

13 JANUARY 2012

NEW FOREST DISTRICT COUNCIL

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 13 January 2012.

- p Cllr G C Beck (Chairman)
- p Cllr M H Thierry (Vice-Chairman)

Councillors:

- p S J Clarke
- p W H Dow
- p J D Heron
- p Miss A J Hickman
- ap Mrs M McLean
- p L R Puttock
- A W Rice TD

Councillors:

- p W S Rippon-Swaine
- p R F Scrivens
- p S S Wade
- p Mrs C V Ward
- ap P R Woods
- p Mrs P A Wyeth

Officers Attending:

Ms L Clark, Ms A Righton, Mrs R Rutins, Ms M Stephens and P Weston.

20. MINUTES.

The Chairman informed members that following the last meeting, he had written to the New Forest Members of Parliament setting out the Committee's concerns regarding the election of Police Commissioners. He had received a reply from the Rt Hon Nick Herbert MP, Minister of State for Policing and Criminal Justice, setting out the Government's Position. Members were welcome to view the letter, which could be obtained from the Committee Administrator.

RESOLVED:

That the minutes of the meeting held on 11 November 2011 be signed by the Chairman as a correct record.

21. DECLARATIONS OF INTEREST.

No declarations of interest were made by any members in connection with an agenda item.

22. PUBLIC PARTICIPATION.

No members of the public addressed the Committee during the public participation period.

23. REVIEW OF TAXI LICENSING POLICY – DRIVER MEDICALS (REPORT A).

Mr Eddie Prout, a hackney carriage proprietor from Lyndhurst, addressed the Committee. He urged the Committee to change the current policy governing medicals for licensed drivers. The current policy required that medical examination forms must be signed by the driver's own General Practitioner (GP) or another GP from the same practice. Mr Prout felt that the policy should be changed to allow driver medicals to be undertaken by any GP or surgery. His GP practice charged a higher fee than some others and Mr Prout felt that he should be able to use a GP offering a lower fee. He pointed out that his last two examinations had been undertaken by different doctors at the surgery and not his own GP. Mr Prout said that as a resident of Lyndhurst he was unable to register with another doctor outside the area. He had challenged the fee set by the Lyndhurst surgery but they would not reduce the charge. He had contacted the British Medical Association who had confirmed that GPs were able to set their own fees for this type of examination.

In response to a question regarding accessibility of medical records, Mr Prout understood that any GP/surgery was able to access individual patient records online. Mr Prout withdrew from the meeting at this stage.

Members felt that it was particularly important that GPs undertaking medical examinations of drivers for licensing purposes had knowledge of the driver's medical history. Their understanding was that patient records were not necessarily available online and could not always be accessed by surgeries other than the patients' own. The Council had a duty of care to residents and the health and fitness of drivers was essential to ensuring the safety of passengers.

The New Forest had approximately 135 private hire and hackney carriage operators, none of whom, with the exception of Mr Prout, had objected to the current policy.

The Licensing Officer confirmed that only three of the eleven local authorities in Hampshire which had responded to a survey allowed any GP or surgery to undertake driver medicals, but each had additional conditions.

RESOLVED:

That, subject to the inclusion of a provision that the drivers' GP/surgery carrying out medical examinations confirm that the driver's medical records have been used, the Council's policy governing medical examinations for licensed drivers remain unchanged.

Action: Paul Weston

24. REVIEW OF TAXI LICENSING POLICY – REQUIREMENT FOR AN ENHANCED LEVEL CRIMINAL RECORDS DISCLOSURE (REPORT B).

The Committee considered whether the Council's policy relating to criminal records checks carried out in connection with hackney carriage and private hire vehicle driver licence applications should be amended, in light of recent statements made by the Criminal Records Bureau (CRB).

In line with most other local authorities, New Forest District Council's licensing policy provided that enhanced disclosure checks on applicants for taxi and private hire drivers' licences be sought from the CRB. This approach was taken to satisfy the authority that the applicant was a 'fit and proper person' to hold a driver's licence. The CRB had cast doubt on whether this was permissible.

New Forest District Council, along with a number of other councils in Hampshire, had sought counsel's opinion on the matter. A synopsis of this opinion was included in Report B. The advice was discussed.

Members considered that the safety of passengers was of greatest importance. Enhanced CRB checks, through providing additional information held by the police, assisted the Council in determining whether an applicant was a 'fit and proper person' to hold a driver's licence.

Having considered the matter in light of the legal opinion, the Committee was of the view that the Council's practice in requesting enhanced CRB checks was still appropriate and should remain unchanged. It was noted that the requests were made by the Licensing Officer on the Council's behalf.

Officers would keep a watching brief on this issue as more information and guidance for Local Authorities became available.

RESOLVED:

That the current requirement within the Council's licensing policy that all hackney carriage/private hire applicants be subject to an enhanced CRB check be retained, and that the Council's policy in this regard be clarified.

Action: Paul Weston/Lisa Clark

25. MEDIUM TERM FINANCIAL PLAN 2011-2014 (REPORT C).

Members considered the medium term financial plan insofar as it related to the Committee. Members had no comments to make on the savings proposals relating to their particular area.

Members supported the recommended charge for undertaking research of electoral registers on request and endorsed its inclusion in the fees and charges for 2012/13. The level of charge would relate to the level of work required and would be priced at the discretion of the Electoral Registration Officer or the Democratic Services Manager.

RESOLVED:

- (a) That the Cabinet be advised that the Committee has no comments to make on the Medium Term Financial Plan 2011/2014 and the Annual Budget 2012/13, and, in particular, the proposed savings relating to their service area; and
- (b) That the fees and charges for 2012/13 set out in Appendix 1 to these minutes be forwarded to the Cabinet with a recommendation that they be submitted to the Council for approval.

Action: Alfons Michel

26. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

The Chairman reminded members that the licensing training session would take place on Tuesday, 31 January at 10.00am – 3.00pm in the Council Chamber, Appletree Court. He encouraged all members to attend.

CHAIRMAN

Attachment: Minute 25 – Appendix 1

(GPLC130112)

GENERAL PURPOSES AND LICENSING COMMITTEE
PROPOSED SCALE OF FEES AND CHARGES FOR 2012/13

	Charges 2011/12 £	Proposed Charges 2012/13 £	%	Review Indicator
			Increase	
<u>HACKNEY CARRIAGE & PRIVATE HIRE LICENCE FEES*</u>				
Hackney Carriage / Private Hire Drivers Joint Licence				
new 1 year (includes drivers badge)	68.00	69.00	1.5	M
renewal 3 years	81.00	83.00	2.5	M
Drivers Awareness Test	30.00	32.00	6.7	M
Private Hire Operator's Licences				
new 1 year	288.00	288.00	-	M
renewal per annum	144.00	148.00	2.8	M
Vehicle Licence				
Hackney Carriage per annum	184.00	185.00	0.5	M
Private Hire per annum	184.00	185.00	0.5	M
Hackney Carriage/Private Hire (Over 8 years old) per annum	232.00	233.00	0.4	M
Duplicate driver's badge	10.50	10.50	-	L
Vehicle plate - replacement	20.00	20.00	-	M
Vehicle plate - replacement of insert	10.00	10.00	-	M
Vehicle plate - replacement of bracket and fixings	10.00	10.00	-	M
Vehicle Re-test fee (set by Environmental Services)	48.00	48.00	-	M
Vehicle - private plate registration	39.00	40.00	2.6	M
<u>HEALTH SERVICE LICENCE FEES</u>				
* Breeding of Dogs Act new Licence per annum (+ vets' fees)	136.00	138.00	1.5	M
* Breeding of Dogs Act Licence renewal per annum	136.00	138.00	1.5	M
* Pet Animals Act Licence per annum (+ vets' fees)	136.00	138.00	1.5	M
* Pet Animals Act - Bird & Animal Auctions per annum (+ vets' fees)	136.00	138.00	1.5	M
* Animal Boarding Establishments Licence per annum	195.00	199.00	2.1	M
* Smaller Animal Boarding Estab. Licence per annum	49.00	50.00	2.0	M
* Riding Establishments Act Licence				
annual fee (+ vets' fees)	174.00	176.00	1.1	M
per horse (+ vets' fees)	17.00	17.00	-	M
renewal of provisional licence (+ vets' fees)	70.00	70.00	-	M
* Dangerous Wild Animals Acts Licence (+ vets' fees)	120.00	123.00	2.5	M
* Zoo Licence	<-----Actual Cost----->			
Ear Piercing				
Registration of Premises	111.00	112.00	0.9	M
Registration of Practitioners	50.00	51.00	2.0	M
Tattooing - Electrolysis - Acupuncture				
Registration of Premises	117.00	118.00	0.9	M
Registration of Practitioners	52.00	53.00	1.9	M

GENERAL PURPOSES AND LICENSING COMMITTEE
PROPOSED SCALE OF FEES AND CHARGES FOR 2012/13

	Charges 2011/12 £	Proposed Charges 2012/13 £	%	Review Indicator
Accident Reports				
Provision of Accident Reports to Solicitors and other interested groups	<-----Actual Cost----->			
Training				
Level 2 Award in Health and Safety in the Workplace	50.00	50.00	-	L

REGISTER OF ELECTORS

Statutory Charges Apply - For further details please contact 023 8028 5445

Paper	per 1,000 names	5.00	5.00	-	/ S /
	plus transaction fee	10.00	10.00	-	/ S /
Data	per 1,000 names	1.50	1.50	-	/ S /
	plus transaction fee	20.00	20.00	-	/ S /

Marked copies of registers and lists after voting

Paper	per 1,000 entries or part	2.00	2.00	-	/ S /
	plus transaction fee	10.00	10.00	-	/ S /

Undertaking research of registers on request

at discretion of Electoral Registration Officer
or Democratic Services Manager

OTHER LICENCE FEES*

All current fees listed below will cease to continue from second appointed day. Should you require clarification please contact the Licensing section.

Sex Shop Licence		3,950.00	3,959.00	0.2	L
Public Health (Amendments) Act 1907					
Pleasure Boat per annum including plate		80.00	81.00	1.3	L
Self Drive Crafts etc		20.00	20.00	new	L
Boatman Licences - new 1 year		68.00	69.00	1.5	L
Boatman Licences - renewal 3 years		81.00	83.00	2.5	L
Registration of Motor Salvage Operators		110.00	111.00	0.9	L

LICENSING ACT 2003 & GAMBLING ACT 2005 FEES*

Statutory Fees Apply - For further details please contact Paul Weston 023 8028 5449

Review Indicator Key

M	= Market Comparisons undertaken
L	= Local Authority Comparisons undertaken
S	= Statutory Charge Level