



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 8 JANUARY 2015

Venue: MORECAMBE TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 13 November 2014 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

Exclusion of the Press and Public

5. **Exempt Items**

The Committee is recommended to pass the following recommendations 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 they 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 Committee itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

6. **Existing Private Hire Driver's Licence - Allan Frank Stocks** (Pages 1 - 10)

Report of Licensing Manager

7. **Application for a Private Hire and Hackney Carriage Dual Driver's Licence - Daniel Kitson** (Pages 11 - 37)

Report of Licensing Manager

8. **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 (as amended), the press and public should be excluded for the following item of business on the ground that it could include the possible disclosure of confidential information.

9. **Application for a Private Hire and Hackney Carriage Dual Driver's Licence - Kieran Andrew Smith** (Pages 38 - 43)

Report of Licensing Manager

Public Items

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

10. **Review of Hackney Carriage Stands - Morecambe** (Pages 44 - 55)

Report of Licensing Manager

11. **Review of Recent Court Cases** (Pages 56 - 57)

Report of Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors Margaret Pattison (Chairman), Mike Greenall (Vice-Chairman), Roger Dennison, Jonathan Dixon, Tim Hamilton-Cox, John Harrison, Tony Johnson, Roger Mace and Robert Redfern

(ii) Substitute Membership

Councillors Tony Anderson, June Ashworth, Chris Coates, Sheila Denwood,
Joan Jackson, Terrie Metcalfe and Susan Sykes

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email
jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone (01524) 582170, or email
memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

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LICENSING REGULATORY COMMITTEE

**Local Government (Miscellaneous Provisions) Act 1976
Proposed Review of Hackney Carriage Stands in
Morecambe
8th January 2015**

Report of Licensing Manager

PURPOSE OF REPORT
<p>The report is to inform Members of the responses in relation to the recent consultation on the proposal received as part of the Morecambe Area Action Plan to remove the existing rank on Market Street Morecambe and appoint a rank on the other side of the road on Market Street Morecambe.</p> <p>To ask Members to consider, in conjunction with the responses, the further proposals in relation to making amendments to the rank provision in Morecambe.</p>
<p>This report is public</p>

RECOMMENDATIONS

- (1) That, taking into account the consultation responses and the further proposals in relation to rank provision in Morecambe, the Committee determine whether it wishes to appoint a 35 metre stand for 8 hackney carriages on the west side of Market Street, and, bearing in mind in particular the views of the County Council, whether it wishes, in conjunction with this, to remove all or part of the 37 m stand with capacity for 8 hackney carriages and 4 feeder bays from the east side of Market Street.
- (2) That the Committee indicates whether it would be minded to approve, subject to the statutory consultation, the proposed changes to the hackney carriage stands in Morecambe as set out below:
 - a) To remove the 43 m 9 space rank at Marine Road central car park
 - b) To create a 15 m 3 space 24 hour rank on Tunstall Street
 - c) To create a 23 m 5 space overnight rank to operate between the hours of 6pm and 8am on Marine Road Central outside of Costa and Nat West.
 - d) To create a 10 m 2 space overnight rank to operate between the hours of 6pm and 8am on Marine Road Central outside of the Queens Hotel.
 - e) To create a 10 m 2 space overnight rank to operate between the hours of 6pm and 8am on Tunstall Street, and
- (3) If the Committee is so minded, to authorise the Chief Officer (Governance), in accordance with Section 63 (2) of the Local Government (Miscellaneous

Provisions) Act 1976, to advertise the proposed further changes to the hackney carriage stand provision in Morecambe as set out in (2) above.

1.0 Introduction

- 1.1 Members will be aware that in October 2014 a report was considered in relation to the removal of the existing hackney carriage stand at the Arndale Centre in Morecambe and the introduction of a new stand on the other side of the road. A copy of the report is attached at Appendix 1 to this report
- 1.2 Members will be aware that the provision of ranks in Morecambe is being considered as part of the Morecambe Area Action Plan (MAAP), and therefore the proposals have been put forward by officers from Regeneration and Planning.
- 1.3 The statutory consultation period closed on the 21st November. There were 30 responses received, all against the proposal. Twenty-eight were from the trade and one was from a customer. Twenty-nine of the responses were identical and one individual response was received. The responses received are attached at Appendix 2 to this report. To save paper, only one copy of the standard response has been attached. Details of the 29 people who sent in the identical responses are included.
- 1.4 Officers would like to draw Members' attention to the individual response which sets out a suggestion to maintain an additional one or two space rank on the Arndale Centre (east) side of the road. This would then work in the same way as the hackney carriage rank at Lancaster Station, whereby the first space on the rank is right outside of the door. Licensing officers would certainly support at least one additional space, approximately 5 m, outside of the Arndale centre. This would mean that customers would not have to cross over the road to get to the first car on the rank.
- 1.5 However, the Lancashire County Council as Highway authority is not happy with this proposal as they would like to keep the disabled parking and the rank completely separate, with the rank on the west side of Market Street and the disabled parking on the east side. They have also suggested that if the licensing officers' recommendation were approved, taxi drivers would abuse the facility.
- 1.6 Members will see from the responses attached that the proposals met with some concern from the hackney carriage trade; however since the proposal was put forward, it has proved possible to move forward with wider proposals to improve streets and spaces in the vicinity and in turn this has opened up opportunities to rework the taxi provision across a somewhat wider area.
- 1.7 Accordingly, officers in the Regeneration and Planning Service now propose the following and it is hoped that these wider proposals will both allay concerns about the specific proposal for Market Street and make provision for bays in the wider area more suited to the needs of the taxi trade. Aspects of these have been discussed at some length with the nominated Lancaster City Hackney Proprietors Association representatives.
- 1.8 The proposals are:
 - To provide daytime bays and overnight bays on Tunstall Street both to compensate for the net reduction on Market Street and also to make for better balanced provision with bays effectively either side of the Arndale.

- To provide overnight bays on the landward side of Marine Road Central both immediately east of Queen Street and between Pedder St and Euston Road. During the daytime these will remain as time limited street parking.
- To remove the bays on the Clock Tower car park on Marine Road. It is understood that these bays are used only very lightly during the day but much more so at night and that the new on street overnight provision as just described is better located and should compensate. For information, the removal of the bays on the car park is required as part of a project to reconfigure the areas both side of 'Eric' so the use of land here is as effective as it can be. This project fits to the Morecambe Area Action and will provide a new and better children's play area on the central seafront, reconfigured and more pedestrian friendly parking areas, more space at the east side of Eric to make a new pedestrian gateway from seafront to town at Euston Road and a new off carriageway bus stop.

1.9 A plan of the new proposals is attached at Appendix 3 to this report.

1.10 Under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.

Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice. Such notice has been given in respect of the proposal to move the rank from the east side of Market Street to the west side, and, as indicated above, the responses are at Appendix 2. It is recommended that notice be given in respect of the proposals set out in 1.8 above. .

However, Members should note that Section 63(3) provides that a district council is not empowered to appoint a stand on any highway except with the consent of the highway authority. Further, Section 63(5) provides that the power to "appoint" ranks includes the power to revoke or alter existing stands.

As indicated above, the County Council, as highway authority, wishes to have a stand on the west side of Market Street only, and it is likely that the County Council would not consent to an arrangement which would provide space for hackney carriages on both sides of the road. An officer from the County Council has been invited to the meeting to explain the County Council's position.

2.0 Conclusion

2.1 Members should consider the representations made and the views of the highway authority and determine, in the light of those representations, whether to approve the removal of some or all of the rank outside of the Arndale Centre, Morecambe and the

appointment of a replacement rank on the other side of the road. This work will be paid from the MAAP budget.

- 2.2 Members are requested to approve for consultation the proposals for further amendments to the rank provisions in Morecambe, as set out in this report, and to authorise the Chief Officer (Governance) to publish the notice in the newspaper as required by the legislation.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None applicable to this report

FINANCIAL IMPLICATIONS

If the proposals are approved the funding of the stands and associated works in Morecambe may be funded through the Morecambe Area Action Plan.

LEGAL IMPLICATIONS

These are contained within the report

BACKGROUND PAPERS

Contact Officer: Wendy Peck
Telephone: 01524 582317
E-mail: wpeck@lancaster.gov.uk
Ref:

LICENSING REGULATORY COMMITTEE

**Local Government (Miscellaneous Provisions) Act 1976 –
Proposed Review of the Hackney Carriage Stand at the
Arndale Centre, Market Street, Morecambe
16th October 2014**

Report of Licensing Manager

PURPOSE OF REPORT

The report is to seek Members' approval of the commencement of a consultation on the review of the hackney carriage stand at the Arndale Centre in Morecambe which has been proposed as part of the Morecambe Area Action Plan.

This report is public

RECOMMENDATIONS

- (1) To indicate that, subject to consultation, the Committee would be minded to approve the proposed changes to the hackney carriage stand at the Arndale Centre, Market Street, Morecambe.
 - Remove the 8 taxi bays and 4 feeder bays from the east side of Market Street (as existing) and instead provide a 35 metre bay for 6 taxis along the west side of Market Street
- (2) To authorise the Chief Officer (Governance), in accordance with Section 63 (2) of the Local Government (Miscellaneous Provisions) Act 1976, to advertise the proposed new hackney carriage stand.

1.0 Introduction

- 1.1 Members will be aware that there is currently a Morecambe Area Action Plan (MAAP), and these changes are part of that overall plan.
- 1.2 The MAAP is much about restructuring the heart of the town so it draws people in and makes it function better for pedestrians – and in turn so people stay longer and spend more to the benefit of trading. The MAAP identifies a lack of quality places landward of the seafront and it contains many actions to remedy this and strengthen the town centre including (as per Action Set 8) to transform the street space between Barclays and the Post office as a public place with real quality.

- 1.3 Cabinet approved proposals for this in April 2014 and regeneration and planning officers have been working on these since and detailing a range of interrelated traffic changes to make the transformation possible. This work has included informal consultations with businesses and stakeholders including the Lancaster City Hackney Proprietors' Association.
- 1.4 The proposal is to put the taxi rank in what is understood to be the preferred location of drivers alongside the Post Office and switch disabled parking spaces to the side by the Arndale Centre (where the existing rank is). This will enable taxi passengers to alight direct onto the pavement, drivers to readily turn round a new turning facility on Market Street and pick up close by the Arndale Centre entrance and will benefit disabled drivers who will be able to alight straight onto the pavement. In turn these measures help make it possible to free up traffic space just to the north, narrow the carriageway and make a much better and safer pedestrian environment.
- 1.5 Under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may from time to time appoint stands for hackney carriages for the whole or any part of a day in any highway in the district which is maintainable at the public expense and, with the consent of the owner, on any land in the district which does not form part of a highway so maintainable and may from time to time vary the number of hackney carriages permitted to be at each stand.
- 1.6 Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.
- 1.7 Nothing in Section 63 shall empower a district council to appoint any such stand:
 - (a) so as unreasonably to prevent access to any premises;
 - (b) so as to impede the use of any points authorised to be used in connection with a local 'bus service within the meaning of the Transport Act 1985 or PSV operator's licence granted under the Public Passenger Vehicles Act 1981, as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
 - (c) on any highway except with the consent of the highway authority;and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.
- 1.8 Subject to the Committee's decision to proceed with the review of the hackney carriage stand as set out in the report and following the outcome of the required consultation process above, it would then be necessary to request the County Highways Authority to implement procedures to create appropriate Traffic Regulation Orders since the proposed changes at the specified sites would affect existing

parking restrictions. Such process would also involve a further formal consultation process.

2.0 Conclusion

Members are requested to approve the amendment to the hackney carriage stand, as set out in the report, and to authorise the Chief Officer (Governance) to publish the notice in the newspaper as required by the legislation.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None applicable to this report

FINANCIAL IMPLICATIONS

If the proposals are approved the funding of the Stands and associated works in Morecambe will be funded through the Morecambe Area Action Plan.

The costs of advertising for the purpose of the requirements of the Local Government (Miscellaneous Provisions) Act 1976 will be met from the 2014/115 advertising budget.

LEGAL IMPLICATIONS

These are contained within the report.

BACKGROUND PAPERS

None.

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Ref:

Rec-19/11/14

Mr Alan Lydiate
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ms S Taylor
Chief Officer Governance
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1PJ

17th November 2014

Dear Ms Taylor

Re: Objection to proposal for Hackney Carriage Stands in Morecambe :

Keeping in mind the mantra "Lancaster City Council, an investor in people/positive about disabled people" you display at the bottom of all email correspondence, I would ask you to review your proposals for the Hackney Carriage Rank as it appears to be inconsiderate towards the disabled both physical and visually impaired, elderly and infirm.

For decades this group of travelling public have enjoyed the convenience of a warm, dry hackney carriage available directly outside the door to the Arndale Centre which reduces their exposure to the elements to the minimum. Your proposals to re-site the taxi rank some 30+ metres down Market Street on the opposite side of the road clearly, disadvantages this sector of the public from the young and able bodied.

May I suggest a solution would be to situate one or two spaces for hackney carriages at the front doors of the Arndale maintaining the service which the elderly and disabled public have relied on for decades. Having consulted with many passengers I am of no doubt that should the proposals be implemented as indicated it will certainly not constitute an improvement for many people.

Furthermore this rank is the only taxi rank with regular customer demand in the Morecambe area and there are already insufficient spaces to facilitate the number of hackney carriages today. These proposals will only increase the difficulties experienced by proprietors/drivers on a day to day basis. The proposal to compensate for the loss of spaces on Market Street by bringing forward possible proposals for new taxi bays on Tunstall Street which will require further consultation in due course is by no means adequate.

As an independent, rank only operating hackney carriage proprietor relying on public demand, which is at the entrance to the Arndale Centre from Market Street, spaces on Tunstall Street will not

provide the same demand due to their position in relation to the public exiting the shopping centre.
Resulting in a huge impact on the ability to sustain a liveable income.

I trust you will give due consideration to the above opinions and review the proposals accordingly.

Yours sincerely

A rectangular area of the document is completely blacked out, obscuring the signature of Alan Lydiate.

Alan Lydiate

Name

Ms. S. Taylor

Address

Chief Officer Governance

Lancaster City Council

Town Hall

Badge Number

LANCASTER

HD+PD 0358

17-11-2014

Dear Ms. Taylor,

I object to the proposal for hackney carriage stands in Morecambe, for the following reasons:

The ranks on the east side of Market Street are the only ranks in the centre of Morecambe. There are 108 hackney carriages that may come to the rank at any given time. The provision in Market Street is insufficient now. Council officers move taxis on now. The rank at the south end of Market Street should be retained to feed taxis on to the proposed rank on the west side.

There is no need for disabled parking on the south east of Market Street as they can use the car park which is only a few feet away.

Ranks formerly known as M10 and M12 have already been taken by disabled parking spaces. Fourteen spaces lost in the centre of town and not replaced.

There is a requirement to provide spaces. The council charge fees for the provision and maintenance of ranks. Despite attending numerous meetings over 23 years to discuss provision of ranks in Morecambe nothing of significance has altered. I would refer you to the 1976 act regarding provisions of ranks.

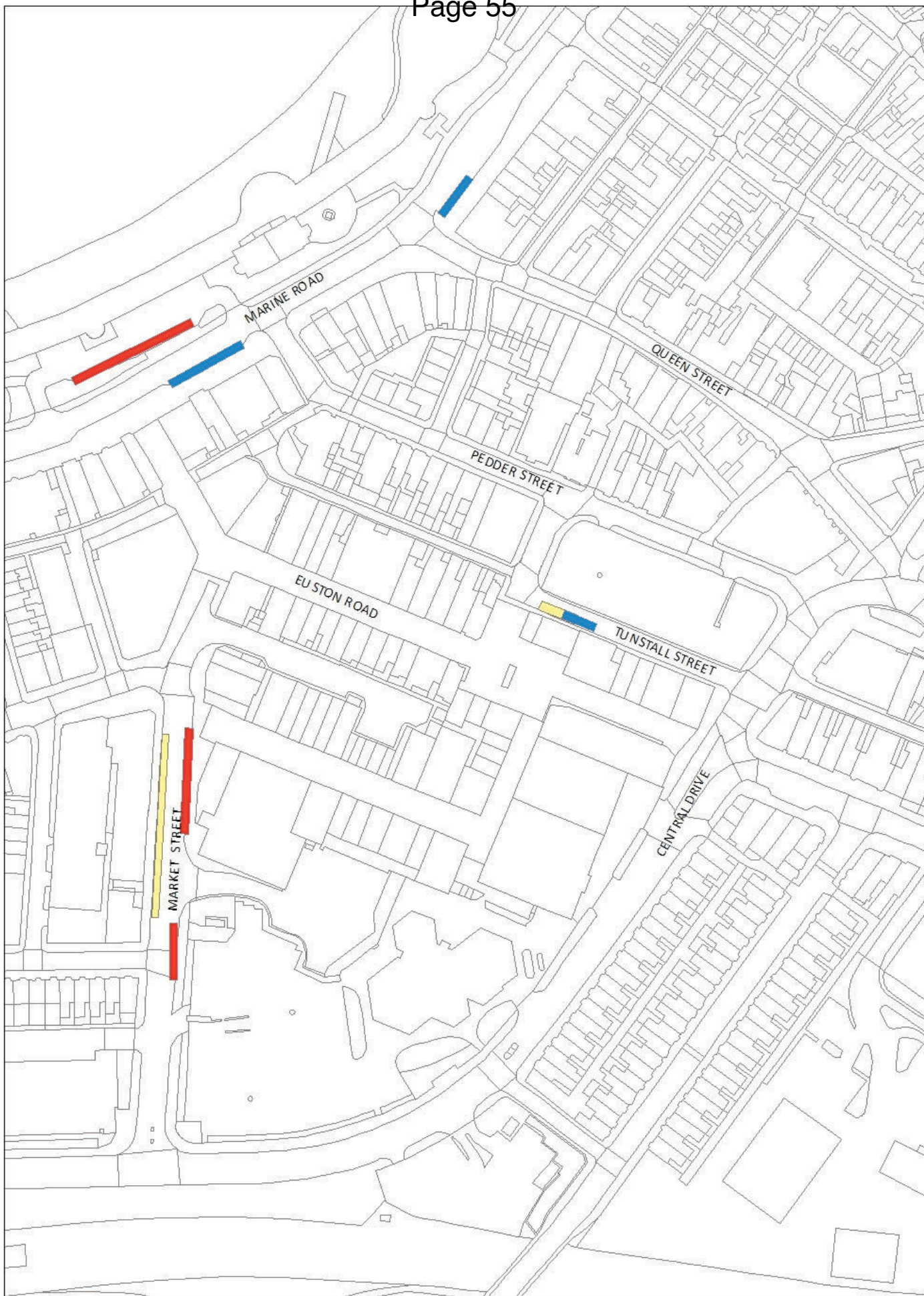
You may anticipate legal action should this proceed.

Yours sincerely

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Representations Received

1. Mr A Lydiate
2. Mrs R Houghton
3. Mrs G Loynds
4. Mr I Fleetwood
5. Mr M Shannon
6. Mr C Wilson
7. Mr D Kempster
8. Mr R Allman
9. Mr K Davidson
10. Mr W Richardson
11. Mr J Thomlinson
12. Mr J Aldred
13. Mr C Houghton
14. Mr S Dixon
15. Mr D Wilson
16. Mr S J Dixon
17. Mr R Desai
18. Mr G Carr
19. Mr J Barker
20. Mr A Courtney
21. Mr C Lee
22. Mr S Wilkinson
23. Mr C Parker
24. Mr P A Dixon
25. Mr S Parker
26. Mr A Dilworth
27. Mr W Riley
28. Mr E Merrigan
29. Mr P Hunt
30. Mr A Billington



Proposals for changes to Taxi Ranks 2014/15

KEY

-  Rank removed
-  New 24/7 rank
-  New Overnight rank



LICENSING REGULATORY COMMITTEE**Review of Recent Court Cases
8th January 2015****Report of Licensing Manager****PURPOSE OF REPORT**

To inform Members of the outcomes of recent court cases in relation to hackney carriage and private hire drivers.

The report is public

RECOMMENDATIONS

The Committee is requested to note the report.

1.0 Introduction

1.1 Members have requested to be kept informed of licensing court cases, and it is intended to provide a quarterly report.

1.2 17th October 2014

Arshad Mahmood of Morecambe was convicted of driving a hackney carriage vehicle without first obtaining a licence and not having the relevant motor insurance. He was fined a total of £400 with £150 costs and ordered to pay a £40 victim surcharge. He was also given 8 penalty points on his DVLA driver's licence.

1.3 3rd October 2014

Keith Raby of Nether Kellet was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was fined £400 and ordered to pay £150 costs and a £40 victim surcharge.

1.4 3rd October 2014

Heida Bala of Lancaster was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was fined £400 and ordered to pay £150 costs and a £40 victim surcharge.

1.5 12th September 2014

Raymond Croft of Lancaster was convicted of plying for hire on a street which was not a designated rank contrary to Byelaws adopted by Lancaster City Council. He was fined £265 and ordered to pay £150 costs and a £26 victim surcharge.

2.0 Conclusion

2.1 Members are asked to note the report.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Enforcement of licensing matters helps to assure the public that the Council does consider the issue of the safety of the public.

FINANCIAL IMPLICATIONS

Most prosecutions are conducted by the Council's internal solicitors, so that the costs are met from within existing staff budgets. However, on occasions, Legal Services instruct Counsel to represent the Council, for example where the other party is known to have instructed counsel or a specialist lawyer, or where the case is particularly complex. All of the prosecutions which are the subject of this report were conducted by the Council's internal solicitor.

LEGAL IMPLICATIONS

The Council are under a duty to ensure that the legislation in relation to hackney carriage and private hire licensing is enforced.

BACKGROUND PAPERS

None

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