

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

22ND MARCH 2018

PRESENT: Councillors Colin Hartley (Chairman), Terrie Metcalfe (Vice-Chairman), Susie Charles, Tim Hamilton-Cox (for Minute Nos. 48 to 56 only), Janice Hanson (for Minute Nos. 46 to 52 only), Joan Jackson and Robert Redfern (for Minute Nos. 46 to 52 only).

Apologies for Absence:

Councillors Alan Biddulph and Mel Guiding

Officers in Attendance:

Stephen Sylvester	Commercial Protection Manager
Jennifer Curtis	Principal Licensing Officer
Luke Gorst	Solicitor
Susan Clowes	Senior Environmental Health Officer (Community Protection) (for Minute No. 52 only)
Malcolm Hetherington	Accountancy Assistant (for Minute Nos. 52 to 56 only)
Jane Glenton	Democratic Support Officer

46 MINUTES

The Minutes of the meeting held on 8th February 2018 were signed by the Chairman as a correct record.

47 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

In accordance with Section 100B (4) of the Local Government Act 1972 (as amended), the Chairman ruled that the Committee should consider an Item of Urgent Business relating to an existing Dual Driver's Licence. The reason for urgency was the seriousness of the matter, which had been reported to Licensing Services following publication of the Agenda for the meeting.

The Chairman informed the Committee that the report would be considered following *Declarations of Interest*.

Councillor Hamilton-Cox arrived at this point, having previously notified the Chairman that he would be arriving late, due to a previous commitment.

The Committee adjourned for 10 minutes.

48 DECLARATIONS OF INTEREST

Councillor Metcalfe declared that, in the interests of openness and transparency, she had known someone 20 years ago with the same name as the person who was the subject of the report considered at Minute No. 50, but it was unlikely that she would recognise him today.

MATTERS FOR DECISION**49 EXEMPT ITEM**

The Chairman advised Members that it had been recommended to exclude the press and public from the meeting for the following item on the grounds that it could involve the possible disclosure of exempt information.

It was moved by Councillor Redfern and seconded by Councillor Joan Jackson:

“That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the ground that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.”

A vote was taken and the motion was unanimously carried.

Resolved:

That, in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

50 ITEM OF URGENT BUSINESS - EXISTING DUAL DRIVER'S LICENCE HOLDER - BARRIE SAXON (PAGES 12 - 15)

The Committee received the report of the Principal Licensing Officer to enable Members to consider what action, if any, to take in respect of Mr. Saxon's Dual Driver's Licence.

Details of the individual case and the Chairman's summary of the decision are set out in Exempt Minute No. 50, in accordance with Section 100A (4) of the Local Government Act 1972.

Decision of the Committee:

That Mr. Saxon's Dual Driver's Licence be revoked with immediate effect in the interests of public safety.

51 PUBLIC ITEMS

The press and public were readmitted to the meeting at this point.

52 REVIEW OF LICENSING FEES FOR ANIMAL-RELATED LICENSING

The Committee received the report of the Chief Officer (Health and Housing) to review the costs and licensing fees for animal-related licensing and enable Members to approve the level of fee for 2018/19. The setting of such fees was, by law, a non-executive function and a matter for the Committee.

It was reported that the Council's Fees and Charges Policy stated that, when setting discretionary charges, the general aim was to cover the cost of the service and accurately reflect the full cost of provision, including recharges, and that the fees must be reasonable and proportionate. The Council could not seek to make a profit. The Policy required an annual review of fees to ensure that costs were appropriately recovered.

The Courts had recently concluded that the licence fee was essentially made up of two parts (A and B). Part A was to cover the direct costs associated with processing the application and was payable in full on submission of the application and non-refundable. Part B was to cover the costs associated with running the licensing function, and would only become payable if a licence was granted and before the licence became operational.

The methodology used to calculate the licensing fees for animal-related licensing, which included *Commercial Animal Boarding Establishments, Home Boarding Establishments, Dangerous Wild Animals, Riding Establishments, Pet Vendors, Dog Breeding Establishments and Zoos* was outlined to Members in detail, together with the various factors regarding each type of licence.

The Options and Options Analysis (including risk assessment) were set out in the report, as follows:

Option 1 – Fully recover all costs by charging the fees set out in Appendix 1 to the report.

Option 2 – Increase fees by 2.6% in line with inflation.

Option 3 – Propose an alternative fee structure.

There was no preferred option.

With regard to Recommendation (1) set out in the report, it was proposed by Councillor Joan Jackson and seconded by Councillor Hartley:

“That the licensing fees for animal-related licences in 2018/19 be increased by 5% in line with Council Tax increases.”

It was then proposed by Councillor Hamilton-Cox:

“That the licensing fees for animal-related licences in 2018/19 be increased by 2.6% in line with inflation.”

There being no seconder, the proposition fell.

Members then voted on the original motion, whereupon 6 Members voted in favour of the proposition and one against, following which the Chairman declared the proposal to be carried.

With regard to Recommendation (2) set out in the report, it was proposed by Councillor Hamilton-Cox and seconded by Councillor Metcalfe:

“That an Annual Part B licence fee be charged within the current licence period for Williamson Park Zoo (prospectively) from 2018/19 onwards.”

Upon being put to the vote, 6 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That the licensing fees for animal-related licences in 2018/19 be increased by 5%, in line with Council Tax increases.
- (2) That an Annual Part B licence be charged within the current licence period for Williamson Park Zoo (prospectively) from 2018/19 onwards.

Councillors Janice Hanson and Robert Redfern left the meeting at this point.

The Chairman, with the agreement of the Committee, re-ordered the Agenda to allow consideration of the following item.

53 AMENDMENT TO THE RULES AND REGULATIONS AND PROCEDURES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - NEW DRIVER TRAINING - CHANGE OF PROVIDER

The Committee received the report of the Principal Licensing Officer, which sought Members' approval to introducing new training arrangements for all new applicants for Hackney Carriage and Private Hire Drivers' Licences through Lancaster and Morecambe College; to assess the current application procedure; to consider placing a limit on the number of times that an applicant could re-sit the Knowledge Test; and that the Knowledge Test be incorporated with the new driver training course at Lancaster and Morecambe College.

Janet Boardman, Business Development Manager from Lancaster and Morecambe College, was in attendance to answer Members' question regarding the course programme, its content and delivery.

It was reported that Lancaster and Morecambe College wished to reintroduce a recognised Hackney Carriage and Private Hire qualification, which could be provided locally, and to develop a bespoke training syllabus appropriate to local need.

Members were advised that the current arrangement for training new Hackney Carriage or Private Hire applicants was through Blackpool and Fylde College. The arrangement had been in place for over three years. The qualification obtained was the City and Guilds Level 2: *Introduction to the role of the Professional Taxi and Private Hire driver*. The cost of the course was £235.00, and new applicants were currently given a year to complete the training.

It was reported that the Knowledge Test for new drivers was a separate test administered by Licensing Services, which all new drivers must successfully complete as part of the licence application.

It was proposed that Lancaster and Morecambe College be invited to deliver a 4-day BTECH Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver, incorporating the Knowledge Test, which would need to be successfully completed before a licence was granted.

The cost of the training would be a one-off cost to the applicant of £225.00. Lancaster and Morecambe College had provided a 3-year commitment to run the course and maintain it at this figure, subject to annual inflationary increases only.

The 10 modules studied by the driver were set out in the report, including a tailor-made module developed by Council Officers to include licence rules and regulations, local knowledge and CSE training, which it was felt would be more effective and useful than the current arrangements.

Upon enrolment, applicants would be required to sit a pre-course numeracy/literacy online assessment, which would assist college tutors in supporting them at the appropriate level.

Members were recommended to place a limit on the number of times an applicant could re-sit the Knowledge Test, which could currently be taken as many times as required to pass, at a cost of £20.00 per re-sit.

The advantages to Lancaster and Morecambe College providing the training were outlined to Members.

It was proposed by Councillor Hartley and seconded by Councillor Joan Jackson:

- “(1) That there be a new requirement that all applicants for the grant of a Hackney Carriage and Private Hire Driver’s Licence attain a BTech Level 2 Certificate in the introduction to the role of the professional Taxi and Private Hire Driver, through Lancaster and Morecambe College, as part of the application procedure, and that this take effect from the first scheduled course date of 24th to 27th April 2018.
- (2) That the requirement that applicants for the grant of a Hackney Carriage and Private Hire Driver’s Licence pass the locally set Knowledge Test as a separate test, and that the content contained in the Knowledge Test be incorporated as a unit within the proposed BTech qualification.
- (3) That the application criteria in regard to the Knowledge Test be amended to require an applicant to wait 6 months before applying again, should they fail the Knowledge Test 3 times.
- (4) That the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing document be made appropriate.”

It was then proposed by Councillor Hamilton-Cox, by way of amendment to proposal (2), that the Knowledge Test continue to be delivered and administered by Licensing Services,

There being no seconder, the amendment fell.

Members then voted on the original motion, whereupon 4 Members voted in favour of the proposition, with 1 abstention, after which the Chairman declared the proposal to be carried.

Resolved:

- (1) That there be a new requirement that all applicants for the grant of a Hackney Carriage and Private Hire Driver's Licence attain a BTech Level 2 Certificate in the introduction to the role of the professional Taxi and Private Hire Driver as part of the application procedure, and that this training be provided by Lancaster and Morecambe College, and that this take effect from the first scheduled course date of 24th to 27th April 2018.
- (2) That the requirement that applicants for the grant of a Hackney Carriage and Private Hire Driver's Licence pass the locally set Knowledge Test as a separate test, and that the content contained in the Knowledge Test be incorporated as a unit within the proposed BTech qualification.
- (3) That the application criteria in regard to the Knowledge Test be amended to require an applicant to wait 6 months before applying again, should they fail the Knowledge Test 3 times.
- (4) That the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing document be made appropriate.

54 PROPOSED LICENSING FEES 2018/19

The Committee received the report of the Commercial Protection Manager, which gave detailed budget information for Licensing Services and set out proposed fee levels to enable Members to consider setting fees for 2018/19.

It was reported that, with regard to operator licences, the former Licensing Manager, in conjunction with the Finance Officer, had carried out an analysis of the budget, which indicated that the proposed fees would continue to allow for full cost recovery, where permissible.

Members were recommended to approve that there be no increase in the fees either for Hackney Carriage and Private Hire Licensing, or for Miscellaneous Licences for 2018/19, as the existing fees reflected the cost of providing the service, in accordance with the statutory provisions on licence fees.

It was proposed by Councillor Metcalfe and seconded by Councillor Hamilton-Cox:

"That, for the financial year 2018/19, there be no increase in the fees charged by the Council for fees relating to Hackney Carriages and Private Hire Licences and Miscellaneous Licences."

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

Resolved:

That, for the financial year 2018/19, there be no increase in the fees charged by the Council for fees relating to Hackney Carriages and Private Hire Licences, and Miscellaneous Licences.

55 PROPOSAL TO INTRODUCE GUIDELINES FOR LATE LICENSING APPLICATIONS - HACKNEY CARRIAGE PROPRIETOR LICENCES

The Committee received the report of the Principal Licensing Officer. The purpose of the report was to seek the approval of Members to the introduction of guidelines for Officers and Members to determine late applications for Hackney Carriage Proprietor Licences. If minded to approve the guidelines, Members were requested to consider the addition of a condition to Hackney Carriage Proprietor Licences, outlining the late renewal application guidelines.

It was reported that Members had expressed concern regarding the way in which a late renewal application for a Hackney Carriage Proprietor Licence had been administered and determined. It was therefore proposed that the guidelines and officer delegation in which future late applications for the renewal of a Hackney Carriage Proprietor Licence may be determined be formalised without the need for referral to the Committee, unless in exceptional circumstances.

The proposed guidance and decision making process were set out in the report, together with the case law, which clearly explained the key points in the determination of late applications for hackney carriage proprietor licences. With this judgment in mind, Members were asked to consider an addition to the Council's Hackney Carriage Proprietor Licence conditions, which clarified the renewal application procedure.

It was proposed by Councillor Hamilton-Cox and seconded by Councillor Charles:

“(1) That the new guidelines for determining late applications for Hackney Carriage Proprietor Licences be approved, as follows:

- 1) If the renewal application is between 1-3 days late, the decision whether to permit the renewal is to be made at Officer level (Principal Licensing Officer or Commercial Protection Manager).

Officers at this stage will take into account the licensing history of the driver and level of compliance shown previously, as well as the circumstances surrounding the reason for the late application.

- 2) For late renewal applications submitted after 3 days, but less than 7 days, Council Officers will consult (in line with the Constitution) with the Chairman of Licensing Regulatory Committee to consider 'exceptional circumstances'. The Chairman will review the reasons for the late application, compliance history of the applicant and Officer recommendation before reaching a decision.
- 3) Any late applications received 7 or more days late will be reported to this Committee for a decision.
- 4) All late applications will be reported to the next Licensing Regulatory Committee following the decision.

Applicants who are refused the renewal of a Hackney Carriage Proprietor Licence by Licensing Regulatory Committee or at any stage in the proposed guidelines would have a right of appeal to the Magistrates' Court.

- (2) That authorisation be given to the Monitoring Officer to change the Council Constitution and subsequently the Scheme of Delegation, as set out in the proposed guidelines.
- (3) That the following Hackney Carriage Proprietor Licence condition be introduced, which stipulates the renewal application procedure:

The licence holder must submit a renewal application before the proprietor licence has expired. If the licence holder does not do so, the renewal application will be refused, unless there is a very good reason for the failure, and, in any case, within 72 hours of its expiry. After this time, the matter will be referred to the Licensing Regulatory Committee to consider exceptional circumstances.”

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

Resolved:

- (1) That the new guidelines for determining late applications for Hackney Carriage Proprietor Licences be approved, as follows:
 - 1) If the renewal application is between 1-3 days late, the decision whether to permit the renewal is to be made at Officer level (Principal Licensing Officer or Commercial Protection Manager).

Officers at this stage will take into account the licensing history of the driver and level of compliance shown previously, as well as the circumstances surrounding the reason for the late application.
 - 2) For late renewal applications submitted after 3 days, but less than 7 days, Council Officers will consult (in line with the Constitution) with the Chairman of Licensing Regulatory Committee to consider ‘exceptional circumstances’. The Chairman will review the reasons for the late application, compliance history of the applicant and Officer recommendation before reaching a decision.
 - 3) Any late applications received 7 or more days late will be reported to this Committee for a decision.
 - 4) All late applications will be reported to the next Licensing Regulatory Committee following the decision.

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- (3) That the following Hackney Carriage Proprietor Licence condition be introduced, which stipulates the renewal application procedure:

The licence holder must submit a renewal application before the proprietor licence has expired. If the licence holder does not do so, the renewal application will be refused, unless there is a very good reason for the failure, and, in any case, within 72 hours of its expiry. After this time, the matter will be referred to the Licensing Regulatory Committee to consider exceptional circumstances.

56 APPOINTMENT OF TAXI/PRIVATE HIRE WORKING GROUP

The Committee received the report of the Principal Licensing Officer to advise Members on the benefits of introducing a Taxi and Private Hire Working Group and to nominate Members to sit on the Group.

It was reported that, on 31st August 2017, the Committee had resolved to establish a Licensing Regulatory Sub-Committee to research the issues surrounding the use of different types of fire extinguishers in licensed vehicles operating in, and licensed by, Lancaster City Council.

It was recommended that it would be more appropriate to establish a Working Group to bring together individuals, including elected Members, stakeholders and Council Officers, with the relevant knowledge and skills of the subject area, who would act collectively to undertake assigned tasks and activities to ensure the continued review, development and improvement of the Council's Taxi and Private Hire services.

Members were advised that Council Officers were working to establish a better communication method with licensed drivers, vehicle proprietors and Private Hire operators, with a view to the issues facing the Trade being identified and discussed within a Working Group.

It was anticipated that representatives from the Trade would be invited to attend Working Group meetings, once key tasks and projects had been identified as part of the initial set-up. The Working Group would make recommendations to the Licensing Regulatory Committee, and the recommendations or findings from the Working Group would be presented to the Licensing Regulatory Committee, in-line with the Council's Scheme of Delegation and Constitution.

Members were requested to consider an appropriate system for nominating Members to sit on the Working Group and appoint accordingly.

It was proposed by Councillor Joan Jackson and seconded by Councillor Metcalfe:

- "(1) That a Taxi and Private Hire Working Group be established to ensure the continued review, development and improvement of the Council's Taxi and Private Hire services.
- (2) That membership of the Working Group be:
- 3 elected Members from a mix of the political groups on the Licensing Regulatory Committee, including the Chairman, who will act as Chairman of the Working Group;

- Principal Licensing Officer;
 - Licensing Enforcement Officer;
 - 1 Private Hire Representative; and
 - 1 Hackney Carriage Representative.
- (3) That the Chairman liaise with Licensing Regulatory Committee members regarding membership of the Working Group and report back to the next meeting of the Committee.
- (4) That the initial focus of the Working Group be:
- A mechanism for engagement with the Taxi Trade;
 - Fire extinguishers in licensed vehicles; and
 - Annual Hackney Carriage fare review.”

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

Resolved:

- (1) That a Taxi and Private Hire Working Group be established to ensure the continued review, development and improvement of the Council’s Taxi and Private Hire services.
- (2) That membership of the Working Group be:
- 3 elected Members from a mix of the political groups on the Licensing Regulatory Committee, including the Chairman, who will act as Chairman of the Working Group;
 - Principal Licensing Officer;
 - Licensing Enforcement Officer;
 - 1 Private Hire Representative; and
 - 1 Hackney Carriage Representative.
- (3) That the Chairman liaise with Licensing Regulatory Committee members regarding membership of the Working Group and report back to the next meeting of the Committee.
- (4) That the initial focus of the Working Group be:
- A mechanism for engagement with the Taxi Trade;
 - Fire extinguishers in licensed vehicles; and
 - Annual Hackney Carriage fare review.

Chairman

(The meeting ended at 3.50 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
jglenton@lancaster.gov.uk**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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