

**LICENSING REGULATORY  
COMMITTEE**

**1.00 P.M.**

**4TH SEPTEMBER 2014**

**PRESENT:** Councillors Margaret Pattison (Chairman), Mike Greenall (Vice-Chairman), Chris Coates (substitute for Tim Hamilton-Cox), Sheila Denwood (substitute for Jonathan Dixon), John Harrison, Roger Mace and Robert Redfern

Apologies for Absence:

Councillors Jonathan Dixon, Roger Dennison, Tim Hamilton-Cox and Tony Johnson

Officers in Attendance:

Mark Cullinan	Chief Executive
Sarah Taylor	Chief Officer (Governance) and Monitoring Officer
Wendy Peck	Licensing Manager
Luke Gorst	Assistant Solicitor
Jane Glenton	Democratic Support Officer

**24 MINUTES**

The minutes of the meeting held on 17<sup>th</sup> July 2014 were signed by the Chairman as a correct record.

**25 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**26 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**27 REVIEW OF RECENT COURT CASES**

The 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 included all cases determined in Lancaster Magistrates' Court in relation to licensing matters since March, as follows:

10<sup>th</sup> April 2014 - Keith Raby of Nether Kellet

It was reported that Mr. Raby had been convicted for plying for hire on a street which was not a designated rank, contrary to Byelaws adopted by Lancaster City Council. He was fined £150 and ordered to pay £150 costs and a £20 victim surcharge.

26<sup>th</sup> June 2014 - Laurence Dent of Lancaster

It was reported that Mr. Dent had appealed the decisions of the Licensing Regulatory Committee to suspend his hackney carriage and private hire driver's licence for a period of 2 months in February 2014 and a subsequent period of 4 months in June 2014. The second suspension had been with immediate effect.

In respect of the first incident, the Judge had found, as a matter of fact, that the evidence of the complainant was clear, cogent and credible, and he had been satisfied that the incident did take place as alleged and that Mr. Dent's actions had not been those of a fit and proper person. The appeal was dismissed and the Committee's decision to suspend the licence for two months upheld.

In relation to the second incident, the Judge had found the evidence from the complainant to be vague, elusive and inconsistent and had preferred Mr. Dent's version of events and allowed the appeal.

It was reported that Mr. Dent had already served two months' suspension following the Committee's decision in April and the Judge had been satisfied that Mr. Dent had, in effect, already served the two month suspension given by Committee in February and upheld on appeal. Mr. Dent's licence had therefore been reinstated following the hearing.

The Judge had been clear that no criticism was to be made of the Council, which was reflected in the fact that no costs had been awarded.

***Resolved:***

That the report be noted.

**28 MULTI AGENCY VEHICLE INSPECTION OPERATION**

The Committee received the report of the Licensing Manager to inform Members of the outcomes of recent multi-agency vehicle inspection operations.

It was reported that licensing officers had carried out multi-agency vehicle inspection operations within a unit at the Middlegate Industrial Estate in Morecambe on 12<sup>th</sup> and 14<sup>th</sup> August with officers from Lancashire Constabulary, the Vehicle and Operator Services Agency (VOSA) and HMRC. The unit had been loaned to Lancashire Constabulary at no cost to the Council.

All hackney carriage and private hire vehicles had been requested to attend in accordance with s68 of the Local Government (Miscellaneous Provisions) Act 1976.

Officers of the Lancashire Constabulary Road Policing Unit had carried out inspections on private vehicles and licensing officers had inspected licensed vehicles. An officer from VOSA had assisted both the Police and licensing officers when required, and HMRC officers had carried out fuel checks.

A total of 265 vehicles had been inspected during the two days. Only one vehicle, a private vehicle, which was not displaying a front plate, had been suspended with immediate effect. The 108 vehicles with minor issues, ranging from missing signage to defective bulbs and tatty bodywork, had been given advice or defect notices. Most issues

had been corrected immediately, whilst others would take longer to correct, and defect notices had been issued accordingly.

Checks had been carried out by HMRC on the fuel tanks of 54 licensed vehicles and all had been found to be legal. HMRC had commented on the high standards of the vehicles and on the level of amicability and co-operation of most of the drivers. HMRC had been called away to Heysham Port and had not been able to attend on the 13<sup>th</sup> August.

It was officers' opinion that the exercise had been successful, and advice had been received well by those attending. Vehicle inspections had taken approximately 5 minutes per vehicle and most proprietors had appeared to be happy with that.

Those proprietors who had contacted the office to say that they could not attend on the required dates had been told that alternative arrangements would be made, and inspections of their vehicles had now taken place.

***Resolved:***

- (1) That the report be noted.
- (2) That the hard work of Enforcement Officers throughout the two-day multi-agency vehicle inspection operations be acknowledged.

**29 AMENDMENT TO THE RULES REGULATIONS AND PROCEDURES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Committee received the report of the Licensing Manager to request that Members approve an amendment to the conditions in relation to hackney carriage and private hire vehicle licences to allow proprietors to display a sticker provided by Lancashire Constabulary endorsing the request of pre-payment of fares. An example of the sticker was circulated at the meeting.

It was reported that Lancashire Constabulary had been undertaking some work in relation to civil disputes and had identified taxi related incidents as a key demand, due to the amount of Police time required in connection with them.

One of Lancashire Constabulary's recommendations was that the Police should provide a consistent message to taxi drivers and encourage pre-payment of fares, in order to prevent offences of making off without payment and associated crimes initiated by payment disputes, such as assaults, theft, and damage.

The Police had recommended that a sticker be placed in all licensed vehicles for the driver to refer to when asking for pre-payment and to add credibility to the request.

In officers' opinion, this would assist drivers when asking for payment in advance. Officers recommended that the display of the signage should be optional, as it may be that some proprietors would consider the signage to be antagonistic or inappropriate for their type of work.

It was reported that conditions had been attached to all licensed vehicles in relation to signage, and the Rules, Regulations and Procedures for Hackney Carriage and Private

Hire Licensing would need to be amended in order to facilitate the display of such signage.

Members noted that the matter had been discussed by the Hackney Carriage and Private Hire Proprietors Forum on 28<sup>th</sup> August 2014.

It was proposed by Councillor Coates and seconded by Councillor Mace:

“That the recommendations set out in the report be approved.”

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 Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be amended to allow proprietors to display a sticker provided by Lancashire Constabulary as part of the Safeguarding Taxi Drivers Campaign in their vehicles, which endorses any request from the driver to the passenger for a pre-payment of the fare.

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Chairman

(The meeting ended at 1.18 p.m.)

**Any queries regarding these Minutes, please contact  
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