

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

26TH MARCH 2015

PRESENT: Councillors Margaret Pattison (Chairman), Mike Greenall (Vice-Chairman), Roger Dennison, Tim Hamilton-Cox, Tony Johnson (for Minute Nos. 70 to 76 only), Roger Mace and Robert Redfern

Apologies for Absence:

Councillors Jonathan Dixon and John Harrison

Officers in Attendance:

Mark Cullinan	Chief Executive
Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
Sarah Taylor	Chief Officer (Governance) and Monitoring Officer (for Minute Nos. 70 to 73 and Minute Nos. 78 and 79 only)
Nadine Muschamp	Chief Officer (Resources) and Section 151 Officer (for Minute Nos. 70 to 73 and Minute Nos. 78 and 79 only)
Mark Davies	Chief Officer (Environment) (for Minute Nos. 70 to 73 and Minute Nos. 78 and 79 only)
Julian Inman	Senior Planner (Regeneration) (for Minute No. 81 only)
Annabelle Holloway	Legal Apprentice
Jane Glenton	Democratic Support Officer

70 MINUTES

The Minutes of the meeting held on 12th February 2015 were signed by the Chairman as a correct record.

71 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

72 DECLARATIONS OF INTEREST

There were no declarations of interest.

73 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 items of business on the ground that they could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.

The Chief Officer (Governance), Chief Officer (Resources) and Chief Officer (Environment) left the meeting room at this point.

74 EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - ROBERT ALLMAN

The committee received the report of the Licensing Manager to enable members to consider whether there was reasonable cause to suspend or revoke Mr. Allman's 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. 74, in accordance with Section 100 of the Local Government Act 1972.

Decision of the Committee:

That Mr. Allman's hackney carriage and private hire driver's licence be revoked with immediate effect.

75 PUBLIC ITEMS

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

76 APPLICATION TO APPROVE A LINCOLN LIMOUSINE FOR USE AS A PRIVATE HIRE VEHICLE

The committee received the report of the Licensing Manager to consider a request by Mr. Mark Simpson for a Lincoln Limousine to be approved for use as a private hire vehicle and to waive the requirement to display the council's door signs on both sides of the vehicle and the council's plates on the outside of the vehicle, and to allow a sign on the rear bumper showing contact details.

The Lincoln Limousine had been available for inspection prior to the meeting. Mr. Simpson was present at the meeting.

The Licensing Manager advised members that Mr. Simpson wished to operate the vehicle for everyday use and had requested an exemption from displaying the council's door signs/plates and for an advertising sticker be displayed on the rear bumper.

Members were asked to consider the suitability of the Lincoln Limousine operating as a private hire vehicle and carrying passengers on pre-booked journeys only, subject to passing all relevant tests and the owner producing all relevant approval certificates.

Members were further asked to determine whether to allow an exemption in relation to the display of door signs and plates on the vehicle and to allow the display of an advertising sign on the rear bumper. Officers recommended that the request to display additional advertising on the vehicle on the rear bumper should be refused as other operators did not display this type of additional advertising and a precedent would be set.

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

- "(1) That the Lincoln Limousine be approved as a private hire vehicle, subject to suitable conditions being attached by the Licensing Manager, in consultation with the Chairman of Licensing Regulatory Committee.

- (2) That no signage be allowed on the rear bumper.”

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

Resolved:

- (1) That the Lincoln Limousine be approved as a private hire vehicle, subject to suitable conditions being attached by the Licensing Manager, in consultation with the Chairman of Licensing Regulatory Committee.
- (2) That no signage be allowed on the rear bumper.

Councillor Johnson left the meeting midway through the following item and did not vote on the matter.

77 APPLICATION TO APPROVE A VOLVO FLG 14 FORMER FIRE ENGINE FOR USE AS A PRIVATE HIRE VEHICLE

The committee received the report of the Licensing Manager to consider a request by Mr. Mark Simpson for a Volvo FLG-14 former fire engine to be approved for use as a private hire vehicle and to approve the display of additional signage on the vehicle.

The vehicle had been available for inspection prior to the meeting. Mr. Simpson was present at the meeting.

The Licensing Manager advised members that Mr. Simpson wished to operate the vehicle, which was 23 years old, for the conveyance of passengers to and from specific functions, such as school proms, hen nights and other celebratory events within the local area.

It was reported that Mr. Simpson had an operator's licence and had stated that the vehicle would remain an independent source of transport and have no association with any other taxi or private hire company. Mr. Simpson had requested additional signage to promote the vehicle for private hire purposes over and above the statutory council door signage.

Members were advised that they could indicate that an exception be made for this type of vehicle, and the committee could move away from the current policy, if it was considered that there was sufficient reason to do so. If approved, different licence conditions could be placed on the Volvo FLG-14 fire engine (private hire) vehicle licence.

Officers recommended that:

- members refuse the application, as the vehicle did not comply with the requirement set out in the policy in relation to vehicle specification, in that it only had three doors, and not the requisite four doors, and did not have any windows in the rear, which raised concerns on the grounds of public safety;
- members do not approve all of the additional signage as this would dilute the fact that the vehicle was a licensed private hire vehicle and could be seen to set a

precedent, as other private hire companies were not permitted to display this degree of advertising;

- that the application for the additional signage be refused.

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

“That the application be deferred to allow Mr. Simpson and the Licensing Manager to draw up mutually acceptable terms and conditions.”

Upon being put to the vote, 2 members voted in favour of the proposition and 4 against, whereupon the Chairman declared the proposal to be lost.

It was then proposed by Councillor Dennison and seconded by Councillor Redfern:

“That the Volvo FLG-14 former fire engine be approved for use as a private hire vehicle and that additional signage be displayed on the vehicle, subject to suitable conditions being attached by the Licensing Manager, in consultation with the Chairman of Licensing Regulatory Committee, and a risk assessment being undertaken.”

Upon being put to the vote, 4 members voted in favour of the proposition and 1 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the Volvo FLG-14 former fire engine be approved for use as a private hire vehicle and that additional signage be displayed on the vehicle, subject to suitable conditions being attached by the Licensing Manager, in consultation with the Chairman of Licensing Regulatory Committee, and a risk assessment being undertaken.

The meeting adjourned for 5 minutes.

The Chief Officer (Governance), Chief Officer (Resources) and Chief Officer (Environment) returned to the meeting at this point.

78 REPORT OF INSPECTION OF ROTHERHAM METROPOLITAN BOROUGH COUNCIL

The committee received the report of the Licensing Manager to inform members of the outcomes, in relation to licensing, of the recent inspection of Rotherham Metropolitan Borough Council concerning Child Sexual Exploitation.

It was reported that Professor Alexis Jay’s Independent Inquiry into Child Sexual Exploitation in Rotherham had found evidence of sexual exploitation of at least 1400 children in Rotherham during the periods 1997 to 2009 and 2009 to 2013, and a collective failure by Rotherham Metropolitan Borough Council’s Children’s Services and South Yorkshire Police to stop the abuse.

Appended to the report was the report of Louise Casey CB, who had been appointed by the Secretary of State to carry out an inspection of the compliance of Rotherham Metropolitan Borough Council with the requirements of Part 1 of the Local Government Act 1999 in relation to the council’s exercise of its functions on governance, children & young people and taxi & private hire licensing, together with a copy of the correspondence

from the Police and Crime Commissioner for Lancashire relating to the *Deregulation Bill – Taxi and Private Hire Vehicles*.

Members were advised that the Chief Executive had discussed the issue of child sex exploitation with both the Chief Constable of Lancashire and at the Lancashire Chief Executives' Group. No particular concerns had been identified in the county. Taxi licensing issues had also been considered by the Chief Executives, who intended to make future recommendations.

A request was made for information to be provided to the committee concerning which operators the vehicles and drivers not meeting standards were connected with.

Resolved:

- (1) That the report in respect of Rotherham Metropolitan Borough Council be noted.
- (2) That the recent correspondence from the Police and Crime Commissioner for Lancashire be noted.
- (3) That a future package of legislative reforms covering all aspects of taxi and private hire licensing to protect the vulnerable be supported.
- (4) That information be provided to the committee concerning which operators the vehicles and drivers not meeting standards were connected with.

The Chairman advised that the Agenda would be re-ordered to allow officers to leave the meeting.

79 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - CONSIDERATION OF OBJECTIONS TO PROPOSED VARIATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AND PRIVATE HIRE OPERATOR LICENCE FEES

The committee received the report of the Licensing Manager to enable members to consider objections to the proposed increase in licensing fees of 3% in relation to hackney carriage and private hire vehicle licences and private hire operator licences approved in principle by the committee in February, with the exception of applications for new drivers' licences, for which a 10% increase was approved to reflect the additional cost involved in administering a new application.

It was reported that the legislation provided for the council to recover prescribed licensing costs through the licence fees, namely from those who were regulated by the legislation.

Members considered the six objections, which had been received regarding the proposed increase and were appended to the report. The objections did not provide any evidence or figures to indicate why the fees should not be increased.

It was recommended that no changes be made to the fees approved in February, as this would place a further burden on the council tax payers as a whole, due to the fact that, at present, and taking into account the increase approved in principle in February, the council would only be recovering those costs in part. It was further recommended that the fees approved in February be implemented from 1st April 2015.

Members asked that:

- options for reducing the deficit be presented to the committee;
- in terms of future reports, overheads and direct costs be identified;

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

“That the table of fees in relation to hackney carriage and private hire vehicle licences be approved without modification and implemented from 1st April 2015.”

Upon being put to the vote, 3 members voted in favour of the proposition and 2 against, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the table of fees in relation to hackney carriage and private hire vehicle licences be approved without modification and implemented from 1st April 2015.

The Chief Officer (Governance), Chief Officer (Resources) and Chief Officer (Environment) left the meeting at this point.

80 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 large hackney carriage vehicles which have the capacity to carry more than four passengers, which will require proprietors to display a sticker which informs members of the public that the fare is the same as for saloon vehicles.

It was reported that a proprietor was concerned that his 8-seater hackney carriage vehicle may sometimes be losing trade when standing on a hackney carriage rank, as prospective customers thought that they would have to pay more to travel in it.

The proprietor had asked for permission to display a sign in the window of the vehicle informing customers that the fare would be the same as it was for travelling in a hackney carriage saloon.

It was reported that the exact format and size that the signage would take and the location of the sticker would have to be approved by licensing officers. A printing company had been asked to provide some designs for approval. In order to facilitate the display of this signage, the conditions attached to all licensed vehicles in relation to signage would have to be amended accordingly.

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

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

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

Resolved:

That the following amendment be made to the Rules, Regulations and Procedures for hackney carriage and private hire licensing:

1. Proprietors of large hackney carriage vehicles with the capacity to carry more than 4 passengers are required to display a sticker in their vehicles which informs potential customers that the fare for travelling in the vehicle is the same as for travelling in a saloon hackney carriage.

The Senior Planner (Regeneration) joined the meeting at this point.

81 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REVIEW OF HACKNEY CARRIAGE STANDS, MORECAMBE

The committee received the report of the Licensing Manager 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 make amendments to the provisions of hackney carriage stands in Morecambe.

It was reported that the statutory consultation period had closed on 11th February 2015 and two responses had been received. One of the responses was an objection in relation to the removal of the rank on the Clock Tower car park. The second response was in relation to the proposal for Tunstall Street and Anderton Street.

The Senior Planner (Regeneration) outlined the proposal in detail.

Members considered the representations made, the views of the highway authority and the presentation by the Senior Planner (Regeneration).

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

“That the recommendation 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:

- (1) That, taking into account the consultation responses in relation to rank provision in Morecambe, the proposed changes to hackney carriage stands, as set out below, be approved:
 - 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 6.00 p.m. and 8.00 a.m. on Marine Road Central outside Costa and NatWest.
 - d) To create a 10 m 2 space overnight rank to operate between the hours of 6.00 p.m. and 8.00 a.m. on Marine Road Central outside the Queens Hotel.

- e) To create a 10 m 2 space overnight rank to operate between the hours of 6.00 p.m. and 8.00 a.m. on Tunstall Street.

The Senior Planner (Regeneration) left the meeting at this point.

82 STREET COLLECTIONS POLICY

The committee received the report of the Chief Officer (Governance) to enable members to consider amending its street collections policy, as requested by Council at its meeting on 4th March 2015.

It was reported that as part of a motion on notice relating to Armed Forces Day, Council had, on 4th March 2015, resolved to request Licensing Regulatory Committee “to consider amending its street collection policy to provide for charities connected with the armed forces to be allocated permits to hold street collections in Lancaster, Morecambe and Carnforth on Armed Forces Day each year.”

Members were advised that it would be possible for the committee to amend its policy, as requested by Council, to provide that a permit for any location on Armed Forces Day each year (generally the last Saturday in June) would be issued only in respect of a collection by a charity connected with the armed forces. This would ensure that the date was reserved for a collection connected with Armed Forces Day.

It was reported that the amended policy could also provide for any permits issued for Armed Forces Day to be additional to those referred to in paragraph (a) of the policy, and that paragraphs (c), (d) and (e) of the policy should not apply to permits issued for Armed Forces Day.

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

“That the recommendation 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 street collections policy be amended to include an additional paragraph:

- (f) That a permit for any location on Armed Forces Day each year (generally the last Saturday in June) will be issued only in respect of a collection by a charity connected with the armed forces. Any permit issued under this paragraph shall be additional to the permits referred to in paragraph (a). Paragraphs (c), (d) and (e) of the policy will not apply to permits issued for Armed Forces Day.

Chairman

(The meeting ended at 4.15 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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