

LICENSING AND GENERAL PURPOSES COMMITTEE (SPECIAL) MINUTES

24 APRIL 2013

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| Chairman: | * Councillor Mano Dharmarajah | |
| Councillors: | * Kam Chana (3) | * Chris Mote (6) |
| | * Ramji Chauhan | * Phillip O'Dell |
| | * Mrinal Choudhury | * Varsha Parmar |
| | * Susan Hall | * Anthony Seymour |
| | * Kairul Kareema Marikar | * Lynda Seymour |
| | * Ajay Maru | * Sachin Shah (7) |
| | * Amir Moshenson | * Krishna Suresh |

* Denotes Member present
(3), (6) and (7) Denote category of Reserve Members

94. Attendance by Reserve Members

RESOLVED:

To note the attendance of the following duly constituted Reserve Members:

Ordinary Member

Councillor William Stoodley
Councillor Manji Kara
Councillor John Nickolay

Reserve Member

Councillor Sachin Shah
Councillor Chris Mote
Councillor Kam Chana

95. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 4: The Setting of Fees and Charges for Licensing Functions -
Category 58: Massage and Special Treatment Establishments

Councillor Susan Hall declared a disclosable pecuniary interest in that she had been granted a special licence under category 58. She would leave the room whilst the matter was considered and voted upon.

Councillor Ajay Maru declared a disclosable pecuniary interest in that he had been granted a licence under Category 58. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 4: The Setting of Fees and Charges for Licensing Functions - Category 63: Houses in Multiple Occupation Licensing Scheme – per application

Councillor Ajay Maru declared a disclosable pecuniary interest in that he had been granted a licence under Category 63. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 4: The Setting of Fees and Charges for Licensing Functions - Category 58: Massage and Special Treatment Establishments

Councillor Chris Mote declared a disclosable non-pecuniary interest in that he was a clinical hypnotherapist, however, he did not require a licence to practise. He would remain in the room whilst the matter was considered and voted upon.

96. Deputations

RESOLVED: To note that no deputations were received at the meeting under the provisions of Committee Procedure Rule 16.

97. Setting of fees and charges for Licensing Functions

The Committee received a report of the Corporate Director for Environment and Enterprise, which set out the proposed fees and charges for licences/applications for those activities under the Provision of Services Regulations 2009, as part of the EU Services Directive.

An officer stated that, in the past, these fees and charges had been approved by Cabinet. However, a recent legal challenge launched against Westminster City Council by sex establishments had precipitated other authorities to re-consider this licensing function. Legal advice received indicated that licensing functions which were non-executive, should be considered and approved by the relevant Committee.

The officer made the following additional points:

- Local Authorities (LAs) were required to demonstrate that fees/charges had been correctly set and complied with relevant legislation. This meant that any fees and charges may be set to recover the cost of administering the process involved, which included officer time and resources used, however the LA should not be making a profit from this activity;

- Licensing officers had used the two methodologies below to calculate the fees and charges for 2013/14:
 - large volume licences, such as those for massage and special treatment establishments, had been calculated taking into account the cost of the total service in providing application processing, advice given, compliance visits, and resources used;
 - lower volume licences, such as those for laser treatments sometimes had additional component, such as the initial outlay costs, training of Licensing officers in this area, advertising, the number of committee meetings required for the approval to be given;
- both methodologies were open to inspection by licensees and Members and a copy of each methodology would be placed in each of the Group Offices for reference purposes;
- it was likely that after 2013/14 some of the fees and charges would reduce.

Following questions and comments from Members of the Committee, the officer advised that:

- it would not be equitable to introduce a blanket fee increase for each type of fee or licence. Public perception and understanding of how the fees and charges were set was very important and each service area should have an individual fee structure. Any increase should be specific to each service area as it would not be appropriate or fair if these charges were passed on to licence holders in a different service area;
- the table did not include licence categories which were numbered 59-62, as these service areas were not included in the EU Services Directive. However, these service areas had been included in the fees and charges report which was part of the overall budget report which had been considered and approved by Cabinet in April 2013.

RESOLVED: That the fees and charges for licences/applications for those matters listed in the report, as set out at appendix 1, be approved.

(Note: The meeting, having commenced at 7.30 pm, closed at 7.55 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman