

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

5 JANUARY 2012

PRESENT:- Councillors John Harrison (chairman), Mike Greenall (vice-chairman), Shirley Burns, Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson, Tracey Kennedy and Robert Redfern

Officers in attendance:-

Wendy Peck	Licensing manager
Luke Gorst	Assistant solicitor
Debbie Rose	Licensing enforcement officer
Rod Prentice	Licensing enforcement officer
Tom Silvani	Democratic support officer

52 MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2011 (PREVIOUSLY CIRCULATED)

The minutes of the meeting held on 17 November 2011 were signed by the vice-chairman as a correct record.

53 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

54 DECLARATIONS OF INTEREST

Councillor Dixon declared a personal interest with regard to the Street Collection Permits 2011 report, as a member of the Lancaster University Rag Appeal (minute no. 61 refers). However, it was noted that although reference to the Lancaster University Rag Appeal was contained within the body of the report, it was not part of the matter for consideration at the meeting.

55 CONFIDENTIAL ITEM:-

In accordance with Section 100A(2) of the Local Government Act 1972, the press and public were excluded for the following item of business on the grounds that it could include the possible disclosure of confidential information.

56 EXISTING HACKNEY CARRIAGE LICENCE - JOHN ANDREW KAY (PAGES 1 - 2)

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

The committee were advised by Mr. Kay that he would like to request that consideration of the item be deferred in order to allow his legal representative to attend the meeting.

The committee agreed to consider this request, and it was agreed that those present should be asked to leave the meeting in order that exempt legal advice could be considered by the committee.

The licensing manager, the two licensing enforcement officers, P.C. Gough, P.C. Hodgson, Sergeant Nigel Ralphson and Mr Kay left the meeting at this point whilst members considered the options before them.

The chairman's summary of the decision is set out in confidential minute no. 56 in accordance with Section 100A(2) of the Local Government Act 1972.

It was proposed by Councillor Burns and seconded by Councillor Dixon:-

"That the committee approve the request for the hearing to be deferred, and that the matter be considered at a special meeting of the committee to be held in two weeks time."

By way of a friendly amendment Councillor Kennedy proposed that the proposal be revised to read as follows:

"That the committee approve the request for the hearing to be adjourned, and that the matter be considered at a reconvened meeting of the committee to be held at 1.00 p.m. on 12 January 2012 in Lancaster Town Hall."

This was accepted as a friendly amendment by the mover and seconder of the original proposition.

Members then voted on the amended proposal.

"That the committee approve the request for the hearing to be adjourned, and that the matter be considered at a reconvened meeting of the committee to be held at 1.00 p.m. on 12 January 2012 in Lancaster Town Hall."

Upon being put to the vote 7 members voted in favour of the proposition and 1 against, with 1 abstention, whereupon the chairman declared the proposition to be carried.

Resolved:

That the committee approve the request for the hearing to be adjourned, and that the matter be considered at a reconvened meeting of the committee to be held at 1.00 p.m. on 12 January 2012 in Lancaster Town Hall.

The licensing manager, the two licensing enforcement officers, P.C. Gough, P.C. Hodgson, Sergeant Nigel Ralphson and Mr Kay returned to the meeting at this point.

57 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.

58 APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DUAL DRIVER'S LICENCES - DAWN LOUISE COATES (PAGES 3 - 4)

The licensing manager introduced a report to enable members to consider Miss Coates' application for a hackney carriage and private hire dual driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in exempt minute no. 58 in accordance with Section 100A of the Local Government Act 1972.

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

"That Miss Coates' application for a hackney carriage and private hire dual driver's licence be approved."

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

Resolved:

That Miss Coates' application for a hackney carriage and private hire dual driver's licence be approved.

59 APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DUAL DRIVER'S LICENCES - ABDUL GHAFFAR (PAGES 5 - 6)

The Licensing manager introduced a report to enable members to consider Mr Ghaffar's application for a hackney carriage and private hire dual driver's licence.

Details of the individual case and the chairman's summary of the decision are set out in exempt minute no. 59 in accordance with Section 100A of the Local Government Act 1972.

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

"That Mr Ghaffar's application for a hackney carriage and private hire dual driver's licence be approved."

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 Ghaffar's application for a hackney carriage and private hire dual driver's licence be approved.

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

60 THE INTRODUCTION OF A 3 YEAR DRIVERS LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Licensing manager introduced a report to ask members to approve in principle the introduction of a 3 years driver's licence for hackney carriage and private hire driver's licences, and to authorise the Licensing manager to start a consultation process with the trade.

Members were reminded that it had been the practice for many years for the council to grant a hackney carriage, private hire and more recently a dual driver's licence for a period of one year only, with the renewal due annually.

The Local Government (Miscellaneous Provisions) Act 1976 section 53 prescribed that:-

- (1) (a) Every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle licence shall remain in force for three years from the date of such licence or for such lesser period as the district council may specify in such licence.
- (b) Notwithstanding the provisions of the Public Health Act 1875 and the Town Police Clauses Act 1889, every licence granted by a district council under the provisions of the Act of 1847 to any person to drive a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period as they may specify in such licence.

Members were also reminded that the council had for many years granted the licences for a period of one year with renewal due annually on the grounds of public safety, to enable DVLA licences to be checked for points and to ensure that convictions were declared as the CRB check is only carried out every 3 years.

It was advised that with the advancement of technology it was now possible to do DVLA licence checks online; although at the moment the council did not have the facility to do this. The Licensing manager advised that she had been in contact with companies that could provide this service at a cost of approximately £5.20 per check; this cost would be payable by the applicant as part of the licence fee. It was advised that should members be minded to approve in principle the introduction of a three year drivers' licence representatives from companies which could provide the service could be invited to attend a future meeting of the Licensing Regulatory Committee in order to advise members of the process and to answer any questions.

The online DVLA check was considered a safer way of checking for points than relying on the driver to produce a paper copy of the licence, as it was not always possible to verify the accuracy of the information on a paper copy. Members were advised that an annual medical and convictions declaration was currently signed by all drivers on renewal; it was envisaged that this requirement would still remain in place.

It was advised that the Department for Transport Best Practice Guidance recommended that councils should issue three year drivers' licences.

Officers recommended that if members were minded to approve in principle the introduction of a three year drivers' licence, initial grants to new applicants should only be for a period of one year with any further renewals after that being for a period of three years.

If members were minded to approve the introduction of a three year drivers' licence, further details about how the new system would be implemented, and the proposed licence fee, would be presented for members' approval at a later date.

It was proposed by Councillor Burns, and seconded by Councillor Hill:-

- (1) That members approve in principle the introduction of a three year hackney carriage, private hire and dual driver's licence for all renewals, with a one year grant for all new applicants.
- (2) That the Licensing manager be authorised to start a consultation process with members of the trade."

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 members approve in principle the introduction of a three year hackney carriage, private hire and dual driver's licence for all renewals, with a one year grant for all new applicants.
- (2) That the Licensing manager be authorised to start a consultation process with members of the trade.

61 STREET COLLECTION PERMITS 2011

The Licensing manager presented a report containing a schedule of the organisations that had applied for street collection permits in 2012, together with details of the Licensing Regulatory Committee's current policy on the allocation of permits.

The Licensing Regulatory Committee was reminded of its policy with regard to the allocation of permits (minute no. 25, 1999/2000 refers) which provided:

- (a) That 96 street collection permits be available for allocation annually, as follows:-
- 18 for Lancaster, 18 for Morecambe, 12 for Carnforth and the Rural areas for national charities and 18 for Lancaster, 18 for Morecambe, 12 for Carnforth and the rural areas for local charities, which demonstrate that all money collected will be distributed within the city council district.
- (b) That, in addition, permits be issued annually to the Royal British Legion Poppy Appeal; the Lancaster University Rag Appeal; the Lancaster, Morecambe & Carnforth Round Table Christmas Appeals; the Lancaster, Morecambe & Carnforth Carnivals; the Morecambe Branch of the RNLI and the Telethon Appeal.
- (c) That, if in any one year there are more allocations than permits available, then the allocation be determined by ballot, the Licensing Regulatory Committee being recommended to give first consideration to those applicants utilising their funds locally.
- (d) No charity to be granted street collection permits for both Lancaster and Morecambe in any one year.

- (e) That a charity which has been granted street collection permits for 3 consecutive years be granted a permit for the 4th year in succession, only if no other qualifying charities would, as a consequence, be deprived of a permit.

Members were advised that there were sufficient permits available, in accordance with the policy, for all applicants to be granted a permit, although, in accordance with the policy those charities that had applied for permits for Lancaster and Morecambe could only be allocated one.

It was recommended that permits be issued to all applicants that had met the criteria listed in the schedule, and that head of Governance be authorised to allocate the remaining permits on a 'first come first served' basis.

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

- "(1) That permits be allocated to the 5 national charities that had applied for a permit for Lancaster.
- (2) That a permit for Lancaster be allocated to the 1 local charity that demonstrated that all money collected would be distributed within the City Council district.
- (3) That permits for Morecambe be allocated to the 2 local charities that demonstrated that all money collected would be distributed within the City Council district.
- (4) That the head of Governance be authorised to allocate the remaining unallocated permits to both national and local charities, on a 'first come, first served' basis."

Upon being put to the vote 8 members voted in favour of the proposition and 1 against, whereupon the chairman declared the proposition to be carried.

Resolved:

- (1) That permits be allocated to the 5 national charities that had applied for a permit for Lancaster.
- (2) That a permit for Lancaster be allocated to the 1 local charity that demonstrated that all money collected would be distributed within the City Council district.
- (3) That permits for Morecambe be allocated to the 2 local charities that demonstrated that all money collected would be distributed within the City Council district.
- (4) That the head of Governance be authorised to allocate the remaining unallocated permits to both national and local charities, on a 'first come, first served' basis.

The meeting adjourned at 2.25 p.m. and reconvened at 1.00 p.m. on Thursday 12 January 2012 at Lancaster Town Hall in accordance with the resolution at minute no. 56.

PRESENT:- Councillors John Harrison (chairman), Mike Greenall (vice-chairman), Sheila Denwood, Billy Hill, Tony Johnson, Tracey Kennedy and Robert Redfern

Apologies for absence:- Councillors Shirley Burns and Jonathan Dixon

Officers in attendance:-

Wendy Peck	Licensing manager
Luke Gorst	Assistant solicitor
Debbie Rose	Licensing enforcement officer
Rod Prentice	Licensing enforcement officer
Tom Silvani	Democratic support officer

62 CONFIDENTIAL ITEMS:-

In accordance with Section 100A(2) of the Local Government Act 1972, the press and public were excluded for the following item of business on the grounds that it could include the possible disclosure of confidential information.

63 EXISTING HACKNEY CARRIAGE LICENCE - JOHN ANDREW KAY (PAGES 7 - 11)

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

The committee were advised by Mr. Kay that he would like to request that consideration of the item be deferred in order to allow his legal representative to attend the meeting.

The committee agreed to consider this request, and it was agreed that those present should be asked to leave the meeting in order that exempt legal advice could be considered by the committee.

Details of the individual case and the chairman's summary of the decision are set out in confidential minute no. 63, in accordance with Section 100A(2) of the Local Government Act 1972.

The licensing manager, the two licensing enforcement officers, P.C. Gough, P.C. Hodgson, P.C. Bond, Mr Kay and Mr Booth left the meeting at this point whilst members considered the options before them.

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

"That the committee refuse the request for the hearing to be deferred, and that the matter be considered in Mr Kay's absence should he choose to leave the meeting."

Upon being put to the vote 5 members voted in favour of the proposition and 1 against, with 1 abstention, whereupon the chairman declared the proposition to be carried.

Resolved:

That the committee refuse the request for the hearing to be deferred, and that the matter be considered in Mr Kay's absence should he choose to leave the meeting.

The licensing manager, the two licensing enforcement officers, P.C. Gough, P.C. Hodgson, P.C. Bond, Mr Kay and Mr Booth returned to the meeting at this point.

Upon receiving the decision of the committee Mr. Kay and Mr. Booth left the meeting and did not return.

The licensing manager presented 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 confidential minute no. 63, in accordance with Section 100A(2) of the Local Government Act 1972.

The licensing manager, the two licensing enforcement officers, P.C. Gough, P.C. Hodgson and P.C. Bond left the meeting at this point whilst members considered the options before them.

It was proposed by Councillor Harrison and seconded by Councillor Kennedy:-

"That Mr Kay's hackney carriage driver's licence be revoked with immediate effect."

Upon being put to the vote 5 members voted in favour of the proposition and 2 against, whereupon the chairman declared the proposition to be carried.

Resolved:

That Mr Kay's hackney carriage driver's licence be revoked with immediate effect.

The licensing manager, the two licensing enforcement officers, P.C. Gough, P.C. Hodgson and P.C. Bond returned to the meeting at this point.

Chairman

(The meeting ended at 2.40 p.m. on Thursday 12 January 2012)

**Any queries regarding these Minutes, please contact
Tom Silvani, Democratic Services - telephone (01524) 582132 or email
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