

**LICENSING REGULATORY  
COMMITTEE**

**1.00 P.M.**

**16TH JULY 2015**

**PRESENT:** Councillors Margaret Pattison (Chairman), Terrie Metcalfe (Vice-Chairman), Charlie Edwards (for Minute Nos. 17 to 25 only), Andrew Gardiner, Nigel Goodrich, Tim Hamilton-Cox, Colin Hartley and Robert Redfern

Apologies for Absence:

Councillor Rebecca Novell

Officers in Attendance:

Mark Cullinan	Chief Executive
Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
Debbie Rose	Licensing Enforcement Officer (for Minute Nos. 13 to 20 only)
Marie Sharkey	Licensing Enforcement Officer
Annabelle Holloway	Legal Apprentice
Jane Glenton	Democratic Support Officer

**13 MINUTES**

The Minutes of the meeting held on 4<sup>th</sup> June 2015 were signed by the Chairman as a correct record.

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

There were no items of urgent business.

**15 DECLARATIONS OF INTEREST**

Councillor Pattison declared an interest in Minute No. 21, her niece being the girlfriend of Mr. Woodcock, and indicated that she would vacate the Chair during consideration of that item and withdraw from the meeting.

Councillor Hartley declared an interest in Minute No. 25, being a Magistrate, but advised that he had not dealt with the case concerned.

**MATTERS FOR DECISION**

**CONFIDENTIAL ITEM**

**16 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DUAL DRIVER'S LICENCE - DARREN DAVID BRENNAND**

It was reported that the matter had been deferred, due to further information having being submitted.

*Councillor Edwards arrived at this point.*

**17 EXEMPT ITEMS**

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

**18 EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - COLLETTE BARKER (PAGES 6 - 8)**

The Committee received the report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Ms. Barker's dual driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in Exempt Minute No. 18, in accordance with Section 100A of the Local Government Act 1972.

***Decision of the Committee:***

That Ms. Barker's dual Hackney Carriage and Private Hire driver's licence be suspended for a period of 1 calendar month.

**19 EXISTING PRIVATE HIRE DRIVER'S LICENCE - MARTIN LIONEL PAYNE (PAGES 9 - 11)**

The Committee received the report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Mr. Payne's Private Hire Driver's Licence.

Details of the individual case and the Chairman's summary of the decision are set out in Exempt Minute No. 19, in accordance with Section 100A of the Local Government Act 1972.

***Decision of the Committee:***

That Mr. Payne's Private Hire driver's licence be suspended until he has passed the Driving Standards Agency test.

**20 EXISTING HACKNEY CARRIAGE LICENCE - MARIA WEARING (PAGES 12 - 13)**

The Committee received the report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Ms. Wearing's Hackney Carriage driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in Exempt Minute No. 20, in accordance with Section 100A of the Local Government Act 1972.

***Decision of the Committee:***

That no further action be taken.

*Debbie Rose, Licensing Enforcement Officer, left the meeting at this point.*

*It was noted that the Chairman, Councillor Pattison, had previously declared an interest in the following item, her niece being the girlfriend of Mr. Woodcock.*

*The Chairman, having indicated that she would vacate the Chair during consideration of the following item, withdrew from the meeting.*

*Councillor Metcalfe, Vice-Chairman, in the Chair.*

**21 EXISTING DUAL DRIVER'S LICENCE - MARTIN ANDREW WOODCOCK (PAGES 14 - 15)**

The Committee received the report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Mr. Woodcock's dual driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in Exempt Minute No. 21, in accordance with Section 100A of the Local Government Act 1972.

***Decision of the Committee:***

That no further action be taken.

*The Chairman, Councillor Pattison, returned to the meeting and resumed the Chair.*

**22 PUBLIC ITEMS**

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

**23 HIGHWAYS ACT 1980 - STREET CAFE LICENCE - JUICAFE, MARKET STREET, LANCASTER - REQUEST FOR VARIATION OF STANDARD CONDITIONS IN RELATION TO PERMITTED TIMES**

The Committee received the report of the Licensing Manager in connection with an application for a Street Café Licence, which had been received from Mr. Oliver Wilson-Fish. Along with his application, the applicant had requested a variation of the standard licence condition, which allowed the street café to operate between the hours of 10.00 a.m. and 8.00 p.m., to allow him to operate from 7.00 a.m. until 10.00 p.m.

Mr. Wilson-Fish had been invited to attend and was present at the meeting.

It was reported that Mr. Wilson-Fish had stated on his application form that the only place he had to store his street café furniture was within his premise, which opened at 7.00 a.m. He would not be able to operate a street café without the variation, as he would not have anywhere to store his furniture. The street café would be located outside his premises on Market Street, Lancaster.

County Highway officers and Council Planning officers had been consulted, as well as businesses in the area of the frontage, and no representations had been received.

It was proposed by Councillor Hamilton-Cox and seconded by Councillor Metcalfe:

“That the standard licence condition in relation to the permitted times of operation for the Street Café Licence be varied to allow Juicafe street café in Market Street to operate from 7.00 a.m. until 10.00 p.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 standard licence condition in relation to the permitted times of operation for the Street Café Licence be varied to allow Juicafe street café in Market Street to operate from 7.00 a.m. until 10.00 p.m.

**24 DEREGULATION ACT 2015 - DURATION OF PRIVATE HIRE OPERATOR'S LICENCES AND HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES AND PROPOSED FEES FOR PRIVATE HIRE OPERATORS LICENCES OCTOBER 2015 - APRIL 2016**

The Committee received the report of the Licensing Manager to inform Members of the amendments to the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976) implemented by the Deregulation Act 2015 in relation to the duration of Private Hire Operators' Licences and Hackney Carriage and Private Hire Drivers' Licences, and to ask Members to approve the proposed procedure for dealing with the change in legislation in relation to the 5 year operator's licence.

In the light of the amendment to section 53 of the LG(MP)A 1976, Members were requested to approve the introduction of a 3 year Hackney Carriage, Private Hire and dual driver's licence for all new applicants. It was recommended that the procedure in relation to the issuing of an annual licence to drivers over the age of 65 should remain as it was.

With regard to the amendment to section 53 of the LG(MP)A, it was recommended that consultation should take place to seek the views of Private Hire operators regarding the introduction of a 5 year Private Hire operator's licence.

In order to allow the consultation to take place and an appropriate fee to be set for a 5 year licence, Members were asked to approve the introduction of a 6 month operator's licence for all operator licences issued between 1<sup>st</sup> October 2015 and 31<sup>st</sup> March 2016.

It was proposed by Councillor Gardner and seconded by Councillor Metcalfe:

“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:***

- (1) That consultation with current operators in relation to the introduction of a 5 year Private Hire operator's licence, as required by the Deregulation Act 2015, be approved.

- (2) That the issuing of a 6 month operator's licence for renewals and new applications between 1<sup>st</sup> October 2015 and 31<sup>st</sup> March 2016 be approved to enable full consultation to take place and to allow time to set an appropriate fee for a 5 year licence.
- (3) That the introduction of a 3 year driver's licence be approved for all new applicants, in line with the requirements of the Deregulation Act 2015 and the current procedures for existing Hackney Carriage and Private Hire drivers.
- (4) That applicants over the age of 65 be allowed to continue to renew their driver's licence on an annual basis, in line with the medical check requirement.

***It was noted that Councillor Hartley had previously declared an interest in the following item, being a Magistrate, but advised that he had not dealt with the case concerned.***

## **25 REVIEW OF RECENT COURT CASES**

The Committee received the report of the Licensing Manager to inform Members of the outcome of a recent court case in relation to a Private Hire driver.

***Resolved:***

That the report be noted.

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Chairman

(The meeting ended at 4.03 p.m.)

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

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