

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

9TH JUNE 2011

PRESENT:- Councillors Shirley Burns, Sheila Denwood, Jonathan Dixon, Mike Greenall, Tony Johnson and Robert Redfern, Tracey Kennedy and Susan Sykes

Apologies for Absence

Councillors John Harrison (Chairman), Chris Coates and Billy Hill

Officers in attendance:-

Luke Gorst	Assistant Solicitor
Caroline Morrison	Senior Licensing Officer
David Eglin	Licensing Officer
Tom Silvani	Democratic Support Officer

1 APPOINTMENT OF VICE CHAIRMAN

In the absence of the chairman, the Assistant Solicitor requested nominations for the position of vice-chairman.

It was proposed by Councillor Shirley Burns and seconded by Councillor Robert Redfern:

“That Councillor Mike Greenall be appointed vice-chairman of the Licensing Regulatory Committee for the municipal year.”

There being no further nominations the Assistant Solicitor advised that the proposition had been carried.

Resolved:

That Councillor Mike Greenall be appointed vice-chairman of the Licensing Regulatory Committee for the Municipal Year.

In view of the absence of the chairman the vice-chairman took the chair.

2 MINUTES

The minutes of the meeting held on 31 March 2011 were signed by the vice-chairman as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 CONFIDENTIAL ITEMS:-

In accordance with Section 100A(2) of the Local Government Act 1972, the press and public were excluded for the following items of business on the grounds that they could include the possible disclosure of confidential information.

6 APPLICATION FOR HACKNEY CARRIAGE DRIVER'S LICENCE - ASHLEA FOSTER-WILLIAMS (PAGES 1 - 2)

The Senior Licensing Officer introduced a report to enable members to consider Mr. Foster-Williams' application for a hackney carriage driver's licence.

Details of the individual case and the vice-chairman's summary of the decision are set out in confidential minute no. 6 in accordance with Section 100A(2) of the Local Government Act 1972.

It was proposed by Councillor Burns and seconded by Councillor Johnson: -

"That Mr. Foster-Williams' application for a hackney carriage driver's licence be approved."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

That Mr. Foster-Williams' application for a hackney carriage driver's licence be approved.

7 EXEMPT ITEMS:-

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12 of the Act.

8 EXISTING PRIVATE HIRE DRIVER'S LICENCE - LAURENCE WILLIAM DENT

It was reported that Mr. Dent had informed licensing that he was unable to attend the meeting and had requested that consideration of this issue be deferred to the next meeting of the Licensing Regulatory Committee.

Members unanimously agreed to defer the application.

Resolved:

That consideration of Mr. Dent's private hire driver's licence be deferred to the next meeting of the Licensing Regulatory Committee.

The press and public were re-admitted to the meeting at this point.

9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROPOSED VARIATION OF HACKNEY CARRIAGE FARES

The Senior Licensing Officer introduced a report to enable members to reconsider the proposed variation of hackney carriage fares following the receipt of objections.

Members were reminded that at its last meeting on 31 March 2011 the committee had considered a proposed variation of the hackney carriage fares. The committee had approved in principle a proposed variation to the fares, which was set out in the report.

The committee had also authorised the Head of Governance to place a public notice in a locally distributed newspaper about the proposed variation. A period of 14 days had then been allowed for objections to be made. During this period one objection had been received from the Lancaster City Hackney Proprietors Association (LCHPA), which was attached to the report.

Members were reminded that the proposal from the LCHPA had been available for consideration at the previous meeting of the committee when members had approved in principle a proposed variation to the fees.

Members considered the proposal from the LCHPA and asked questions regarding the different tariffs. It was advised that the proposal received from the LCHPA, had suggested that after the flag had been reached, subsequent charges by made for every 226 yards. However, following discussion with officers the representative of the LCHPA had agreed that they would be happy for this to be changed to 220 yards, for ease of calculation.

It was proposed by Councillor Burns and seconded by Councillor Greenall: -

- "(1) That the proposed variation of hackney carriage fares be approved as set out below.

Tariff one – normal daytime charge

£2.40 for the first 880 yards or uncompleted part thereof

20p for each subsequent 220 yards or uncompleted part thereof

15p waiting time for each period of 60 seconds or uncompleted part thereof

Tariff two – between midnight and 7.00am

£3.60 for the first 880 yards or uncompleted part thereof

30p for each subsequent 220 yards or uncompleted part thereof.

20p waiting time for each period of 60 seconds or uncompleted part thereof

Tariff three –Christmas period

4.80 for the first 1100 yards or uncompleted part thereof

40p for each subsequent 220 yards or uncompleted part thereof

30p waiting time for each period of 60 seconds or uncompleted part thereof

To include the wording on the tariff card:-

'The driver may, at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.'

"(2) That the revised table of fares come into force on 27 June 2011.

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

(1) That the proposed variation of hackney carriage fares be approved as set out as below.

Tariff one – normal daytime charge

£2.40 for the first 880 yards or uncompleted part thereof

20p for each subsequent 220 yards or uncompleted part thereof

15p waiting time for each period of 60 seconds or uncompleted part thereof

Tariff two – between midnight and 7.00am

£3.60 for the first 880 yards or uncompleted part thereof

30p for each subsequent 220 yards or uncompleted part thereof.

20p waiting time for each period of 60 seconds or uncompleted part thereof

Tariff three –Christmas period

4.80 for the first 1100 yards or uncompleted part thereof

40p for each subsequent 220 yards or uncompleted part thereof

30p waiting time for each period of 60 seconds or uncompleted part thereof

To include the wording on the tariff card:-

‘The driver may, at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.’

(2) That the revised table of fares come into force on 27 June 2011.

10 SITE MANAGEMENT AGREEMENT TO CONTROL DIRECT DEBIT FACE TO FACE FUNDRAISERS

The Senior Licensing Officer presented a report to seek members’ approval of the adoption of a site management agreement between the Public Fundraising Regulatory Association (PFRA) and Lancaster City Council.

Members were advised that face-to-face fundraising was the personal solicitation of a regular charity donation via a direct debit. It was also advised that there were currently no provisions to regulate face-to-face fundraisers.

Licensing officers had been inundated with complaints from the public regarding the number of face-to-face fundraisers operating in Lancaster City Centre. Complaints had also been received from market stall holders and shop owners that the level of fundraising was having an adverse effect on their businesses.

Licensing had approached the PFRA with a view to adopting a site management agreement in order to ease the situation. Members were advised of the role of the PFRA and the aim of the site management agreement.

It was reported that should PFRA members breach the terms of the site management agreement, the PFRA offers a single point of contact for the local authority to rectify this, and they had stated that they could usually ensure that site management agreement breaches were put right within the hour.

It was proposed by Councillor Burns and seconded by Councillor Kennedy:

“That the proposed site management agreement with the Public Fundraising Regulatory Association be approved.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

That the proposed site management agreement with the Public Fundraising Regulatory Association be approved.

11 AMENDMENT TO THE WORDING IN THE RULES, REGULATIONS AND PROCEDURES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Senior Licensing Officer presented a report to enable members to consider the wording regarding the correct use of the top light of hackney carriage vehicles included in the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing, in order to remove any ambiguity.

The committee was advised that there had been some confusion amongst a small portion of the hackney carriage trade, as to the correct operation of the top lights on their vehicles.

The Rules and Regulations currently stated the following:

‘Any roof signs shall be capable of illumination and be illuminated at all times when (and only when) the vehicle is available for hire.’

Members were advised that a number of the hackney carriage vehicles licensed in Lancaster had a separate switch fitted which allowed the top light to be operated independently of the meter. The addition of the switch had been permitted by the previous licensing manager to solve a specific problem, however the provision had since been abused and had clearly allowed breaches of the above condition, making enforcement untenable and facilitating the possibility of misleading members of the public. All proprietors had since been requested to remove the switch.

The request to remove the switch had led to enquiries from a small minority of the trade, requesting clarification of the condition requesting this. Members were requested to consider the amendment of the wording in the Rules, Regulations and Procedures in order to provide clarification.

It was proposed by Councillor Johnson and seconded by Councillor Kennedy:

“(1) That the issue be deferred until the next meeting of the Licensing Regulatory Committee.

- (2) That representatives from the Lancaster City Hackney Proprietors Association, the Private Hire Association and the Lancashire Constabulary be invited to attend the meeting in order to present their respective views on the issue to the Committee.”

Upon being put to the vote 3 members voted in favour of the proposition and 4 members voted against, with 1 abstention, whereupon the vice-chairman declared the proposition to be lost.

It was proposed by Councillor Johnson and seconded by Councillor Burns:

- “(1) That no amendment be made to the wording in the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing regarding the correct use of the top light on hackney carriage vehicles.
- (2) That the Licensing Manager be requested to produce a further report on the matter for consideration at the next meeting of the Licensing Regulatory Committee.”

Upon being put to the vote 3 Members voted in favour of the proposition and 4 against, with 1 abstention, whereupon the vice-chairman declared the proposition to be lost.

It was proposed by Councillor Denwood and seconded by Councillor Redfern:

- “(1) That the proposed addition to the wording in the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be approved, and the following paragraph added to condition 7 on page 21 with regard to the correct use of top lights on hackney carriage vehicles:

‘This means that the top light box must be operated through the taxi meter at all times. Separate switches or devices that carry out this function independently of the meter are not permitted at any time.’ ”

Upon being put to the vote 4 members voted in favour of the proposition and 3 against, with one abstention, whereupon the vice-chairman declared the proposition to be carried.

Resolved:

- (1) That the proposed addition to the wording in the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be approved, and the following paragraph added to condition 7 on page 21 with regard to the correct use of top lights on hackney carriage vehicles:

‘This means that the top light box must be operated through the taxi meter at all times. Separate switches or devices that carry out this function independently of the meter are not permitted at any time.’

Chairman

(The meeting ended at 2.52 p.m.)

**Any queries regarding these Minutes, please contact
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