

PUBLIC PROTECTION COMMITTEE

6 MAY 2014

Present: County Councillor Marshall (Chairperson);
County Councillors Manzoor Ahmed, Bridges, Boyle, Goddard,
Hudson, McGarry, Morgan, Murphy, Simmons and Benjamin
Thomas

Apology: County Councillor Howells

PP76 : MINUTES

The minutes of the meetings held on 1 April 2014 were approved by the Committee as a correct record and were signed by the Chairperson.

PP77 : HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

RESOLVED – That the LDV Maxus be approved as a Prestige Vehicle with a ten year age restriction.

PP78 : HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE FEES AND CHARGES FOR VEHICLES, DRIVERS AND PHV OPERATORS

At its meeting of 4 March 2014 the Committee resolved to authorise the Head of Regulatory and Supporting Services to carry out the public notice procedure in respect of proposed changes to the hackney carriage/private hire licence fees and charges. The changes were proposed partly as a consequence of the judicial review proceedings and partly by way of annual review.

One objection was received to the proposed changes from a member of the trade. The Committee considered the objection received and were asked to decide whether or not it wished to implement, modify or withdraw the proposed new fees and charges. The Committee were also asked to agree on a revised date for any new fees and charges to come into force. The proposed fees were set out in the report.

The Committee received representations from Tim Mahoney of Premier Taxis. Mr Mahoney stated that, whilst he had no objection to the decrease in Hackney Carriage fees, he questioned whether Private Hire fees were being increased in order to subsidise the decrease in Hackney Carriage fees. Mr Mahoney was also concerned that 12 months had not elapsed since the

Committee had last resolved to change the fees and charges.

The Head of Regulatory and Supporting Services advised the Committee that an exercise had been undertaken to understand and identify the costs of the licensing regulatory regime resulting in the revised proposed fees and charges. Accurate monitoring had been conducted over the past 12 months, particularly in relation to enforcement activities conducted by officers. The costs of providing taxi marshals was not included in the finalised figures. Members were advised that the fees and charges were likely to fluctuate slightly year on year.

Members noted the objection received from Premier Cabs.

The Committee received observations from Sharyn Donnachie. She had not lodged an objection but was present at the meeting and asked to address the Committee. The Committee agreed to let her speak, whereupon she said that she was speaking on behalf of the Judicial Review Claimants. Ms Donnachie stated that the issue of surpluses and deficits relating to the former licensing fees regime was unresolved and therefore agreeing the proposed revised fees and charges was futile.

Ms Donnachie stated that it was her understanding that the costs of additional enforcement activities conducted by licensing officers were not recoverable and these officers clearly misunderstood the relevant legislation. Concerns regarding the overheads, such as building costs and the 'under-utilisation of staff', were also expressed, particularly as overall numbers of staff and buildings had reduced since the last year.

Ms Donnachie also asserted that the revised fees also included a charge for changing proprietor or changing vehicles and there was no provision in the 1976 Act for this eventuality. Ms Donnachie questioned why Members were being asked to consider revising the fees and charges when these matters would be considered in the High Court on 19 June 2014.

The Chairperson asked officers to clarify the points raised by Ms Donnachie. The Committee was advised that enforcement costs only related to the time officer spend checking vehicles. Driver enforcement was not included. The building costs contained in the report reflected the costs of providing accommodation.

The Committee asked for assurances that the figures were apportioned as accurately as possible; that the figures were robust; and had been properly audited. Officers stated that the figures reflected the costs of administering

the licensing regime and were as accurate as possible.

RESOLVED – That:

1. the Committee was satisfied with the basis on which the figures had been calculated;
2. the fees and charges set out in the Report be approved;
3. the fees and charges come into force on 1 June 2014.

PP79 : AUTHORISATION OF OFFICERS AND DELEGATIONS

As a result of restructuring of the Council and its services the Committee were asked to consider approving an update of authorisation and delegation arrangements to ensure that officers involved in enforcement activities have the appropriate formal authorisation to act on the Council's behalf. The Committee was asked to delegate the appropriate powers, as set out in the report.

RESOLVED – That the Committee:

1. Authorises the Operational Manager – Regulatory Commercial Services and the Operational Manager – Regulatory Domestic Services to act as an officer and to authorise appropriately qualified staff to act on the Council's behalf under each of the enactments listed in Schedule 1 and any relevant future enactments determined to be the responsibility of the Public Protection Committee. Such officer authorisations to be for the purposes of meeting the requirements of the legislation and to enable entry onto premises, inspection, sampling, recovering of evidence and any other related operational purposes.
2. Authorises the Operational Manager - Regulatory Commercial Services and the Operational Manager Domestic Services to issue any necessary legal proceedings in respect of each of the enactments listed in Schedule 1 and any relevant future enactments determined to be the responsibility of the Public Protection Committee.
3. Authorises to the Operational Manager - Regulatory Commercial Services and the Operational Manager Domestic Services to authorise 'expert' assistants to accompany inspectors on a visit.

PP80 : SKIN PIERCING REGISTRATIONS

The Committee noted that actions taken by the Head of Regulatory and Supporting Services in respect of the following applications:

1. Mr J. Haste
Claire's Accessories
Skin Piercing Personal Registration
2. Ms A. Plowright
Claire's Accessories
Skin Piercing Personal Registration
3. Ms K. Flower
Claire's Accessories
Skin Piercing Personal Registration

PP81 : STREET AND HOUSE TO HOUSE COLLECTION PERMIT APPLICATIONS

The Committee noted that actions taken by the Head of Regulatory and Supporting Services in respect of the following applications:

1. Autism Puzzles
Street Collection Permit
06/04/2014
2. International Justice Mission UK
Street Collection Permit
09/04/2014
3. Breast Cancer Campaign
House to House Collection Permit
01/05/2014 to 30/04/2015
4. BBC Children in Need
Street Collection Permit
23/05/2014
5. National Kidney Federation
Street Collection Permit
11/04/2014

6. Islamic Relief
Street Collection Permit
27/10/2014
7. RSPB
Street Collection Permit
29/04/2014
8. Noah's Ark Appeal
Street Collection Permit
07/04/2014 to 08/04/2014
9. Noah's Ark Appeal
Street Collection Permit
21/04/2014 to 25/04/2014
10. Noah's Ark Appeal
Street Collection Permit
14/04/2014 to 18/04/2014
11. Christian Aid
Street Collection Permit
10/05/2014
12. Christian Aid
Street Collection Permit
17/05/2014
13. Royal National Lifeboat Institution
Street Collection Permit
18/09/2014
14. Leukaemia Care
House to House Collection Permit
01/06/2014 to 31/05/2015
15. National Kidney Federation
Street Collection Permit
18/04/2014
16. Hollies Action Group (Support Hollies School)
House to House Collection Permit

05/05/2014 to 04/05/2015

17. Childrens Society
Street Collection Permit
04/05/2014
18. Meningitis Research Foundation
Street Collection Permit
27/06/2014
19. Save An Orphan (Today)
Street Collection Permit
16/08/2014
20. Winstons Wish
Street Collection Permit
11/10/2014
21. Breast Cancer Campaign
Street Collection Permit
27/04/2014
22. Islamic Relief
Street Collection Permit
07/05/2014 to 08/05/2014
23. Islamic Relief
Street Collection Permit
02/07/2014
24. Islamic Relief
Street Collection Permit
09/07/2014
25. Islamic Relief
Street Collection Permit
16/07/2014
26. Islamic Relief
Street Collection Permit
20/07/2014

- 27. RSPB
Street Collection Permit
09/05/2014

- 28. Hall Green Community Centre
House to House Collection Permit
27/06/2014 to 28/07/2014

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Chairperson