made a number of comments and asked a number of questions including:  
(answers are in italics)

- Why had it been suggested that ATA be in line with PTA?

*The District was not zoned and they could pick up fares anywhere. Two different taxi tariffs would not fit.*

- There was a Havant Taxi Company with an office in Horndean. Which local authority were they licensed to?

*They were licensed by Havant Borough Council. It was also understood that this firm were looking to relocate to Havant.*

- There appeared to be a difference of opinion between the associations;
- There appeared to be quite a difference between different local authorities on charges;

*Each local authority was free to set its own increment.*

- The proposal before the Committee appeared to be an 8% rise over two years; *In comparison to the rate at the moment it would be over 18 months.*

- There was concern about how concessionary travel tokens would fit with the increase in fares. There were certain areas in the District where older people relied on Taxi's rather than buses.
- How many complaints had been received to back up the proposal for calendar controlled meters?

*There had been 12 complaints in the last year.*

- Why was there a need to increase the fares?

*There had been a 10% increase in fuel prices and this had meant that firms were finding it hard to continue operating.*

- When had there last been an increase in the fee for Badges and Plates?

*This went up on an annual basis by the rate of inflation.*

- Why didn't the authority increase the fares on an annual basis?

*There had been a delay due the extra consultation with the local taxi associations.*

- Were the plates replaced on an annual basis?

*Yes, they were changed every year.*

Following the discussion, it was

#### **RESOLVED** that

(i) option 3 outlined in section 3.2 of the report be APPROVED; and

(ii) the soiling charge be increased from £50 to £75.

#### **RECOMMENDED** to Council that

(i) the introduction of calendar controlled meters be brought in when the taxi fares are reviewed in 2008/2009; and

(ii) licensing officers be permitted to require calendar controlled meters to be fitted, prior to the mandatory requirement, in specific cases where it is necessary to control overcharging.

**12. TABLES AND CHAIRS POLICY – CONSULTATION RESULTS.** The Committee considered the report of the Principal Licensing Officer, ODMR.51/2008, previously circulated.

The Principal Licensing Officer introduced the report. The purpose of the report related to the consultation requested by Council on the proposed Tables and Chairs Policy. The appendices to the report contained background papers and details of the consultees and their responses, together with a copy of the Policy and conditions. Also attached to the report was a copy of neighbouring authorities' fees.

The consultation had taken place with businesses and business organisations as requested by the Licensing Committee at their meeting on the 28<sup>th</sup> September 2007. An analysis of the responses was shown at paragraph three of the report.

The Chairman addressed the Committee and reminded the Committee how they had reached this stage.

At the Licensing Committee meeting held on the 19<sup>th</sup> April 2007 it had recommended to Council that:

(i) the Policy on Tables and Chairs on the Highway, with conditions be adopted;

(ii) delegated authority for the granting of licences for the placing of tables and chairs and advertising boards (a facility) on the highway be given to the Head of Environmental Services; and

(iii) the charges for the year be agreed as set out in the report.

At the Council meeting on the 5<sup>th</sup> September 2007 advertising boards had been removed following legal advice and it had been resolved that:

(i) consideration of this matter be deferred pending consultation with the business community; and

(ii) following consultation with the business community a further report be submitted to Council for consideration.

At the Licensing Committee meeting held on the 28<sup>th</sup> September 2007 it had been resolved that:

(i) the draft consultation letter on Tables and Chairs on the public footpath, as amended be agreed; and

(ii) that the results of the consultation be brought back to the Licensing Committee for consideration and further recommendation to Council.

Councillors made a number of comments and asked a number of questions including: *(answers are in italics)*

- There was disappointment that out of 300 consultees approached, only 13 had responded to the consultation;
- People who agreed to the Policy were those who could afford it;
- A lot of the businesses who were approached had been confused as to why they were being consulted as they owned the land that their tables and chairs were placed on;
- A suggestion had been made that the charge should be for the square metres that the tables and chairs would be placed

on rather than the number of tables and chairs;

- Another suggestion was for the charge to be on the size of the table;

*Councillors indicated that they favoured the charge on the size of the area.*

- Both Petersfield Town Council and Alton Town Council were in favour of a tables and chairs policy, particularly in relation to the Squares in both Towns;
- There was concern about officers being able to enforce and run the policy;
- There was a suggestion that a map of the area licensed should be attached to the licence when granted. This would enable officers and the public to see the area concerned; and
- How many licences were officers expecting to issue?

*About 15 premises currently had tables and chairs. However it could be 300 premises. The figure of 300 referred to pubs, restaurants and cafes who could apply.*

Mr Leach on a point of law said that it was unlawful to obstruct the highway. It was within the remit of HCC to ask for tables and chairs to be removed.

- How many other authorities in Hampshire had a tables and chairs policy?

*EHDC was the only local authority not to have a policy.*

- Concern was expressed about maintaining and cleaning areas where tables and chairs were placed;
- What was the reference in 2.1 of the report to "other object"; and

*This might be heaters, waste receptacles, flower tubs, fencing, barriers or A Boards.*

- How would applications for the licence be advertised;

*It would be similar to a planning application.*

Councillors reviewed the Standard Licence Conditions which were attached at Appendix H of the agenda.

Councillors made a number of comments including: *(answers are in italics)*

#### Condition 8

- What would be in place to enable officers to check insurance policies? Many businesses changed their insurance companies on a frequent basis.

*The business would need to apply for a new licence every year and therefore they would have to produce an insurance certificate as well.*

#### Condition 19

- There was concern about condition 19 that stated the facility must be used for seated customers only. It was felt that the condition was unenforceable;

*This had been included to prevent crowding in the area.*

#### Condition 21

- There was concern about a potential conflict between a premises licence and a tables and chairs licence.

*It was confirmed that two licences would be required if alcohol was consumed on the premises.*

#### Condition 22

- What about customers or businesses who provided a breakfast service and might want to open earlier than 9am;

*These times had been suggested by Environmental Protection and could be changed for individual applicants.*

#### Point 24

- Did this mean that tables and chairs could be left out all night?

*No, this referred to British Winter Time when the days were much shorter.*

*This had also been suggested by Environmental Protection and could also be changed for individual applicants.*

#### Note at the end of the conditions

- Councillors asked that the last sentence which referred to A Boards be removed.

*This was agreed.*

The Committee was advised that the Standard Conditions would be adjusted to each request.

Councillors reviewed the Fees Table which had been included at Appendix I of the agenda.

Councillors made a number of comments including:

Councillors noted that a number of local authorities' fees were based on sq metres and felt that this was a better option.

The Environmental Services Manager (Commercial) advised that the square metres suggestion would be difficult to work out. Officers would have to go away and calculate the fees. This was because the officer's time and salary would be included in the calculation.

The Chairman reviewed the situation and reminded Councillors that the Committee had a mandate from Council to go back with the table and chairs policy after consultation. Fees and scales needed to be reconsidered and the Committee confirmed that they preferred the fees to be based on square metres.

The Environmental Services Manager confirmed that a month would be required to complete the new fees.

The Vice-Chairman expressed concern at any delay as if agreement on the policy was delayed it would affect any trade during the Spring and Summer.

The Committee agreed that the fees should be a linear formula with a lower limit of £70 but no upper limit.

#### **RESOLVED** that

(i) Standard 19 and the last sentence in the Notes in the Standard Licence Conditions be deleted; and

(ii) the calculation of the local authority's fees in linear formula with a lower limit of £70 and in square metres be delegated to officers in consultation with the Chairman and Vice-Chairman.

**RECOMMENDED** to Council that the amended tables and chairs policy including the standard licence conditions and fees be APPROVED.

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Chairman

The meeting concluded at 12.10pm.

During the course of the meeting 1 member of the press and 5 public were present.