

LICENSING COMMITTEE

1.00 P.M.

9TH JUNE 2022

PRESENT:- Councillors Colin Hartley (Chair), Roger Cleet, Roger Dennison, Andrew Gardiner, Mel Guilding, Tim Hamilton-Cox and Jason Wood

Apologies for Absence

Councillors Fabiha Askari, Mike Greenall and Abi Mills

Officers in attendance:

Jennifer Curtis	Licensing Manager
Daniel Spencer	Solicitor
Sarah Jones	Licensing Officer
Sarah Moorghen	Democratic Support Officer
Phillip Abel	Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIR

The Chair requested nominations for Vice-Chair of the Licensing Committee for the Municipal Year 2022/23.

It was proposed by Councillor Andrew Gardiner and seconded by Councillor Roger Dennison:

That Councillor Mel Guilding be appointed Vice-Chair of the Licensing Committee.

There being no further nominations the Chair declared Councillor Guilding's appointment as Vice-Chair.

Resolved :-

(1) That Councillor Guilding be appointed Vice-Chair of the Licensing Committee for the municipal year 2022/23.

2 MINUTES

The minutes of the meeting held on 7th April 2022 were signed by the Chair as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 EXEMPT ITEM

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

It was moved by Councillor Andrew Gardiner and seconded by Councillor Jason Wood:

“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 items of business, on the grounds that they could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.”

A vote was taken and 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 grounds they could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

6 EXISTING DUAL DRIVERS LICENCE HOLDER (PAGES 6 - 8)

The Committee received the report of the Licensing Manager for the purpose of determining a review of Hackney Carriage Driver Licence.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 6 in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

The decision of the Committee is set out in Exempt Minute No 6.

7 EXISTING DUAL DRIVERS LICENCE HOLDER

With the agreement of the Chair this item was deferred.

8 DETERMINATION OF A RENEWAL APPLICATION OF HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE (PAGES 9 - 10)

The Committee received the report of the Licensing Manager for the purpose of determining a review of Hackney Carriage Driver Licence.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 8 in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

The decision of the Committee is set out in Exempt Minute No 8.

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

The meeting adjourned at 3pm and reconvened at 3.10pm

With the agreement of the Committee the Chair brought forward item 11, Taxi and Private Hire Working Group – Review and Appointment and item 13, Pedicab – Application for Hackney Carriage Licence.

9 TAXI AND PRIVATE HIRE WORKING GROUP - REVIEW AND APPOINTMENT

The Licencing Manager introduced a report on the Taxi Working Group which requested members to review the membership of the group and consider its priorities.

The Group was advised that convention was that the Chair of Licensing was also the Chair of the working group.

The Chair called for nominations to the Taxi Working Group in addition to the Chair.

Councillors Andrew Gardiner, Jason Wood, Tim Hamilton-Cox and Mel Guilding advised the Committee that they would be like to nominate themselves to the Taxi Working Group.

There being no further nominations the Chair confirmed that Councillors Andrew Gardiner, Jason Wood, Tim Hamilton-Cox and Mel Guilding in addition to Councillor Colin Hartley as Chair, be appointed members of the Taxi Working Group.

The Committee discussed the priorities of the group and agree that it would look at fare setting and certain elements of the Taxi and Private Hire Policy. The Committee agreed that the Group would plan to meet in July, October, December 2022 and then in February 2023.

Resolved:

- (1) That Councillors Andrew Gardiner, Jason Wood, Tim Hamilton-Cox and Mel Guilding in addition to Councillor Colin Hartley as Chair, be appointed members of the Taxi Working Group.
- (2) That all those members of the Trade who expressed an interest in being part of the Taxi Working Group, set out in the report, be invited to attend the Group.
- (3) That a meeting of the Taxi Working Group be scheduled for July 2022.

10 PEDICAB - APPLICATION FOR HACKNEY CARRIAGE LICENCE

The Licensing Manager presented a report on an application to license a pedicab as a hackney carriage vehicle.

The Committee was advised that under Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, pedicabs could not be classed as private hire vehicle's, therefore they must be licenced as hackney carriages.

The consequences of pedicabs being classified as hackney carriages was that there were many difficulties in transposing hackney carriage regulations in order that they apply equally for pedicabs. From research many local authorities had simply said 'no' to granting licences or given up on the basis that it was too difficult to achieve.

Members were advised that should they wish to grant the application to licence the pedicab as a hackney carriage they would need to consider, among other things;

- Current limitations on numbers of hackney carriage licences.
- An alternative table of fares for non-motorised hackney carriages such as pedicabs.
- Permitted use of the promenade and permissions for use on the public highway.
- Appropriate licensing standards for riders/drivers.
- Safety and comfort considerations, including and testing arrangements.

Members asked a number of questions regarding bells/hooters, use of the highway and promenade, speed, cost of the licence and potential issues around refusal of fares.

The Applicant was present at the meeting and answered a number of questions from the Committee relating to speed limits, how many pedicabs she was hoping to licence, overnight storage of the pedicabs and proposed fare structures.

It was moved by Councillor Andrew Gardiner and seconded by Councillor Mel Guiding:

"That the application be refused"

Upon being put to the vote, 3 Councillors voted in favour of the proposal with 4 against, whereupon the Chair declared the proposal lost.

It was then moved by Councillor Tim Hamilton-Cox and seconded by Councillor Roger Dennison;

"That the application be accepted in principle and the item be brought back to the next meeting of the Committee for full determination."

By way of a friendly amendment, Councillor Jason Wood asked if rather than a full determination the matter be brought to the next meeting as an update to include a plan for public consultation.

Councillor Tim Hamilton-Cox and his seconder accepted this as a friendly amendment.

Upon being put to the vote, 4 Councillors voted in favour with 2 against and 1 abstention, whereupon the Chair declared the proposal to have carried.

Resolved:

That the application be accepted in principle with an update report, including a plan for public consultation, to be provided at the next meeting of the Committee"

11 CHAIRS OF LICENSING SUB-COMMITTEES

The Chair called for nominations for two Sub-Committee Chairs in addition to the Chair and Vice-Chair.

Councillors Jason Wood and Andrew Gardiner advised the Committee that they would like to nominate themselves as Licensing Sub-Committee Chairs.

As there were no other nominations, the Chair declared that Councillors Jason Wood and Andrew Gardiner be appointed as Licensing Sub-Committee Chairs.

Resolved:

That Councillors Jason Wood and Andrew Gardiner be appointed as a Sub-Committee Chairs along with the Chair and Vice-Chair of the Licensing Committee.

12 HOUSE OF COMMONS, HOME AFFAIRS COMMITTEE - SPIKING

The Licensing Manager presented a report on the findings of the Home Affairs Committee inquiry into spiking and provide an overview on actions required in light of recommendations. The report also brought to the attention of members a letter sent directly for consideration by Licensing Committees by The Rt Hon Kit Malthouse MP, Minister of State for Crime, Policing and Probation on the matter of Spiking.

The letter along with the Home Affairs Committee inquiry report into spiking was appended to the report for the Committee's consideration.

Resolved:

That the report be noted.

Chair

(The meeting ended at 4.45 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**

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

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