

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

31ST MARCH 2011

PRESENT:- Councillors Tony Wade (Chairman), Mike Greenall (Vice-Chairman), Ken Brown, Chris Coates, John Day, Sheila Denwood, Melanie Forrest and Tony Johnson and Eileen Blamire (Substitute)

Apologies for Absence

Councillor Robert Redfern

Officers in attendance:-

Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
David Eglin	Licensing Officer
Debbie Rose	Licensing Enforcement Officer
Rod Prentice	Licensing Enforcement Officer
Tom Silvani	Democratic Support Officer

87 MINUTES OF THE MEETING HELD ON 17 FEBRUARY 2011

The minutes of the meeting held on 17 February 2011 were signed by the Chairman as a correct record.

88 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

The Chairman advised that there was one item of urgent business regarding Changes to the level of CRB checks for hackney carriage and private hire drivers (Minute no. 90 refers).

89 DECLARATIONS OF INTEREST

Councillor Johnson declared a personal interest regarding minute 92 and 93, as both Mr. Kay and Mr. Raby were residents in his ward.

90 CHANGES TO THE LEVEL OF CRB CHECKS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Licensing Manger presented a report to inform members of the change in the level of CRB checks for hackney carriage and private hire drivers from an enhanced check to a standard check following new Government Guidelines.

Members were reminded that it had been the practice for many years to require all new applicants for a private hire or hackney carriage licence to have an enhanced CRB check on application, and a further one a year after the licence had been issued, followed by further checks every 3 years. This had been done in accordance with the Department for Transport guidelines, and had been a practice followed by most local authority licensing departments.

In March 2011 the CRB had published a newsletter stating that it would be “illegal” to request an enhanced check for the sole purpose of issuing a licence to a Taxi or Private Hire Vehicle driver.

Following this advice from the CRB, licensing officers had only been requesting a standard CRB check for Hackney Carriage and Private Hire drivers. The Committee was asked to consider whether to endorse this approach. The information supplied to applicants would be amended accordingly.

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

- "(1) That the Committee endorse the change to standard CRB checks, and that the licensing requirements for applicants be amended accordingly."

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

Resolved:

- (1) That the Committee endorse the change to standard CRB checks, and that the licensing requirements for applicants be amended accordingly.

91 EXEMPT ITEMS:-

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.

92 EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE - JOHN KAY (PAGES 1 - 2)

The Licensing Manager introduced a report to enable members to consider what action, if any, to take in respect of Mr. Kay's hackney carriage driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in exempt minute no. 92, in accordance with Section 100A of the Local Government Act 1972.

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

"That no action be taken in respect of Mr. Kay's hackney carriage driver's licence, but that a warning be given as set out in the Chairman's summary of the decision."

Upon being put to the vote 7 members voted in favour of the proposition and 2 members against, whereupon the Chairman declared the proposition to be carried.

Resolved:

That no action be taken in respect of Mr. Kay's hackney carriage driver's licence, but that a warning be given as set out in the Chairman's summary of the decision.

93 RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCE - KEITH RABY (PAGES 3 - 4)

The Licensing Manager introduced a report to enable members to consider whether or not to renew Mr. Raby's hackney carriage driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in exempt minute no. 93, in accordance with Section 100A of the Local Government Act 1972.

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

"That no action be taken in respect of Mr. Raby's hackney carriage driver's licence and that Mr. Raby's hackney carriage driver's licence be renewed, but that the warning issued by officers be upheld subject to the amendment as set out in the Chairman's summary of the decision."

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 no action be taken in respect of Mr. Raby's hackney carriage driver's licence and that Mr. Raby's hackney carriage driver's licence be renewed, but that the warning issued by officers be upheld subject to the amendment as set out in the Chairman's summary of the decision.

94 EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE - DAVID SOUTHAM (PAGES 5 - 6)

The Licensing Manager introduced a report to enable members to consider what action, if any, to take in respect of Mr. Southam's hackney carriage driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in exempt minute no. 94, in accordance with Section 100A of the Local Government Act 1972.

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

"That no action be taken in respect of Mr. Southam's hackney carriage driver's licence, but that a warning be given as set out in the Chairman's summary of the decision."

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 no action be taken in respect of Mr. Southam's hackney carriage driver's licence, but that a warning be given as set out in the Chairman's summary of the decision.

95 PRIVATE HIRE VEHICLE LICENCE - JEAN NELSON

The Licensing Manager advised that Mrs Nelson was not in attendance at the meeting as she was currently out of the country.

Members unanimously agreed to defer this application.

Resolved:

That consideration of Mrs. Nelson's private hire driver's licence be deferred to the next meeting of the Licensing Regulatory Committee.

96 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - PAUL HUNT (PAGES 7 - 8)

The Licensing Manager introduced a report to enable members to consider whether or not to renew Mr. Hunt's 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 exempt minute no. 96, in accordance with Section 100A of the Local Government Act 1972.

It was proposed by Councillor Brown and seconded by Councillor Day: -

"That Mr. Hunt's private hire driver's licence be approved, but that a warning be given as set out in the Chairman's summary of the decision."

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. Hunt's private hire driver's licence be renewed.

97 CONFIDENTIAL ITEM:-

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.

98 APPLICATION FOR A HACKNEY DRIVER'S LICENCE - ALAN SMITH (PAGES 9 - 12)

The Licensing Manager introduced a report to enable members to consider Mr. Smith's application for a hackney carriage driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in confidential minute no. 98 in accordance with Section 100A(2) of the Local Government Act 1972.

It was proposed by Councillor Brown and seconded by Councillor Day: -

"That Mr. Smith's application for a private hire driver's licence be approved."

Upon being put to the vote 8 members voted in favour of the proposition with one abstention, whereupon the Chairman declared the proposition to be carried.

Resolved:

That Mr. Smith's application for a private hire driver's licence be approved.

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

The Chairman left the meeting at this point.

Vice Chairman in the Chair.

99 REQUEST FOR WAIVER OF VEHICLE LICENCE CONDITIONS REQUIRING DISPLAY OF LICENCE PLATE AND DOOR SIGNAGE

The Licensing Manger introduced a report to enable members to consider a request from Mr. M. Thorpe to waive the standard licence conditions requiring the display of the official licence plate and the council's uniform door signage.

Members were reminded that the council had established conditions attached to the grant of a private hire vehicle licence. It was advised that condition No. 3 of the standard conditions provided that a plate: "shall be securely fixed to the rear of the vehicle in a conspicuous position ...and a further plate should be fixed at the front of the vehicle. Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle."

Members were reminded that the licence conditions requiring the Council's uniform sign to be displayed on the front doors of hackney carriage and private hire vehicles were updated last year. The purpose of uniform signage was to differentiate between a hackney carriage and a private hire vehicle and to increase public safety.

In the past, the Committee had considered private hire licensing arrangements in respect of stretched limousines and other specific vehicles. With regard to the licensing of such vehicles, the Committee had accepted that the Council's uniform sign need not be displayed. Further, the Council's external plates would be replaced with a Council disc, which would be affixed to the windscreen. The proprietor was also required to carry the licence plate within the vehicle for security purposes.

An application for a private hire vehicle licence had been received from Mr. M.Thorpe who was currently licensed as a private hire operator. In his application, Mr Thorpe proposed to license a Mercedes E280 Avantgarde. Mr. Thorpe had requested a waiver of the standard licence conditions requiring the display of the official licence plate and the Council's uniform door signage on the grounds that he was operating executive travel for corporate clients.

Members were informed that Mr Thorpe had appeared before the Licensing Regulatory Committee on the 20th November 2008 requesting that a waiver of the standard vehicle licence conditions be allowed for his vehicle; on that occasion it had granted.

Mr. Thorpe attended the meeting and made representations in support of his request. Mr. Thorpe advised the committee that the vehicle would only be used for corporate work, when companies requested a vehicle which did not display any signage. The nature of the work meant that the vehicle would be used for a number of longer journeys, and as the vehicle in question was very comfortable it was ideal for this type of work.

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

"That the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of a licence plate and the Council's uniform door signage be approved with the same conditions as were granted previously."

Upon being put to the vote 8 members voted in favour of the proposition with one abstention, whereupon the Chairman declared the proposition to be carried.

Resolved:

That the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of a licence plate and the Council's uniform door signage be approved with the same conditions as were granted previously.

100 PROPOSED VARIATION OF HACKNEY CARRIAGE FARES

The Licensing Manager introduced a report to enable members to consider a proposed variation of the current level of hackney carriage fares.

Members were reminded that the current hackney carriage table of fares came into effect on 1 September 2008. In February 2011, 4 requests had been received from hackney carriage proprietors and 1 from the Lancaster City Hackney Carriage Proprietors Association for a variation of the current level of hackney carriage fares.

It was advised that the requested variations had differed, for example the range of proposals for the first 880 yards was between £2.40 and £2.80. The committee were advised that while they were open to approve any of the requests, officers had taken all of the requests into account and produced a suggested variation which was set out in full in the report.

Members were informed that Financial Services had confirmed that the latest available Retail Price Index (RPI) was 5.1%.

The committee discussed the options available in detail and asked questions of the Licensing Manager. It was noted that the cost of petrol had increased considerably since the last time the current fares were agreed in 2008.

It was advised that the hackney carriage fares reflected the maximum that could be charged, and that hackney carriage drivers were able to charge less if they wished.

It was proposed by Councillor Day and seconded by Councillor Brown: -

"(1)That the proposed variation of hackney carriage fares be approved as set out in the report.

- (2) That the Head of Governance be authorised, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, to give public notice of the Council's intention to vary its Hackney Carriage Table of Fares."

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

Resolved:

- (1) That the proposed variation of hackney carriage fares be approved as set out in the report and below.

Tariff one – normal daytime charge

£2.60 for the first 880 yards or uncompleted part thereof

20p for each subsequent 220 yards or uncompleted part thereof

15p waiting time for each period of 60 seconds or uncompleted part thereof

Tariff two – between midnight and 7.00am

£3.90 for the first 880 yards or uncompleted part thereof

30p for each subsequent 220 yards or uncompleted part thereof.

20p waiting time for each period of 60 seconds or uncompleted part thereof

Tariff three –Christmas period

5.20 for the first 880 yards or uncompleted part thereof

40p for each subsequent 220 yards or uncompleted part thereof

30p waiting time for each period of 60 seconds or uncompleted part thereof

To include the wording on the tariff card:-

'The driver may, at his/her discretion require the payment of an agreed amount in advance of the journey. A receipt will be given. The amount will be set against the metered fare.'

- (2) That the Head of Governance be authorised, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, to give public notice of the Council's intention to vary its Hackney Carriage Table of Fares.

101 PROPOSED LICENCE FEES 2011/12

The Licensing Manager presented a report to enable Members to consider representations received following the statutory consultation period required under Section 70 of the Local Government (Miscellaneous Provision) Act 1976 on the level of fees for hackney carriage and private hire vehicle licences and private hire operator's licences for 2011/12.

Members were reminded that at the last meeting of the Licensing Regulatory Committee on 17 February 2011, the licensing manager had presented a report which concerned the setting of the licence fees for hackney carriage and private hire licences and miscellaneous licences issued by the Council. At that meeting members had approved the proposed changes to the fees. The approved fees were set out in the report.

2 objections had been received to the proposed fees and copies of these objections were attached at to the report.

In addition, members were advised that officers had originally recommended that the cost of a vehicle transfer be £176. However, since the last meeting, this had been reviewed, and the recommendation was that the current fee of £160 be reduced to £40. This was to offer an incentive to proprietors to inform licensing as soon as a transfer had taken place.

Members were advised that they must take account of the objections received when making a decision.

Members queried the reasons for the proposed increase which was above the latest available Retail Price Index (RPI) at 5.1%. It was advised that this was the first requested increase since 2004, and that the revision of fees was being sought as 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, and for miscellaneous licensing for 2011/12 had increased.

It was proposed by Councillor Brown and seconded by Councillor Day: -

"(1) That the revised fee for hackney carriage and private hire licensing be approved as set out in Appendix 3 to the report.

(2) That the new fee structured come into force on 1 April 2011."

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

Resolved:

(1) That the revised fee for hackney carriage and private hire licensing be approved as set out in Appendix 3 to the report.

(2) That the new fee structured come into force on 1 April 2011.

102 OFFICER SCHEME OF DELEGATION

The Solicitor introduced a report to enable members to approve an updated scheme of delegation to officers in respect of matters within its terms of reference.

Part 3 Section 15 of the Council's Constitution contained the Council's Scheme of Delegation to Officers. This was currently being reviewed to ensure that it was up to date, and reflected the operational needs of the Council. It was intended that the updated scheme will make it clearer as to which member body was responsible for each delegation.

A revised list of officer delegations in respect of the areas of work which fall within the remit of this Committee was attached to the report for members' consideration.

The list has been updated to ensure that the correct officer titles were used and that the relevant legislation referred to was complete and up to date. The updated scheme still required decisions to refuse applications or to revoke licences to be taken by the Committee.

It was proposed by Councillor Brown and seconded by Councillor Day: -

“That the delegations to officers be approved as set out in Appendix 1 to the report.”

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 the delegations to officers be approved as set out in Appendix 1 to the report.

Chairman

(The meeting ended at 4.56 p.m.)

**Any queries regarding these Minutes, please contact
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