



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 5 JANUARY 2012

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**
2. **Minutes of the meeting held on 17 November 2011 (previously circulated)**
3. **Items of urgent business authorised by the Chairman**
4. **Declarations of Interest**
5. **Confidential Item:-**

The following report is not for publication because it contains confidential information relating to cautions/convictions and will be considered whilst the public are excluded from the meeting. The applicant has been invited to attend and/or be represented at the meeting, but will be asked to leave whilst the committee makes the decision, as exempt legal advice may be given.

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

6. **Existing Hackney Carriage Licence - John Andrew Kay (Pages 1 - 26)**

Report of the Licensing manager.

7. **Exempt Items:-**

The Committee is recommended to pass the following recommendation in relation to the following items:

“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 it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Members are reminded that, whilst the following items have been marked as exempt, it is for the committee itself to decide whether or not to consider them in private or in public. In making the decisions, members should consider the relevant paragraph of Schedule 12A

of the Local Government Act 1972, and should balance the interests of individuals, or the committee itself, in having access to information. In considering their discretion, members should also be mindful of the advice of council officers.

8. **Application for Hackney Carriage and Private Hire Dual Driver's Licences - Dawn Louise Coates** (Pages 27 - 28)

Report of the Licensing manager.

9. **Application for Hackney Carriage and Private Hire Dual Driver's Licences - Abdul Ghaffar** (Pages 29 - 30)

Report of the Licensing manager.

Public Items:-

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

10. **The Introduction of a 3 Year Drivers Licence for Hackney Carriage and Private Hire Drivers** (Pages 31 - 32)

Report of the Licensing manager.

11. **Street Collection Permits 2011** (Pages 33 - 36)

Report of the Licensing manager.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Chris Coates, Roger Dennison, Joan Jackson, David Kerr, Terrie Metcalfe, Margaret Pattison and Susan Sykes

(iii) Queries regarding this Agenda

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email tsilvani@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,

TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

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LICENSING REGULATORY COMMITTEE

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

5 January 2012

Report of Licensing Manager

PURPOSE OF REPORT

To ask members to approve in principle the introduction of a 3 years driver's licence for hackney carriage and private hire drivers licence and to authorise the Licensing Manager to start a consultation process with the trade.

This report is public.

RECOMMENDATIONS

That the Committee approve in principle the introduction of a 3 year driver's licence for hackney carriage and private hire drivers, subject to consultation with the trade, and authorise the Licensing Manager to look in detail at how the process would work.

1.0 Report

1.1 Members will be aware it has been the practice for many years for this 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.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 section 53 prescribes 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.

1.3 This Council has 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.

1.4 With the advancement of technology it is now possible to do DVLA licence checks on line, although at the moment we do not have the facility to do this. The Licensing Manager has been in contact with companies that can provide this service at a cost of approximately £7 per check; this cost would be payable by the applicant as part of the licence fee. The online DVLA check is actually a safer way of checking for points than relying on the driver to produce a paper copy of the licence, as it is not always possible to verify the accuracy of the information on a paper copy. An annual medical and convictions declaration is signed by all drivers at the moment on renewal; it is envisaged that this requirement would still remain in place.

1.5 The Department For Transport Best Practice Guidance recommends that Councils should issue three years drivers' licences.

1.6 Officers would recommend that if members are 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.

2.0 Conclusion

2.1 In summary members are requested to 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, and to authorise the licensing manager to start a consultation process with members of the trade. Further details about how, if approved, the new system will be implemented, and the proposed licence fee, will be presented for members' approval at a later date.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>The proposed change does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>An appropriate licence fee will be considered in due course to ensure that the Council's administration costs are recovered in accordance with the legislation. The cost for the DVLA check would be paid by the applicant.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The legal implications are included in the report.</p>	
<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP</p>

LICENSING REGULATORY COMMITTEE

STREET COLLECTION PERMITS 2011

5 JANUARY 2012

Report of The licensing manager

PURPOSE OF REPORT

The report contains a schedule of the organisations that have applied for street collection permits in 2012, together with details of the Licensing Regulatory Committee’s current policy on the allocation of permits.

This report is for consideration in the public part of the meeting.

RECOMMENDATIONS

The Licensing Regulatory Committee is recommended:-

- (1) To allocate permits to the 5 national charities that have applied for a permit for Lancaster.
- (2) To allocate a permit for Lancaster to the 1 local charity that demonstrates that all money collected will be distributed within the City Council District.
- (3) To allocate a permit for Morecambe to the 2 local charities that demonstrate that all money collected will be distributed within the City Council District.
- (4) To authorise the Head of Governance to allocate the remaining unallocated permits to both national and local charities, on a ‘first come, first served’ basis.

1.0 Introduction

1.1 A schedule of organisations that have applied for Street Collection permits in 2012 is attached at the rear of this report.

1.2 The Licensing Regulatory Committee is reminded of its policy with regard to the allocation of permits (minute No 25, 1999/2000 refers) which provides:

(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.

1.3 Members will note from the policy and from the schedule of applications, that there are 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 have applied for permits for Lancaster and Morecambe may only be allocated one.

2.0 CONCLUSION

2.1 It is recommended that permits be issued to all applicants that meet the criteria listed in the schedule, and that the Governance be authorised to allocate the remaining permits on a 'first come first served' basis.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted.</p>	
<p>LEGAL IMPLICATIONS</p> <p>There are no legal implications.</p>	
<p>BACKGROUND PAPERS Applications for Street Collection Permits.</p>	<p>Contact Officer: Wendy Peck Telephone: 01524 5820317 E-mail: licensing@lancaster.gov.uk Ref: WP</p>

**SCHEDULE OF
STREET COLLECTION APPLICATIONS 2011**

LANCASTER AREA [NATIONAL]

Organisation	Function	Date
Royal National Lifeboat Institution (Morecambe & Heysham Branch)	To raise funds for RNLI	14 th April 2012
Parachute Regimental Association (Morecambe & District Branch)	To collect funds for serving armed forces personnel	18 th & 19 th May 2012
Childreach International	Raising funds for charitable expenses	26 th May 2012
Animal Aid	Raising funds for educational resources to be used in schools throughout the UK	22 nd September 2012
Help for Heroes	To provide practical support to those wounded in conflict	24 th March 2012

MORECAMBE AREA [NATIONAL]

Organisation	Function	Date

CARNFORTH [NATIONAL]

LANCASTER AREA [LOCAL]

Organisation	Function	Date
Galloways Society for the Blind	To enable people with visual impairment to gain greater independence and minimise effects of reduced vision	23 rd June 2012

MORECAMBE AREA [LOCAL]

Organisation	Function	Date
Rosemere Cancer Foundation	Supporting local cancer units	4 th February 2012.
Lancaster & Morecambe Lions Club	Raising funds for local charities	26 th August 2012