

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

3RD SEPTEMBER 2015

PRESENT: Councillors Margaret Pattison (Chairman), Terrie Metcalfe (Vice-Chairman), Sheila Denwood (substitute for Robert Redfern) (for Minute Nos. 26 to 34 only), Charlie Edwards, Andrew Gardiner, Tim Hamilton-Cox, Colin Hartley and Roger Mace (substitute for Nigel Goodrich)

Apologies for Absence:

Councillors Nigel Goodrich, Rebecca Novell and Robert Redfern

Officers in Attendance:

Mark Cullinan	Chief Executive
Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
David Eglin	Licensing Enforcement Officer
Annabelle Holloway	Legal Apprentice
Jane Glenton	Democratic Support Officer

26 MINUTES

The Minutes of the meeting held on 6th July 2015 were signed by the Chairman as a correct record.

27 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

MATTERS FOR DECISION

29 HIGHWAYS ACT 1980 - STREET CAFE LICENCE - THE CRAFTY SCHOLAR, 33-37 CHURCH 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 received from Stonegate Pub Company Limited, together with a request for a variation of the standard licence condition, which allowed a street cafe to operate between the hours of 10.00 a.m. and 8.00 p.m., to allow the street café area to operate from 8.00 a.m. each day of the week.

Alastair Reid from Stonegate Pub Company Limited was present at the meeting for the item.

The Licensing Enforcement Officer reported that Stonegate Pub Company Limited had recently refurbished the premises, formerly known as Yates's, and rebranded them as The Crafty Scholar. A recent minor variation to the premises licence had facilitated an extension to the start time for opening hours to 7.00 a.m., Monday to Sunday, to allow for breakfast business. The earlier commencement time for the street café area would be more in line with this.

It was reported that County Highways and Council Planning officers had been consulted as part of the application process, as well as other businesses in the area of the frontage.

No representations had been received. County Highways had noted that they would not wish to see any conflict with vehicular access for unloading purposes to neighbouring businesses or City Council street cleansing.

Licensing officers were unable to say what impact the variation might have on Environmental Services' cleansing regime. However, Members were advised that the matter could be brought back to the Committee, should problems occur.

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

"That the application for a variation of the standard licence condition in relation to the permitted times of operation for the street café licence to operate from 8.00 a.m. to 8.00 p.m., instead of the standard condition of 10.00 a.m. to 8.00 p.m., be approved, with a proviso that the matter be brought back to Committee should there be any representations made by City Council Environmental Services in relation to issues surrounding street cleansing."

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 application for a variation of the standard licence condition in relation to the permitted times of operation for the street café licence to operate from 8.00 a.m. to 8.00 p.m., instead of the standard condition of 10.00 a.m. to 8.00 p.m., be approved, with a proviso that the matter be brought back to Committee should there be any representations made by City Council Environmental Services in relation to issues surrounding street cleansing.

EXCLUSION OF THE PRESS AND PUBLIC

CONFIDENTIAL ITEM

30 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DUAL DRIVER'S LICENCE - MARK LEE ROWBOTHAM

It was reported that the matter had been deferred to allow Mr. Rowbotham to attend the meeting.

31 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.

32 EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE - JOHN PETER MCGUINNESS (PAGES 7 - 10)

The Committee received the report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Mr. McGuinness'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. 32, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

That Mr. McGuinness's hackney carriage driver's licence be revoked with immediate effect.

The meeting adjourned for 5 minutes.

33 PUBLIC ITEMS

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

34 RESTRICTION ON NUMBER OF HACKNEY CARRIAGES

The Committee received the report of the Licensing Manager to enable Members to consider whether a consultation should be carried out with the hackney carriage and private hire trade and other stakeholders in relation to the restriction on the number of hackney carriage vehicle licences issued.

It was reported that the Council maintained quantity restrictions on hackney carriage vehicle licences issued, the current limit being set at 108. The latest figures showed that 92 councils regulated the number of taxi licences, which represented 26.7% of licensing authorities in England and Wales.

The Department of Transport Best Practice Guidance stated that where restrictions were imposed, the matter should be regularly reconsidered. The issue to be addressed first in each reconsideration should be whether the restrictions should continue at all. What benefits or disadvantages would arise for people who used taxi services if the controls were removed? Was there evidence that the removal of controls would result in a deterioration in the amount of quality of taxi service provision?

The Guidance then went on to state that, where quantity restrictions were imposed, vehicle plates commanded a premium, and this indicated that there were people who wanted to enter the taxi market and provide a service to the public, but were being prevented from doing so by the quantity restrictions.

Section 16 of the Transport Act 1985 provided that the grant of a taxi (hackney carriage) licence may be refused for the purpose of limiting the numbers of licensed taxis if, but only if, the local licensing authority was satisfied that there was no significant unmet demand for the services of hackney carriages within the area to which the licence would apply.

It was reported that the Council commissioned unmet demand surveys every 3 years, which were paid for by hackney carriage proprietors. The last survey had been carried out in 2013 and had not shown any unmet demand. The next survey was due to take place in 2016.

When previous unmet demand surveys had indicated that more hackney carriage plates should be issued, the additional licences had been issued to wheelchair accessible vehicles, with a condition attached that any replacement vehicle must also be wheelchair accessible. There were 15 such mandatory wheelchair accessible hackney carriages licensed in Lancaster.

It was reported that a number of complaints had been received recently from customers who required wheelchair accessible vehicles and struggled to book them. The complainants felt that they were being discriminated against.

Section 161 of the Equality Act 2010, which had not been enacted, would qualify the law in relation to quantity restrictions to ensure that licensing authorities that had relatively few wheelchair accessible taxis operating in their area did not refuse licences to such vehicles for the purposes of controlling taxi numbers. The Department of Transport planned to consult on the content of regulations before Section 161 came into force, but this had not happened and did not look likely to happen any time in the near future.

Officers therefore recommended that, subject to the outcome of the consultation, no unmet demand survey be carried out in 2016, and that the Council only issue new hackney carriage plates to purpose-built wheelchair accessible vehicles. Members were asked to approve the commencement of a consultation with the trade, customers and disability groups in relation to these proposals.

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

- “(1) That the Licensing Manager be authorised to commence consultation with the taxi and private hire trade and stakeholders on potential solutions to the perceived problems relating to the availability of wheelchair accessible vehicles.
- (2) That representatives of the vehicle operators be invited to attend the next meeting of the Committee.”

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 the Licensing Manager be authorised to commence consultation with the taxi and private hire trade and stakeholders on potential solutions to the perceived problems relating to the availability of wheelchair accessible vehicles.

- (2) That representatives of the vehicle operators be invited to attend the next meeting of the Committee.

Councillor Denwood left the meeting at this point.

35 OPTIONS FOR REDUCING THE LICENSING FEES DEFICIT

The Committee received the report of the Chief Officer (Governance) to enable Members to consider options for reducing the shortfall of income from hackney carriage and private hire licensing fees.

It was reported that at its meeting on 26th March 2015, Members had requested that options for reducing the deficit be presented to the Committee.

At the meeting of Council on 15th April 2015, the Leader had noted that Cabinet was responsible for determining the structure and scale on which the Licensing Service was provided, and had asked for a report to enable Cabinet to consider all the options available.

It was reported that at its meeting on 1st September 2015, Cabinet had agreed not to explore any options to reduce or increase the level of service provided by the Council with regard to the licensing of hackney carriages and private hire vehicles at that time.

Members considered whether changes should be made to the Committee's delegations and procedures to save officer time and reduce the costs of the licensing service.

Resolved:

That the report and the decision of Cabinet be noted.

36 CHILD SEXUAL EXPLOITATION (CSE) TRAINING FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Committee received the report of the Licensing Manager to seek approval from Members for the Licensing Manager, in conjunction with other partners, to look at developing a suitable training package in relation to Child Sexual Exploitation (CSE) with a view to delivering the training to hackney carriage and private hire drivers at some time in the future.

It was reported that the recent events in Rotherham, Rochdale and Oxford had highlighted the important role of licensing in safeguarding vulnerable children and adults. Many councils in England and Wales were reviewing their policies and taking them back to first principles to make best use of the powers they had to protect the public.

It was proposed by Councillor Gardiner and seconded by Councillor Edwards:

“That the Licensing Manager be authorised to develop a suitable CSE training package, in conjunction with the Safeguarding Officer and the Lancashire Officers' Group, which could be delivered to hackney carriage/private hire drivers and Members, and to report back to the Committee at a later date to seek approval of implementation of the training.”

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 Licensing Manager be authorised to develop a suitable CSE training package, in conjunction with the Safeguarding Officer and the Lancashire Officers' Group, which could be delivered to hackney carriage/private hire drivers and Members, and to report back to the Committee at a later date to seek approval of implementation of the training.

Chairman

(The meeting ended at 4.30 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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