

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

27TH MARCH 2014

PRESENT: Councillors Jonathan Dixon (Chairman), Mike Greenall (Vice-Chairman), Roger Dennison, Tim Hamilton-Cox, Billy Hill, Tony Johnson, Terrie Metcalfe (substitute for Sheila Denwood), Margaret Pattison and Robert Redfern

Apologies for Absence:

Councillor Sheila Denwood

Officers in Attendance:

Mark Cullinan	Chief Executive
Luke Gorst	Assistant Solicitor
David Eglin	Licensing Officer
Jane Glenton	Democratic Support Officer

Also in Attendance:

Ian Millership	CTS Traffic Ltd (for Minute no. 95 only)
----------------	--

The Chairman reported the sad death of former Councillor, Rose Newman-Thompson, on 26th March 2014.

Mrs. Newman-Thompson was elected as a Labour Councillor for the John O'Gaunt Ward of the City between May 1995 and May 1999.

Members stood in a minute's silence in her memory.

92 MINUTES

The minutes of the meeting held on 13th February 2014 were signed by the Chairman as a correct record.

93 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

The Chairman advised that there was one item of urgent business regarding the proposed variation of hackney carriage and private hire operators' fees (minute no. 96 refers).

94 DECLARATIONS OF INTEREST

There were no declarations of interest.

95 HACKNEY CARRIAGE DEMAND SURVEY

Committee received the report of the Licensing Manager to enable Members to consider the findings of the survey conducted by CTS Traffic Ltd.

It was reported that the Council currently has a policy of restricting the number of hackney carriage licences issued. Members had resolved to restrict the number to 109 at the

Committee's meeting on 17th February 2011. One licence had been revoked and there were currently 108 hackney carriage plates issued.

To maintain this 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, an independent survey was commissioned from specialists every three years to assess the level of demand. A survey had been carried out by CTS Traffic Ltd in late 2013, a copy of which was attached as an appendix to the report.

Mr. Ian Millership from CTS Traffic Ltd was present at the meeting to present the findings of the survey and to answer questions from Members. Mr. Millership advised that the survey had been carried out on the basis that there were currently 108 hackney carriage vehicles in Lancaster. On the basis of the analyses conducted, CTS Traffic Ltd had concluded that there was no significant unmet demand for hackney carriages at this time.

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

"That the existing policy restricting the number of hackney carriage licences be maintained and the number be restricted to 108."

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

Resolved:

That the existing policy restricting the number of hackney carriage licences be maintained and the number be restricted to 108.

The meeting adjourned at 1.53 p.m. and reconvened at 1.58 p.m.

96 ITEM OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROPOSED VARIATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FEES AND PRIVATE HIRE OPERATORS FEES

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman agreed to consider the report. The item was considered urgent because an objection had been received to the proposed increase in licensing fees in relation to hackney carriage and private hire vehicle licences and private hire operator's licences.

Members were requested to determine whether or not to modify the fees approved by the Committee at its last meeting in light of the objection. The Committee had approved, in principle, a proposed increase in fees of 2% (minute no. 86 (2013/14) refers), which was in line with the increase approved for all other fees levied by the Authority. A copy of the proposed fees sheet was attached as Appendix 1 to the report and a copy of the objection letter was included as Appendix 2.

It was reported that the control of hackney carriage and private hire vehicles, and associated drivers and operators, was a time-consuming and costly exercise, and it was an expectation that a local authority would recover as much of its costs as it was able to, in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act

1976. Those involved in the hackney carriage and private hire trades were in a business and it would be difficult to justify an approach whereby a local authority subsidised private enterprise by refusing to recover as much of the costs associated with its statutory duties as it was legally able to.

It was officers' advice that Members did not make any changes to the fees approved by the Committee, as this would result in a further shortfall in relation to hackney carriage and private hire licensing. It would not be correct to expect the local taxpayers to fund private enterprise and the Council should always seek to recover as much as possible the cost of administering and controlling the licensing regime. Officers recommended that the fees approved by the Committee on 13th February 2014 should be implemented from 1st April 2014, as originally approved.

Members considered the objection.

It was proposed by Councillor Dixon and seconded by Councillor Dennison:

- (1) That no modification be made to the fees approved by Committee on 13th February 2014.
- (2) That a report be brought to a future meeting of the Committee in relation to the revenue raised through MOTs carried out by the Vehicle Maintenance Unit (VMU)."

Upon being put to the vote, 6 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That no modification be made to the fees approved by Committee on 13th February 2014.
- (2) That a report be brought to a future meeting of the Committee in relation to the revenue raised through MOTs carried out by the Vehicle Maintenance Unit (VMU).

97 EXEMPT ITEM

In accordance with Section 100A (4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12 of that Act.

98 EXISTING HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - LAURENCE WILLIAM DENT

Committee received the report of the Licensing Manager to enable Members to consider whether there was reasonable cause to suspend or revoke Mr. Dent's hackney carriage and private hire dual driver's licence.

Members were advised that an email had been received from Mr. Dent's solicitor, Andrea Forrest of MG Legal Solutions, enclosing a doctor's sick note for Mr. Dent, who

had been deemed unfit for work and had been signed off up to and including 2nd April 2014.

Ms. Forrest advised that Mr. Dent was not well enough to attend the Committee. She had been unable to take instructions as to Mr. Dent's defence and was not in a position to attend Committee either. Ms. Forrest asked that the Committee adjourn the matter to a date after 2nd April 2014 when her client should be well enough to seek legal advice, and attend Committee and be legally represented.

It was reported that the complainant had also been unable to attend Committee, as he was out of the country until 14th April 2014. The complainant would be available to attend Committee from 15th April 2014.

It was proposed by Councillor Johnson and seconded by Councillor Hill:

"That the matter be adjourned until 17th April 2014 and a Committee arranged for that date at 10.00 a.m."

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

Resolved:

That the matter be adjourned until 17th April 2014 and a Committee arranged for that date at 10.00 a.m.

99 PUBLIC ITEMS

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

100 TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Committee received the report of the Licensing Manager to seek Members' approval of proposals to introduce the Driving Standards Agency (DSA) Private Hire and Hackney Carriage Assessment for all new applicants for hackney carriage and private hire drivers' licences and to consider whether it is appropriate to phase in the test for existing drivers. The report had been deferred from the last meeting of the Committee.

It was reported that, due to some concern about the standard of driving of some drivers licensed by the Council, the Taxi Task Group had considered the introduction of the DSA test for hackney carriage and private hire drivers.

Concerns had also been raised at the Proprietors' Forum about the lack of training in relation to wheelchair accessible vehicles, and it had been reported anecdotally that some drivers refused wheelchair work and used the excuse that they had not done any training.

It was proposed by Councillor Johnson and seconded by Councillor Hill:

"(1) That a new condition be attached to applications for the grant of hackney carriage and private hire drivers' licences requiring applicants to pass the Driving Standards Agency Private Hire and Hackney Carriage Standard Assessment.

- (2) That the option to require existing drivers to complete the assessment following any reports or complaints of driving issues be maintained.
- (3) That it be mandatory for the driver of a registered wheelchair accessible vehicle to pass the taxi wheelchair exercise.
- (4) That existing drivers of registered wheelchair accessible vehicles be given a period of 6 months, until 30th September 2014, to pass the upgrade assessment.
- (5) That for anyone who upgrades from a non-registered wheelchair accessible vehicle to a registered wheelchair accessible vehicle:
 - (a) it be mandatory for them to pass the taxi wheelchair exercise; and
 - (b) the possibility of incentives through reduced licence fees be considered by officers and reported back to the Committee.
- (6) That the conditions be imposed from 1st April 2014.”

Upon being put to the vote, 5 Members voted in favour of the proposition and 2 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

It was then proposed by Councillor Johnson and seconded by Councillor Dixon:

“That the requirement to have held an ordinary DVLA driving licence for a period of three years be deleted as from 1st April 2014.”

Upon being put to the vote, 6 Members voted in favour of the proposition and 2 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That a new condition be attached to applications for the grant of hackney carriage and private hire drivers’ licences requiring applicants to pass the Driving Standards Agency Private Hire and Hackney Carriage Standard Assessment.
- (2) That the option to require existing drivers to complete the assessment following any reports or complaints of driving issues be maintained.
- (3) That it be mandatory for the driver of a registered wheelchair accessible vehicle to pass the taxi wheelchair exercise.
- (4) That existing drivers of registered wheelchair accessible vehicles be given a period of 6 months, until 30th September 2014, to pass the upgrade assessment.
- (5) That for anyone who upgrades from a non-registered wheelchair accessible vehicle to a registered wheelchair accessible vehicle:
 - (a) it be mandatory for them to pass the taxi wheelchair exercise; and
 - (b) the possibility of incentives through reduced licence fees be considered by officers and reported back to the Committee.

- (6) That the conditions be imposed from 1st April 2014.
- (7) That the requirement to have held an ordinary DVLA driving licence for a period of three years be deleted as from 1st April 2014.

101 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROPOSED VARIATION OF HACKNEY CARRIAGE FARES

Committee received the report of the Licensing Manager to enable Members to recommend for consultation with hackney carriage proprietors the proposed variation of the current level of hackney carriage fares in line with the current Retail Price Index (RPI) rate.

It was reported that at its last meeting (minute no. 87 (2013/14) refers), the Committee had approved an amendment to procedure in relation to the amendment of hackney carriage fares. Members had agreed that they would recommend a proposal taking account of the current annual RPI rate and that hackney carriage proprietors would then be asked to vote on whether an increase was required during the particular financial year. Financial Services had confirmed that the latest RPI rate was 2.8%.

Members were advised that the result of the hackney carriage proprietors' vote would be reported back to the Committee in June. If Members were minded to proceed to a variation, the statutory procedure would require a notice to be placed in a local newspaper to allow for objections to be made.

It was proposed by Councillor Dixon and seconded by Councillor Johnson:

"That the proposed variation of hackney carriage fares, as set out in Appendix 2 to the report, be recommended for consultation with hackney carriage proprietors."

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

Resolved:

That the proposed variation of hackney carriage fares, as set out in Appendix 2 to the report, be recommended for consultation with hackney carriage proprietors.

102 RECENT COURT CASES

Committee received the report of the Licensing Manager to inform Members of the outcomes of recent court cases in relation to hackney carriage and private hire drivers. The report had been deferred at the last meeting of the Committee.

Members noted the cases that had been determined in Lancaster Magistrates' Court in the last four months, in relation to licensing matters.

Resolved:

That the report be noted.

103 ADDITION OF A NEW CONDITION TO BE IMPOSED ON ALL HACKNEY CARRIAGE LICENCES UPON RENEWAL

Committee received the report of the Licensing Manager to enable Members to consider imposing a new condition on hackney carriage vehicle licences to take effect on next renewal and, as a consequence, to approve an amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing document to reflect this.

It was reported that there was no condition currently attached to a hackney carriage vehicle licence, which required the proprietor to keep records of the person driving the vehicle at any one time, and Members were requested to approve a new condition in the interest of public safety.

“That consideration of this item be deferred in order for Members to receive further information from officers regarding the legality of the situation.”

Upon being put to the vote, 8 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That consideration of this item be deferred in order for Members to receive further information from officers regarding the legality of the situation.

104 TAXI MARSHAL SCHEME

Committee received the report of the Licensing Manager to enable the Committee to consider further the introduction of a temporary taxi marshal scheme between the North Road Diggles rank and Wood Street car park on a Friday and Saturday night. The report had been deferred at the last meeting of the Committee.

It was reported that if such a scheme was introduced, it could be funded from the current budget, as there was currently a vacant enforcement officer post. However, officers would only be able to recommend the introduction of a taxi marshal scheme if there was clear evidence that its implementation would have the full support and co-operation of the trade and would offer value for money.

The views of the trade had been sought and only three responses had been received – two had been in favour of a taxi marshal scheme being introduced between the North Road Diggles rank and Wood Street car park, and one did not know.

The County Council had no objection to the management of ranking within the taxi bays on North Road by appointed and appropriately trained marshals in addition to the existing restrictions. The Police had been consulted and had advised that taxi marshal schemes were used elsewhere and received the support of the Police.

It was proposed by Councillor Dixon and seconded by Councillor Dennison:

“That no taxi marshalling scheme be introduced between the North Road Diggles rank and Wood Street car park on a Friday and Saturday night.”

Upon being put to the vote, 7 Members voted in favour of the proposition, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

Resolved:

That no taxi marshalling scheme be introduced between the North Road Diggles rank and Wood Street car park on a Friday and Saturday night.

105 ENFORCEMENT POLICY

Committee received the report of the Chief Officer (Governance) to report the views of the Taxi Task Group.

It was reported that the Taxi Task Group had considered a report, at its meeting on 11th February 2014, which included a sample of enforcement policies from a number of other local authorities, and information about the Code for Crown Prosecutors and the Ministry of Justice Guidance on Simple Cautions for Adult Offenders.

The officer recommendation was that the current procedure, which had stood the test of time, was most appropriate, in that it enabled officers to determine objectively, and in accordance with the CPS Code, whether or not to prosecute, and to filter the less serious matters, so that only those which were serious enough to potentially warrant suspension or revocation of licence were brought before the Committee.

The Taxi Task Group had considered the report and noted that the principles set out in the Council's Licensing Enforcement Policy and in the sample enforcement policies were broadly similar. The Task Group had been of the view that there was no need to amend the Enforcement Policy or Scheme of Delegation.

It was proposed by Councillor Johnson and seconded by Councillor Dennison:

"That the Committee receive a report detailing the practical, legal and financial implications of Committee determining whether a prosecution should take place when recommended by officers."

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

Resolved:

That the Committee receive a report detailing the practical, legal and financial implications of Committee determining whether a prosecution should take place when recommended by officers.

Chairman

(The meeting ended at 3.50 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
jglenton@lancaster.gov.uk**