

LICENSING COMMITTEE

1.00 P.M.

30TH JUNE 2022

PRESENT:- Councillors Mel Guilding (Vice-Chair), Gerry Blaikie, Roger Cleet, Andrew Gardiner, Mike Greenall and Sally Maddocks

NB: following publication of the agenda the membership of the Committee changed with Councillor Jason Wood being replaced by Councillor Gerry Blaikie.

Apologies for Absence

Councillors Colin Hartley (Chair), Roger Dennison and Tim Hamilton-Cox

Officers in attendance:

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| Jennifer Curtis | Licensing Manager |
| Daniel Spencer | Solicitor |
| Sarah Jones | Licensing Officer |
| Mark Woodhead | Community Health and Protection Officer |
| Sarah Moorghen | Democratic Support Officer |
| Phillip Abel | Democratic Support Officer |

13 MINUTES

The minutes of the meeting held on the 9th June 2022 were signed by the Vice-Chair as a correct record.

14 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 EXEMPT ITEM

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

It was moved by Councillor Andrew Gardiner and seconded by Councillor Mike Greenall:

“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 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 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.

17 EXISTING DUAL DRIVERS LICENCE HOLDER (PAGES 6 - 7)

The Committee received the report of the Licensing Officer 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. 17 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 17.

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

18 INTRODUCTION OF TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022

The Licensing Manager presented a report which informed the Committee of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, and the current measures applied by the licensing department to meet the requirements set out in legislation.

The Committee was advised that from 31st May 2022, if any licensing authority in England had information about a taxi or private hire vehicle driver licensed by another authority that was relevant to safeguarding or road safety concerns in its area, it must be shared with the authority who issued that driver's licence. Any licensing authority provided with such information by another authority must then consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

The Act would also require licensing authorities in England to input, into a central database, instances when the authority had refused, suspended, chosen not to renew or revoked a taxi or private hire vehicle driver's licence based wholly or in part on information related to the driver concerning safeguarding or road safety.

The Committee was advised that members of the trade would be made aware of the legislative requirements via updates to the council's website and application forms/privacy notices.

It was also reported that the other duties of the Act relating to refusals, suspensions, and revocations database, would come into effect, at a later date, once commenced via legislation. Guidance on these aspects would be made available in due course.

The Committee was advised that Lancaster City Council was already an active user of the National Register of Taxi Licence Revocations and Refusals (NR3).

Members asks questions about examples of when the legislation would be applied and opportunities to work with Lancashire County Council.

Resolved:

The Committee noted the report and current measures applied by licensing to meet the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

Councillor Mike Greenall briefly left the meeting at this point and returned during the following item.

19 TAXIS AND PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022

The Licensing Manager presented a report which informed the Committee of the commencement of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. The report also brought to the Committee's attention a letter from Ruth Harper, Deputy Director of the Accessible and Inclusive Travel Team in the Department for Transport. The letter set out recommendations on the actions that Local Licensing Authorities could take to prepare for the changes introduced through the legislation. A copy of the letter was appended to the report for members information.

It was reported that from the 28th June 2022 all licensing authorities must maintain and publish a list of licensed hackney carriage and private hire vehicles which they designated as being wheelchair accessible. In addition, all licenced drivers and private hire operators would be subject to duties under the Equalities Act meaning;

Taxi and private hire vehicle drivers would be required to:

- Accept the carriage of any disabled person, provided them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

Private Hire Vehicle operators would be required to:

- Accept bookings for or on behalf of any disabled person if they have a suitable vehicle available.

The Committee was advised that all taxi and private hire vehicle drivers could apply for a exemption certificate and notice on medical grounds or where their physical condition prevented them from performing the mobility assistance duties.

Members asked questions relating to mystery shopping, incentives for drivers to have accessible vehicle's, assistance dogs, promotion of the NHS transport services and agree to add an item to the agenda of the next Taxi Working Group to discuss the application of the Act with the Trade.

Resolved:

The Committee noted the contents of the report and current measures applied by the licensing service to meet the requirements set out in the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.

With the agreement of the Committee the Chair brought forward item 11, Pedicabs - Update

20 PEDICABS - UPDATE

The Licensing Manager presented a report on the licensing of pedicabs.

At a meeting of Licensing Committee on 9th June 2022, members had considered licensing pedicabs as hackney carriages. The Committee had agreed to the licensing of such vehicles in principle but requested further research into pedicabs and benchmarking from other licensing authorities. Additionally, they had requested officers set out a plan for public/trade consultation to ascertain public opinion of use of pedicabs in the district.

It was reported that an article published on the Institute of Licensing website had suggested legislation could be introduced as the matter was raised during a Government Transport Committee meeting. On 27th April 2022, Grant Shapps MP, Secretary of State at the Department for Transport, had made a commitment about the introduction of licensing legislation for pedicabs, though it was not clear if the legislation would be specific to London or Country wide, and timescales were not discussed.

The Committee was advised that, through the Lancashire Licensing Officer Group, the Licensing Manager had requested that successful implementation of local policies, standards or guidance be shared, similarly if any problems had occurred or if they had any knowledge of the safety of such vehicle's for public hire use. No positive feedback was obtained. In addition to this York Council and South Lakeland District Council had been approached. Both authorities had shared information but neither had any pedicabs licenced or any ongoing applications to determine.

The Committee was advised that feedback from the public would be sought via the Council's website and social media platforms. Additionally, throughout the consultation period, licensing staff would engage with users of the promenade face to face to obtain their views. Licenced hackney carriage proprietors would also be contacted directly to measure their views.

It was also noted that pedicabs would be an item for discussion at the next Taxi Working Group.

It was proposed that the consultation would run for up to 4 weeks from 1st July 2022 to 1st August 2022.

Members asked a number of questions in relation to pedicabs playing music, and whether they were classed as motorised. Members also agreed that it would be useful if they and members of the public could see one as part of the public consultation.

Resolved:

- (1) That members note the contents of the report, and;
- (2) Approved the consultation proposals set out in the report.

The meeting adjourned at 3.05pm and reconvened at 3.10pm for a comfort break

21 URGENT BUSINESS - DECISION TAKEN IN RESPECT OF A REVIEW OF A DOG BREEDERS LICENCE

The Community Health and Protection Officer presented a report which advised the Committee of a decision that had been taken by the Director of Communities and Environment, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure.

Resolved:

- (1) That the report be noted.

22 URGENT BUSINESS - DECISION TAKEN IN RESPECT OF A REVIEW OF A DOG BREEDERS LICENCE

The Community Health and Protection Officer presented a report which advised the Committee of a decision that had been taken by the Director of Communities and Environment, in consultation with the Vice-Chair of the Licensing Committee under the Council's Urgent Business Procedure.

Resolved:

- (1) That the report be noted.

Chair

(The meeting ended at 3.15 p.m.)

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

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