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**RYEDALE
DISTRICT
COUNCIL**



LICENSING COMMITTEE

Thursday 26 November 2009
to be held immediately following the
meeting of the Community Services Committee
Members' Lounge, Ryedale House, Malton

Please Contact: Mrs Lynda Carter
Extension 202
Date of Publication 18 November 2009
E Mail lynda.carter@ryedale.gov.uk

Agenda

- 1 **Apologies for absence**
 - 2 **Minutes** (Pages 1 - 4)
To approve as a correct record the minutes of a meeting of the Licensing Committee held on 24 September 2009.
 - 3 **Urgent Business**
To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.
 - 4 **Declarations of Interest**
Members to indicate whether they will be declaring any interests under the Members' Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- PART 'A' ITEMS - Matters dealt with under delegated powers or matters determined by Committee**
- 5 **Taxi Licensing Task Group Progress Report** (Pages 5 - 10)
 - 6 **Hackney Carriage Table of Fares** (Pages 11 - 14)
 - 7 **Gambling Act 2005 - Setting of Fees** (Pages 15 - 22)
 - 8 **Any other business that the Chairman decides is urgent.**

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Licensing Committee

Held at Ryedale House, Malton
on Thursday 24 September 2009

Present

Councillors Mrs L Cowling, Mrs De Wend Fenton, Hemesley (Vice-Chair, in the Chair),
Ms Warriner and Woodward

In Attendance

Mrs F Brown, Mrs L Carter, Mrs M Jackson, P Long, S Richmond and J Rudd

Minutes

17 **Apologies for absence**

Apologies for absence were received from Councillors Mrs Arnold, Mrs Frank,
Mrs Keal and Hope.

18 **Minutes**

The minutes of a meeting of the Licensing Committee held on 23 July 2009
were presented.

Resolved

That the minutes of a meeting of the Licensing Committee held on
23 July 2009 be approved and signed by the Chairman as a
correct record.

19 **Minutes of meetings of the Licensing Sub Committee held on 11 August 2009 and 15 September 2009**

The minutes of meetings of the Licensing Sub Committee held on 11 August
2009 and 15 September 2009 were submitted.

Resolved

That the minutes of meetings of the Licensing Sub Committee
held on 11 August 2009 and 15 September 2009 as submitted
be endorsed.

20 **Urgent Business**

The Chairman reported that there were no items of urgent business to be considered.

21 **Declarations of Interest**

No declarations of interest were received.

PART 'A' - Matters dealt with under delegated powers or matters determined by Committee

22 **The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates)(Miscellaneous Amendments) Regulations 2009**

The Head of Environment submitted a report, which informed Members of the changes introduced by the Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 ("The Order), the new decisions which were to be introduced and to recommend changes to the Scheme of Delegation to allow the changes to be fully implemented.

The Head of Environment reported that the new minor variations procedure would provide a simplified and more expedient process for dealing with minor variations. At the same time it would provide the safeguard of the licensing authority ensuring that none of the variations proposed could have an adverse effect on the promotion of the licensing objectives.

Resolved

That the Head of Environmental Services includes the decision to grant or reject an application under Section 41(A) and 86(A) of the Licensing Act 2003 to be included within the area of responsibility of the Licensing Officer (or in their absence the Principal Environmental Health Officer) and in the case of rejection in consultation with the Council Solicitor.

PART 'B' - Matters referred to Council

23 **Gambling Act 2005 - Draft Statement of Principles**

The Head of Environment submitted a report, which informed Members of the consultation undertaken in relation to the Council's draft Statement of Principles in relation to the Gambling Act 2005 and which sought Members' views prior to adoption by Council.

The draft Statement of Principles was formally published for consultation following the recommendation of this Committee on 11 June 2009. This allowed the Cabinet Office recommended consultation period of twelve weeks. All statutory undertakers had received a full copy of the draft Statement of Policy, and notification of the Statement had been given to all Members, Parish and town councils, all relevant service unit managers and all libraries. A copy had also been made available on the Council's website. All relevant premise and specific bodies requesting information had been advised of the Statement and its availability. A full list of consultees was appended to the report. Despite widespread consultation, no comments had been received. It was therefore recommended that the Statement of Principles as submitted to the Committee on 11 June 2009 be submitted for adoption by the Council at its meeting on 5 November 2009.

The Statement of Principles was a draft document suggesting the Council's proposals for ensuring a balanced approach towards the licensing of gambling premises. The Statement had been based on the requirements of the Act, recently revised Gambling Commission Guidance to Licensing Authorities and the template for Local Authority Coordinators of Regulatory Services (LACORS). It was intended as a basis for discussion. Nothing in the draft was to be taken as given and all matters within it were for debate and could be subject to change that reflected comments made through the consultation process. Members' views on any aspect of the draft Statement of Principles were welcomed.

Resolved

That the draft Gambling Act 2005 - Statement of Principles be recommended for adoption by Council at its meeting on 5 November 2009.

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	27 NOVEMBER 2009
REPORT OF THE:	HEAD OF ENVIRONMENT PHIL LONG
TITLE OF REPORT:	TAXI LICENSING TASK GROUP PROGRESS REPORT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report provides an update to Members on progress being made exploring potential future service delivery options for the taxi licensing service.

2.0 RECOMMENDATION

- 2.1 It is recommended that:

- (i) Members endorse the ongoing feasibility work examining service delivery options for the taxi licensing service.

3.0 REASON FOR RECOMMENDATION

- 3.1 It was resolved at the Licensing Committee on 23 July 2009 that "a review be undertaken to identify alternative options for delivering the taxi licensing service to ensure that economy, efficiency and effectiveness is secured for the future".
- 3.2 Officers have been exploring a potential Environmental Health Partnership between Craven, Harrogate, York, Selby, North Yorkshire Trading Standards and Ryedale and the possibility of incorporating the licensing function including taxi licensing is an option.

4.0 SIGNIFICANT RISKS

- 4.1 At this stage in the process there are no significant risks involved.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 A series of taxi licensing member task group meetings have taken place over the past 18 months particularly looking at the licence fees and the associated costs of providing the taxi licensing service. One key outcome from the work to date is the need to ensure value for money and efficient service delivery and the conclusion that alternative ways of delivering the taxi licensing service were to be explored as the way forward.
- 5.2 This report is a progress report for Members outlining the work that has been done since the July meeting.

6.0 POLICY CONTEXT

- 6.1 The policy objective of the taxi licensing service (revised during 2009/10) is to deliver an efficient and effective service at a minimal cost to the council taxpayer.

7.0 CONSULTATION

- 7.1 The work of the taxi licensing member task group has involved consultation with the taxi trade throughout which has informed the recommendations to date.

8.0 REPORT DETAILS

- 8.1 The discussions about the feasibility of an environmental health partnership between Craven, Harrogate, York, Selby, North Yorkshire Trading Standards and Ryedale are at a scoping stage and the development of a business case involving the use of external consultants would be the next stage and will be the subject of a separate report to Community Services Committee in the future.
- 8.2 Officers are also exploring the benefits of teaming up with another licensing function as an interim measure pending the outcome of the environment health partnership feasibility and progress reports will continue to be made to this Committee as appropriate.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial: None, as no income is generated by Ryedale District Council
 - b) Legal: None
 - c) Other: None

10.0 NEXT STEPS

- 10.1 This is an ongoing area of work and further details will be reported including timescales in due course.

Phil Long
Head of Environment

Author: **Beckie Bennett, Streetscene Manager**
Telephone No: 01653 600666 ext: 483
E-Mail Address: beckie.bennett@ryedale.gov.uk

Background Papers:
None

Background Papers are available for inspection at:
Not applicable

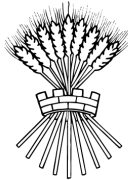
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TAXI LICENSING TASK GROUP PROGRESS REPORT - RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Failure to ensure the taxi licensing service is not efficiently delivered and does not represent value for money to the customer	Dissatisfied customers and negative implication for the Council's reputation	3	B	Exploring alternative options for service delivery seeks to identify the most efficient way to deliver the taxi licensing service in the future	1)	A

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	26 NOVEMBER 2009
REPORT OF THE:	HEAD OF ENVIRONMENT PHIL LONG
TITLE OF REPORT:	HACKNEY CARRIAGE TABLE OF FARES 2010/11
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To inform members of the hackney carriage table of fares for 2010/11.

2.0 RECOMMENDATION(S)

2.1 It is recommended that:
(i) there is no change to the current table of hackney carriage fares in 2010/11.

3.0 REASON FOR RECOMMENDATION(S)

3.1 Following consultation with the hackney carriage drivers, due to the recession, it is not considered necessary to increase the fares that hackney carriages charge their passengers.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks.

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 It was agreed when setting hackney carriage fares an annual review would take place in line with the Council's other fees and charges (CSL committee 6 February 2003 Min No 397).

5.2 Hackney carriage fares are paid by passengers directly to the hackney carriage drivers and do not represent income paid to Ryedale District Council.

6.0 POLICY CONTEXT

6.1 Local authorities are required to set a table of fares in accordance with the [need to check the legislation]

7.0 CONSULTATION

7.1 The current hackney carriage fare structure has been subject to consultation with the taxi working group.

8.0 REPORT DETAILS

8.1 After consulting with the taxi working group, there is a general agreement that the current fare structure is reasonable within the current economic climate and propose that there are no changes to the fares in 2010/11. It was agreed that fares would be reviewed for 2011/12.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

None, as no income is generated by Ryedale District Council

b) Legal

None

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

None

Phil Long
Head of Environment

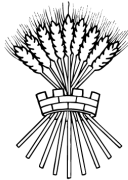
Author: Laural Carr, Taxi Licensing Officer
Telephone No: 01653 600666 ext: 474
E-Mail Address: laural.carr@ryedale.gov.uk

HACKNEY CARRIAGE TABLE OF FARES - RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Failure to set a reasonable table of hackney carriage fares	Dissatisfied customers and negative implication for the Council's reputation	2	B	Consultation with the hackney carriage drivers has informed the recommendation not to increase the current table of fares due to the recession	1	A

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LICENSING COMMITTEE
DATE:	26 NOVEMBER 2009
REPORT OF THE:	HEAD OF ENVIRONMENT PHIL LONG
TITLE OF REPORT:	GAMBLING ACT 2005- SETTING OF FEES
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek Member approval for the setting of fees under the provisions of the Gambling Act 2005

2.0 RECOMMENDATION

- 2.1 It is recommended that:

- (i) Members confirm the level of fees recommended in Annex B

3.0 REASON FOR RECOMMENDATION

- 3.1 The setting of fees must relate to the costs incurred by the local authority and be defensible.

4.0 SIGNIFICANT RISKS

- 4.1 The fees have been calculated in accordance with LACORS guidance and have been benchmarked against other North Yorkshire authorities and are defensible if challenged.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Under the provisions of section 154(2)(b) of the Gambling Act 2005, the licensing authority has the discretion to delegate the decision on the setting of fees to the Licensing Committee. This delegation was approved by Council on 8 March 2007.

6.0 POLICY CONTEXT

6.1 The following Policies have informed this report:

- Council Plan 2009-13
- Health and Environment Service Delivery Plan
- Budget Policy 2010/11

7.0 CONSULTATION

7.1 No consultation has taken place in revising these fees

8.0 REPORT DETAILS

8.1 Section 154 of the Gambling Act 2005 provides that all decisions relating to premises licences are delegated to the Licensing Committee of the authority that has been established under section 6 of the Licensing Act 2003, except:

- A resolution not to issue casino licences, which must be taken by the whole authority;
- Functions in relation to the three-year licensing policy, which must be taken by the whole authority; and
- Setting fees (to the extent that a licensing authority has delegated power in relation to fees). The licensing authority can delegate decisions to the Licensing Committee, but there is no automatic delegation, so each authority must decide its approach to setting fees.

The power of setting of fees was delegated to the Licensing Committee by Council on 8 March 2007.

8.2 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provide that the following types of fees are to be determined by licensing authorities:

- Licence application fee
- First annual fee
- Annual fee
- Notification of a change of circumstance fee
- Application to vary a licence fee
- Application to transfer a licence fee
- Fee for a copy of a licence
- Application for reinstatement of a licence fee
- Provisional statement application fee

8.3 Part 9 of the Gambling act 2005 allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Applications for Temporary Use Notices under the gambling Act 2005 may be made to the Licensing Authority. In accordance with The Gambling Act (Temporary Use Notices) Regulations 2007, the Licensing Authority must determine the fee payable under Section 219(b) of the Act and this amount must not exceed £500 for the fee and £25 for an endorsed copy of the Temporary Use Notice.

In each case, the fee determined by a licensing authority must not exceed a maximum fee specified in the relevant regulation. Section 212 of the Act requires that the income from fees as near as possible equates to the costs of providing the service to which the fee relates. For the licensing authority this means that the service should be cost neutral. In determining application and other fees licensing

must ensure that these are limited to recovery of the costs of carrying out their functions under the Act. Licensing authorities are required to review their fees on an annual basis. The suggested discretionary fees have been increased in line with the 2009/10 Revenue Budget and are available in Annex B.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) **Financial:** The Gambling (Premises Licences Fees)(England and Wales) Regulations 2007 and The Gambling Act (Temporary Use Notices) Regulations 2007, require the licensing authority to set fees for the granting of premises licences. The regulations set the maximum fee payable for each category of gambling premises licence and allow licensing authorities to determine their own fees, on a cost recovery basis. This means the service should be cost neutral. Licensing authorities have to review their fees annually to ensure that the income from the premises licence fees in any one accounting period (i.e. in any full year) does not exceed the full costs incurred by the authority in carrying out the relevant functions.

Phil Long
Head of Environment

Author: Steven Richmond, Health and Environment Manager
Telephone No: 01653 600666 ext: 247
E-Mail Address: steve.richmond@ryedale.gov.uk

Background Papers:
Nil

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GAMBLING ACT 2005 – SETTING OF FEES - RISK MATRIX

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Failure to review and set fees for 2010/11	Revised fees would be unable to be charged	2	B	Committee Report recommends fee level for 2010/11	1	A

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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SCHEDULE

Table of proposed fees for 2010/11

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000

Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£1,136 (£1,092)	£341 (£328)	£1,000	£950	£950	£1,136 (£1,092)
Betting premises (other) licence	£1,136 (£1,092)	£1,136 (£1,092)	£1,136 (£1,092)	£341 (£328)	£1,136 (£1,092)	£1,136 (£1,092)	£1,136 (£1,092)	£1,136 (£1,092)

N.B. Proposed discretionary fees emboldened. This years fees in brackets. All other fees set at maximum levels. Temporary Use Notice fee £500. Copy of licence/other document, change of address or endorsed copy of Temporary Use Notice – Fee £12