

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

17TH FEBRUARY 2011

PRESENT:- Councillors Tony Wade (Chairman), John Day, Sheila Denwood,
Tony Johnson and Robert Redfern and Malcolm Thomas (Substitute)

Apologies for Absence

Councillors Chris Coates and Melanie Forrest and Ken Brown

Officers in attendance:-

Wendy Peck	Licensing Manager
Caroline Morrison	Senior Licensing Officer
Luke Gorst	Assistant Solicitor
Tom Silvani	Democratic Services

79 MINUTES

The minutes of the meeting held on 6 January 2010 were signed by the Chairman as a correct record.

80 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

81 DECLARATIONS OF INTEREST

There were no declarations of interest.

82 NEW DOOR SIGNS

The Licensing Manager advised the committee that a representative had been invited from MOGO (Mr Gerald Hart) to attend the meeting to answer questions from the committee regarding the signage which they provide to licensing. It was reported that complaints had been received regarding the new door signs provided by MOGO.

Mr. Hart advised the committee that MOGO had been supplying local authorities since 1994, and currently supplied door signs, badges and plates to 222 local authorities. Mr. Hart advised that MOGO had supplied 13,100 door signs in 2010 and that they had never received a single complaint in the past. Members were informed that MOGO had experimented using different brands of polish, and that the only thing which they had found which would remove the print from the door signs was teacut.

Mr. Hart advised the committee that he had contacted some of the local authorities to which MOGO provided door signs, South Lakes District Council, Craven Council and Chorley Council had all responded to say that they had not experienced any problems with the door stickers. Copies of these responses were circulated to members for information. The Licensing Manager advised that she had contacted 848 Taxis and Coastal Taxis, who had both indicated that they were pleased with the new door signs.

The Licensing Manager also advised that out of approximately 400 vehicles which had been issued with the new door signs only 3 or 4 drivers had reported issues with the stickers.

Members considered examples and photographs of the damaged door stickers which had been provided by members of the trade.

Members queried whether MOGO had begun to manufacture the door signs from different materials from the previous examples provided. It was advised that this was not the case, and that MOGO always used industry standard materials.

The Licensing Manager advised that she had contacted Signs Express to enquire as to whether they had experienced any problems with the adhesive on the door signs. It was advised that Signs Express believed there would only be a problem with the adhesion of the door signs if the vehicle had not been cleaned adequately before application of the sticker, or if there was a thin layer of frost on the surface of the car when the sticker was applied.

The Chairman thanked Mr. Hart for his attendance on behalf of the committee.

83 HACKNEY CARRIAGE DEMAND SURVEY

The Licensing Manager presented a report to enable Members to consider the findings of the survey conducted by Mouchel Ltd.

Members were reminded that the Council currently had a policy of restricting the number of Hackney Carriage licences issued. However, in maintaining such a policy the Council had to provide evidence that there was no significant unmet demand for Hackney Carriage services within the area in order to be in a position to refuse any new applications for additional licences. For this purpose, it was considered necessary to commission an independent survey to assess the level of demand for hackney carriage services, and that such survey should be conducted by an organisation specialising in this area of work.

Members were advised that in 2007 a hackney carriage demand survey was carried out by Transportation Planning (International) Limited (TPI) on the Council's behalf. At that time, TPI had concluded that there was no significant unmet demand for hackney carriages and at a meeting of the Licensing Regulatory Committee held on the 21 April 2008 members resolved to maintain the existing policy restricting the number of hackney carriages licensed to 109.

It was generally accepted that the findings of hackney carriage demand surveys were valid for no longer than three years. An independent survey to assess the level of demand for Hackney Carriage services had, therefore, been commissioned from Mouchel Ltd.

Mr. Millership of Mouchel gave a detailed presentation of the findings of the study and answered questions from members. A copy of Mouchel's final report was appended to the Licensing Manager's report for members' information.

Mr. Millership reported that the objectives of the study were to determine whether or not there existed a significant unmet demand for Hackney Carriage services and to determine

the number of licences required to meet any identified unmet demand in Lancaster City. On the basis of the analyses conducted, the conclusion had been that a significant unmet demand did not exist for Hackney Carriages in Lancaster City at present.

During the presentation Mr. Millership gave an overview of Mouchel's recommendations. He drew attention to the excellent service which was provided at the daytime rank at Market Street in Morecambe, commenting that this should be encouraged and consolidated. The bus station rank in Lancaster also provided a good service, and the video survey of the rank had recorded an excellent example of a driver providing assistance to a wheelchair user. Mr. Millership also commented that Licensing provided a very good service to drivers, and that the Taxi Liaison Group was very good.

Members requested that the Democratic Support Officer arrange for a press release to be released which drew attention to findings of the survey.

The report recommended that the installation of information boards at ranks to advertise service be considered, this was a recommendation that was currently being made to a large number of licensing authorities. It was also recommended that service to late night pressure points be checked between May and July 2011 to ensure that they were working properly. A measured response to the Equality Act was encouraged, and it was advised that co-operation with the trade was essential to achieve the best result. The report also commented that the rank review in Morecambe was necessary and should be carried out as planned.

Members were requested to consider the above findings, and to determine whether to maintain the existing policy restricting the number of hackney carriage licences to 109, or perhaps review the policy on limiting the number of licences issued.

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

"That, based on the analyses presented by Mouchel Limited, the existing policy restricting the number of hackney carriage licences issued to 109 be maintained."

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

Resolved:

That, based on the analyses presented by Mouchel Limited, the existing policy restricting the number of hackney carriage licences issued to 109 be maintained.

84 PROPOSED LICENCE FEES 2011/2012

The Licensing Manager introduced a report to enable Members to consider the level of fees for 2011/12.

The committee were advised that the report was concerned with the setting of the licence fees for hackney carriage and private hire licences and miscellaneous licences issued by the Council. Members were reminded that licences issued under the Licensing Act 2003, together with the licences issued under the Gambling Act 2005 fall within the remit of the Licensing Act Committee and not this Committee. For the purpose of 2010/2011

budgetary process the Committee had approved an increase for the hackney carriage vehicle licence fee for 2010/11 from £215.00 to £308.60 to cover the additional costs of the Hackney Carriage Demand Survey, the Committee had been satisfied that there should be no further increase in licence fees for hackney carriages and private hire licences and for miscellaneous licences. There had been no increases in fees for the above categories since April 2007.

Members were reminded that it had for many years been the policy of the Council for the licensing service to be self-financing. The annual revision of fees sought to ensure that the costs of the service would be met from the income. However, it was not lawful for the Council to seek to make a profit from licence fees that are within its discretion.

It was advised that following a financial assessment of time allocations for licensing staff, internal departmental re-charges together with other costs borne by the licensing service over the past year, the current fees charged for hackney carriages and private hire vehicle licensing and miscellaneous licensing had been reviewed. As a result of this exercise, it had been established that substantially more officer time was being spent on hackney carriage and private hire licensing than was the case twelve months ago, and, taking this into account, the budgeted cost of hackney carriage and private hire licensing for 2011/12 would be £226,300, and £14,900 for miscellaneous licensing.

Members were advised that it was impossible to estimate with any degree of certainty the amount of income from licence fees, given that some licence holders may decide not to renew their licence, and there may or may not be a number of new applications for licences. However, on the basis of the best possible estimate of numbers of licences that would be issued in 2011/12, it was estimated that, if the fees remained at the same levels as in 2010/11, income from hackney carriage and private hire licensing would be £159,000 and £13,600 for miscellaneous licensing.

Officers considered that it was necessary to increase the hackney carriage and private hire licensing fees but not necessary to increase the fees for miscellaneous licences. With regard to miscellaneous licensing, this meant that there will be a budgeted deficit of £1,300, but it was felt that this properly reflected the work undertaken in respect of licences where a fee would not be recovered.

For Members' information, details of the above two categories of fees were appended to the report.

Officers recommended that an increase of 10% be applied across the fees for hackney carriage and private hire licensing, with an exception being made for private hire operators licence fees. Officers recommended that the increase was only applied to large operators with 26 or more vehicles. Based on the disproportionate amount of time that officers had spent dealing with vehicle licensing this would still leave a shortfall of £51,400. It was also recommended that this be closely monitored throughout 2011/2012, and advised that should the trend continue a further increase would be required in 2012/2013.

It was also recommended that the issuing of a dual badge for private hire and hackney carriage drivers be approved, with the fee being set at £85.

Members were advised that the cost for a private hire and hackney carriage plate had been reduced to £6, this was to reflect the reduced cost of the materials since the introduction of the new plates in June. In addition the fee of £6 each for the door signs

had been added to the table of fees, as these had previously been supplied by an external supplier direct to the proprietors, with proprietors paying the supplier.

Members discussed the options in detail, and asked questions of the Licensing Manager.

It was proposed by Councillor Wade and seconded by Councillor Day:

- "(1) That the proposed changes for the hackney carriage vehicle and driver licences and the private hire vehicle, driver and operator licences for 2011/2012 be approved as set out in Appendix C to the report, and that the Head of Governance be authorised to advertise the proposed increases for vehicle and operator licences in accordance with the statutory requirement.
- (2) That no changes be made to the fees for miscellaneous licences."

Upon being put to the vote 4 Members voted in favour of the proposal, and 3 Members voted against, whereupon the Chairman declared the proposition to be carried.

Resolved:

- (1) That the proposed changes for the hackney carriage vehicle and driver licences and the private hire vehicle, driver and operator licences for 2011/2012 be approved as set out in Appendix C to the report, and that the Head of Governance be authorised to advertise the proposed increases for vehicle and operator licences in accordance with the statutory requirement.
- (2) That no changes be made to the fees for miscellaneous licences.

85 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.

86 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - MARCUS JAMES DUNCAN (PAGES 1 - 4)

The Licensing Manager introduced a report to enable members to consider Mr. Duncan's application for a private hire driver's licence.

Details of the individual case are set out in confidential minute no. 86 in accordance with Section 100A(2) of the Local Government Act 1972.

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

"That Mr. Duncan's application for a private hire driver's licence be refused."

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. Duncan's application for a private hire driver's licence be refused.

Chairman

(The meeting ended at 2.32 p.m.)

**Any queries regarding these Minutes, please contact
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