

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

21ST JULY 2011

PRESENT:- Councillors John Harrison (Chairman), Mike Greenall (Vice-Chairman), Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson, Robert Redfern and David Kerr (Substitute)

Apologies for Absence

Councillor Chris Coates and Shirley Burns

Officers in attendance:-

Luke Gorst	Assistant Solicitor
Wendy Peck	Licensing Manager
Debbie Rose	Licensing Enforcement Officer
Tom Silvani	Democratic Support Officer

12 MINUTES OF THE MEETING HELD ON 9 JUNE 2011 (PREVIOUSLY CIRCULATED)

The minutes of the meeting held on 9 June 2011 were signed by the vice-chairman as a correct record.

13 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE VEHICLE LICENSING - REQUEST FOR WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT THE NEED TO TIP OR FOLD SEATS

The licensing manager presented a report to enable members to consider a request from Mr. Bishop to waive the policy requirement that all passengers should have direct access and egress without having to tip or fold seats, and to determine whether to grant an exemption to the restriction for Mr Bishop with regard to the VW Caddy Maxilife and for any other vehicles of the same model with identical specifications that may be presented for licensing in the future.

Prior to the meeting members had been given the opportunity to view the vehicle for which the waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat was being requested.

Members were advised that under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as they may consider reasonably

necessary. Any person aggrieved by the refusal of a district council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, could appeal to a magistrates' court. For this purpose, the council had established conditions attached to the grant of a hackney carriage vehicle licence.

The committee were advised that the standard licence condition provided as follows:

"Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat."

Members were reminded that the continued application of the above licence condition had recently been the subject of a consultation process following its approval by the committee last September. The consultation had ended in June, and a full report of the outcome of that consultation was due to be delivered to the committee in September.

Mr. Bishop had currently licensed the VW Caddy to carry five passengers, one of the passengers being a wheelchair user; it was advised that he had one of the mandatory wheelchair accessible vehicles. Mr. Bishop had requested to make representations to the committee, as he would like to add two extra seats (which were removable) to the vehicle, to allow for maximum flexibility. The vehicle would then be licensed to carry a maximum of 6 passengers when not carrying a wheelchair user. A copy of Mr. Bishop's letter was attached to the report for members' information.

It was advised that Mr. Bishop had, at the suggestion of the licensing manager, added some additional safety measures to the vehicle. The vehicle had a rear hatch/door which could be opened from the inside of the vehicle, and was clearly marked 'Emergency Exit'. This would allow passengers in the rear row of seats (if approved) to egress the vehicle through the back hatch, without having to move a passenger in front of them, in case of emergency.

Members were advised of some of the issues which may arise from the grant of this licence; these were outlined in the report in detail.

Mr. Bishop was in attendance at the meeting and made representations on behalf of his request and to respond to some of the points outlined in the report. He also answered questions from members regarding the vehicle.

Members were asked to consider whether they were satisfied to allow the applicant's request for a waiver of the standard licence requirement on access and egress, subject to the additional conditions that the rear door/hatch must be capable of being opened from inside the vehicle, and must be clearly marked 'Emergency Exit.'

If members were minded to approve this request, the licensing manager would like the committee to authorise the start of an approved list of vehicles and to allow this type of vehicle, with the exact specifications, to be added to any such list, so that future requests to license an identical vehicle can be dealt with by officers as an automatic grant.

It was proposed by Councillor Redfern and seconded by Councillor Dixon:-

- “(1) That Mr. Bishop’s request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats with regard to the VW Caddy Maxilife be approved.
- (2) That the committee authorise the start of an approved list of vehicles, and that the VW Caddy Maxilife with these exact specifications be added to this list, in order that any future requests to license an identical vehicle could be dealt with automatically.”

Upon being put to the vote 7 members voted in favour of the proposition, with 1 abstention, whereupon the chairman declared the proposition to be carried.

Resolved:

- (1) That Mr. Bishop’s request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats with regard to the VW Caddy Maxilife be approved.
- (2) That the committee authorise the start of an approved list of vehicles, and that the VW Caddy Maxilife with these exact specifications be added to this list, in order that any future requests to license an identical vehicle could be dealt with automatically.

16 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.

17 EXISTING PRIVATE HIRE DRIVERS LICENCE - LAURENCE WILLIAM DENT (PAGES 1 - 3)

The licensing manager introduced a report to enable members to consider what action, if any, to take in respect of Mr. Dent’s private hire driver’s licence.

Details of the individual case and the chairman’s summary of the decision are set out in confidential minute no. 17 accordance with Section 100A(2) of the Local Government Act 1972.

It was proposed by Councillor Denwood and seconded by Councillor Hill:-

“That Mr. Dent’s private hire driver’s licence be suspended for a period of three months with immediate effect.”

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

Resolved:

That Mr. Dent's private hire driver's licence be suspended for a period of three months with immediate effect.

Councillor Johnson left the meeting during the following item and took no part in its consideration.

18 APPLICATION FOR DUAL DRIVER'S LICENCE - TIMOTHY TYLER KINNISH (PAGES 4 - 5)

The licensing manager introduced a report to enable members to consider Mr. Kinnish's application for a dual driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in confidential minute no. 18 in accordance with Section 100A(2) of the Local Government Act 1972.

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

"That Mr. Kinnish's application for a dual driver's licence be approved."

Upon being put to the vote 7 members voted in favour of the proposition and 1 against, whereupon the chairman declared the proposition to be carried.

Resolved:

That Mr. Kinnish's application for a dual driver's licence be approved.

Councillor Johnson returned to the meeting at this point.

At this point, with the agreement of the chair, members adjourned for a five minute comfort break.

19 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - ROBERT TERENCE KEEGANS (PAGES 6 - 8)

The licensing manager introduced a report to enable members to consider Mr. Keegans' application for a private hire driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in confidential minute no. 19 in accordance with Section 100A(2) of the Local Government Act 1972.

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

"That Mr. Keegans' 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 Chairman declared the proposition to be carried.

Resolved:

That Mr. Keegans' application for a hackney carriage driver's licence be approved.

20 EXEMPT ITEM:-

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.

21 EXISTING PRIVATE HIRE DRIVER'S LICENCE - TREVOR SHERRINGTON (PAGES 9 - 11)

The licensing manager introduced a report to enable members to consider what action, if any, to take in respect of Mr. Dent's private hire driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in exempt minute no. 21, in accordance with Section 100A of the Local Government Act 1972.

It was proposed by Councillor Kerr and seconded by Councillor Hill: -

"That no action be taken in respect of Mr. Sherrington's private hire driver's licence."

Upon being put to the vote 6 members voted in favour of the proposition and 1 against, with 1 abstention, whereupon the chairman declared the proposition to be carried.

Resolved:

That no action be taken in respect of Mr. Sherrington's private hire driver's licence.

The press and public were readmitted to the meeting at this point.**22 HOUSE TO HOUSE COLLECTIONS POLICY**

The licensing manager presented a report to enable members to consider the adoption of a house to house collections policy for the council.

Members were reminded that licensing were responsible for regulating a wide range of functions including house to house collections.

It was advised that house to house collections were governed by the House to House Collections Act 1939 and the House to House Collections Regulations 1947, as amended.

Members were advised that house to house collections for charitable, benevolent or philanthropic purposes, whether or not the purpose was charitable within the meaning of the rule of law, were required to be licensed by the authority. The definition of 'collection' extended beyond requests for money, to include the sale of magazines, requests for unwanted clothing and household items, visits to persuade persons to buy goods, etc where any part of the proceeds may go to charity.

The only exception to the general rule was for organisations that had been granted an Exemption Certificate by the Home Office under the provisions of the House to House Collections Act 1939. This Certificate allowed an organisation to collect in the District without applying for a licence. The organisation was required to inform the authority of the dates and areas of any planned collections.

Members were advised that the authority could refuse or revoke a licence for a number of reasons:

- If too high a proportion of the proceeds were to be spent on expenses;
- If not enough of the proceeds were to be given to the charity or cause;
- If incorrect information was provided on the application form
- If the promoter or any other person involved in the collection had been convicted of certain criminal offences, i.e. burglary, blackmail or fraud.

The proposed policy set out the proportion of the proceeds of any house to house collection that should be applied to the charitable purposes that the collection was being made for. It was advised that officers had recommended that 85% of the profits of any house to house collection should be applied to the charity.

The licensing officers were of the opinion that a policy of this type was necessary due to the number of bogus companies that were setting up and carrying out house to house collections mainly for private gain. Licensing enforcement officers in conjunction with officers from the Lancashire Constabulary had intercepted one of these bogus collections in January this year. All of the goods had been seized and donated to St John's Hospice which is a local charity.

The Association of Charity Shops had estimated that charities lose between £2.5 and £3 million a year through theft and people giving clothing to organisations which they thought were charities but may be commercial companies collecting for profit.

The licensing manager had identified the major issues and sought to tackle them through this policy with the intention of:

- Ensuring impartiality and fairness in determining applications;
- Accommodating all eligible requests, subject to capacity, and bearing in mind that certain days and locations are especially sought after;
- Providing equality of opportunity for would-be collectors;
- Avoiding causing undue nuisance to the public;
- Setting fair maximum limits for one applicant;
- Achieving a fair balance between local and national causes;

Members were recommended to approve the proposed house to house collections policy and to approve immediate implementation.

It was proposed by Councillor Greenall and seconded by Councillor Dixon:

- “(1) That the proposed house to house collections policy be adopted by Lancaster City Council.

- (2) That the proportion of the proceeds of an house to house collection that should be applied for the charitable purposes that the collection was being made for be set at 85%.
- (3) That the proposed house to house collections policy be implemented with immediate effect.”

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 house to house collections policy be adopted by Lancaster City Council.
- (2) That the proportion of the proceeds of an house to house collection that should be applied for the charitable purposes that the collection was being made for be set at 85%.
- (3) That the proposed house to house collections policy be implemented with immediate effect.

Chairman

(The meeting ended at 4.17 p.m.)

**Any queries regarding these Minutes, please contact
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