

NORTH DEVON COUNCIL

Minutes of a meeting of Licensing Committee held at Barum Room - Brynsworthy Environment Centre on Tuesday, 5th February, 2019 at 10.00 am

PRESENT: Members:

Councillor Chesters (Chairman)

Councillors Biederman, Campbell, J Cann, Haywood, Jones, Mathews, Meadlarkin, Moore and Yabsley

Officers:

Licensing Service Lead, Public Protection Manager and Senior Solicitor

37. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors Gubb, Tucker and Wilkinson.

38. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING HELD ON 4TH DECEMBER 2018.

RESOLVED, that the minutes of the meeting held on 4th December 2018 (circulated previously) be approved as a correct record and signed by the Chairman.

39. DECLARATIONS OF INTERESTS.

There were no declarations of interest announced.

40. PROPOSED AMENDMENTS TO DANGEROUS WILD ANIMAL AND ZOO LICENSING FEES

The Committee considered a report by the Public Protection Manager (circulated previously) regarding proposed amendments to dangerous wild animal and zoo licensing fees.

The Public Protection Manager advised that following the approval of revised fees under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018; the fees for dangerous wild animal and zoo licences were now disproportionately low and did not allow the Council to adequately recover costs. The structure of the fees currently in place did also not reflect the recent case of Hemmings v Westminster City Council and the report suggested a new part A and part B fee breakdown.

She referred the Committee to appendix A of the report, which gave a detailed breakdown of the figures using the principles of *Hemmings v Westminster City Council*. The proposed fees were calculated in two parts, A and B. Part A covered the direct costs associated with processing an application, with part B to be paid following the grant of a licence covered the ongoing costs associated with running the licensing function. There was also a condition that the licence would not be operational until the part B fee had been received.

She explained the fee breakdown of the new proposed fees and added that there were no licences for dangerous wild animals in place at the current time. However, there were three licensed zoos within the North Devon area. These were Ilfracombe Aquarium, Combe Martin Wildlife and Dinosaur Park and Exmoor Zoo. She added that in calculating the fees, consideration had been given to zoos with and without dispensation. Section 14 of the Zoo Licensing Act 1981 provided the Secretary of State with powers to relax the requirements of the Act for a small zoo or one exhibiting only a small number of different kinds of animals.

In response to a question, she advised that if a business was sold the licence was transferrable under some circumstances.

RESOLVED:

- (a) the Licensing Committee considered the draft fees for zoo licences and licences for keeping dangerous wild animals at Appendix One;
- (b) that the Public Protection Manager consult the licensed community (three licensed zoo premises) and others by way of the Council's website, given that the proposed increases were substantial. Members noted that the figures provided in respect of the necessary tasks required were conservative and officer rates with on-costs were fixed. As such the response of the consultees only had a limited impact, given the rigid formula for the calculation of fees. A possible suggestion from the licensed community was that some level of fee subsidy be imposed whilst fees were increased more incrementally over a set period. Members further noted that there was sufficient time to consult zoo licence-holders. The next zoo licence-holder anticipated to apply for renewal was likely to make their application between September and December 2019 and therefore consultation would not impact on the Council's ability to recover costs, if fees were to be increased; and
- (c) that the Public Protection Manager report on the results of the consultation in order that a recommendation could be made to Executive and Full Council for the approval of a revised set of fees for zoo licences and licences for keeping dangerous wild animals.

The Committee thanked the Public Protection Manager for a comprehensive report.

41. NORTH DEVON COUNCIL HACKNEY CARRIAGE TARIFF

The Chairman welcomed Mr Lethbridge (Licensed Taxi Driver) to the Committee.

The Members agreed to allow Mr Lethbridge addressed the Committee.

The Committee considered a report by the Licensing Service Lead (circulated previously) regarding the North Devon Council Hackney Carriage Tariff.

The Licensing Service Lead advised that the report sought to review North Devon Council's Authorised Maximum Fares for licensed Hackney Carriages.

He explained that a request, which included a petition was received on 23rd October 2018 for a review of the hackney carriage tariff from a member the hackney carriage trade subsequent to the last review. A summary of the points outlined in the request were as follows:

- a) The request to increase maximum allowed fare to £3 lift off and £3 for the running mile on basic was because costs had caught up with the drivers who were full time, obviously part timers who only come out at prime times were difficult to speak to.
- b) The last two rises were on the lift off only and nothing on the running mile where the bulk of expenses were felt, result was those drivers working the town centre average journey being three quarters of a mile which works out taking an average of 30mpg 20 trips per gallon which makes a rise of £2 per gallon.
- c) Where as those looking after tourists travelling to various holiday resorts, which were roughly 30 miles per round trip only get 10p per gallon.
- d) The last rise was a reduction in distance of one quarter of a mile which was a rise of 62p per trip, town drivers get £12.40 per gallon.
- e) Again those drivers working with tourists get 62p per gallon, which obviously did not cover one fuel rise per litre let alone all the rises since 1999, plus large jump in cost of tyres (a set about £450 from £100) insurance had also increased dramatically, and a service for a vehicle was between £300 and £400, at the last rise on running mile fuel was under 90p and was now average £1.30 per litre.
- f) There was also a large amount of hackney vehicles working for private hire companies and using the ranks as walk on offices.

He added that the price of unleaded 95 octane fuel, which was taken from the south west average AA figures had increased by 14.6 pence per litre and the price of diesel had increased by 24.1 pence per litre in the period from April 2016, when the tariff was last approved, to December 2018.

He explained that figures published in the January 2019 edition of the Private hire and Taxi magazine indicated that North Devon was the third highest ranked fare at £6.55 for a two mile journey in Devon. Torridge was ranked the highest in Devon at number forty eight with £6.62 and Mid Devon ranked the lowest at number two hundred and fourteen with £5.70. The current two mile journey was twenty nine pence higher than the Devon average.

He outlined the Hackney Carriage Fares for other Local Authorities, which were detailed in appendix D. If the proposed request for a £3.00 "lift off" and £3.00 running mile was approved it would result in the following significant increases for those persons who used and relied on hackney carriages:

- The 'lift off' fare would increase by 20p from £2.80 to £3.00.
- The running mile would increase by 50p from £2.50 to £3.00.
- The first mile fare would increase by forty five pence from £4.05 to £4.50.
- A two mile fare would increase by 95p from £6.55 to £7.50 resulting in North Devon being £1.24 more expensive than the Devon average and moving up to ranking number six in the Private Hire and Taxi magazine published fares.
- A five mile journey would increase by £2.45 from £14.05 to £16.50
- A ten mile journey would increase by £4.95 from £26.55 to £31.50.
- A thirty mile journey would increase by £14.95 from £76.55 to £91.50.

He explained that a written representation opposing the request to increase the hackney carriage tariff had been submitted by a North Devon licensed hackney carriage driver. A summary of the representation was as follows:

- A large number of North Devon Council licensed hackney carriage drivers did not want a fare increase.
- The proposal had been initiated by the hackney carriage drivers who operated mainly out of the train station.
- Those licensed drivers who operated from the train station could usually achieve full meter rate, whilst on the public ranks there was a culture of bartering resulting in the vast majority of fares not achieving full meter rate.
- North Devon was a low income area.
- Fuel price increases had not been that noticeable.
- An increase in the tariff at the present time would not be appropriate.
- It was becoming increasingly difficult to make a reasonable living, the negative publicity caused by an increase would do more harm to the trade.

He added that fuel prices and the costs of other goods and services had increased, however the proposed increase if approved would further elevate North Devon's tariff to the sixth highest in England and become considerably more expensive than the Devon average and our near neighbours. It was recommended that no inflationary changes be made to the tariff at this point in time. Furthermore a representation from

a licensed hackney carriage driver highlighted the negative effects of an elevated tariff.

The Committee discussed the request for the increase to the tariff and the complexities surrounding the operation of the rank within Barnstaple Town centre.

RECOMMENDED:

- (a) that the Executive make no change to the Council's Hackney Carriage Fare Tariff at the current time;
- (b) that paragraph 4.4.1 of the Council's Hackney Carriage and Private Hire Licensing Policy be amended to read:

'Hackney carriage tariffs will be reviewed taking into account the cost of fuel and other expenses. Any requests for review of tariffs will be referred to a meeting of the Licensing Committee. The Committee will meet on an annual basis to review the hackney carriage tariff with the provision for an additional review within the 12 month period as required to be agreed in consultation between the Chairman and the Licensing Service Lead'.

RESOLVED, the Committee considered the representation received in respect of the Council's hackney carriage tariff.

42. LICENSING SUB-COMMITTEE.

RESOLVED, that the minutes of the following Licensing Sub-Committee (circulated previously) be approved as a correct record and signed by the Chairman of the Sub-Committee:

- (a) Licensing Sub-Committee A: 17th December 2018.

43. LICENSING COMMITTEE WORK PROGRAMME 2018/19.

The Committee considered the work programme (circulated previously).

RESOLVED, that the work programme be noted.

Chairman

The meeting ended at 11.02 am