

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

7TH JANUARY 2016

PRESENT: Councillors Margaret Pattison (Chairman), Terrie Metcalfe (Vice-Chairman), Charlie Edwards (for Minute Nos. 58 to 62 only), Andrew Gardiner, Mel Guilding, Tim Hamilton-Cox, Colin Hartley and Robert Redfern

Officers in Attendance:

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

53 MINUTES

The Minutes of the meeting held on 26th November 2015 were signed by the Chairman as a correct record.

54 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

55 DECLARATIONS OF INTEREST

There were no declarations of interest.

MATTERS FOR DECISION

EXCLUSION OF THE PRESS AND PUBLIC

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

57 APPLICATION FOR THE RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE - CLIFTON GEORGE HINCHEY (PAGES 1 TO 2)

The Committee received the report of the Licensing Manager to enable Members to consider whether to renew Mr. Hinchey'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. 57, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee

That Mr. Hinchey's private hire driver's licence be revoked, and that the revocation be with immediate effect in the interests of public safety.

Councillor Edwards joined the meeting at this point.

58 NOTIFICATION OF DECISION TAKEN UNDER THE URGENT BUSINESS PROCEDURE - EXISTING DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - JAMES BLACKWOOD (PAGES 6 - 7)

The Committee received the report of the Chief Officer (Governance) to inform Members of a decision taken by the Chief Executive, in consultation with the Chairman of Licensing Regulatory Committee.

Details of the individual case and the decision are set out in Exempt Minute No. 58, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee

That the decision taken by the Chief Executive, in consultation with the Chairman of Licensing Regulatory Committee, in relation to the following matter, be noted:

That Mr. Blackwood's hackney carriage driver's licence be revoked and that the revocation be with immediate effect in the interests of public safety.

59 NOTIFICATION OF DECISION TAKEN UNDER THE URGENT BUSINESS PROCEDURE - EXISTING PRIVATE HIRE DRIVER'S LICENCE - STEVE ROBERTSON BOYD (PAGES 8 - 9)

The Committee received the report of the Chief Officer (Governance) to inform Members of a decision taken by the Chief Executive, in consultation with the Chairman of Licensing Regulatory Committee.

Details of the decision are set out in Exempt Minute No. 59, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee

That the decision taken by the Chief Executive, in consultation with the Chairman of Licensing Regulatory Committee, in relation to the following matter, be noted:

That Mr. Boyd's private hire driver's licence be revoked and that the revocation be with immediate effect in the interests of public safety.

60 PUBLIC ITEMS

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

61 DELEGATION OF REFUSAL OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Committee received the report of the Chief Officer (Governance), at the request of a Member, to enable the Committee to consider the delegation of decisions to refuse the grant of a hackney carriage or private hire driver's licence.

It was reported that a Member had asked whether: "in the interests of streamlining the work of the Committee and reducing the deficit, it would be reasonable to delegate officers to deal with all driver's licence applications, and provide that a driver has a right of appeal to the Committee within 21 days if he/she does not accept the officer decision. This would (to some extent) reduce the number of applications that had to be brought before the Committee and reduce administration costs for the licensing service". Details were set out in the report to enable Members to consider the suggestion.

The options open to Committee were to delegate to officers the authority to refuse new applications for hackney carriage and private hire driver licences, to delegate the decision to the Chief Executive, in consultation with the Chairman, or to maintain the current position, whereby only the Committee had authority to refuse new applications. Members were advised that, in the event of a refusal, the statutory right of appeal would be direct to the Magistrates' Court.

The officer preferred option was for the Scheme of Delegation to be amended to authorise the Chief Officer (Governance) and the Licensing Manager to refuse new applications for hackney carriage or private hire driver licences.

Officers recommended that the decision not to renew a driver's licence should remain with the Committee.

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

"That the recommendation set out in the officer's report be approved."

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereby the Chairman declared the proposal to be clearly carried.

Resolved:

That the Scheme of Delegation be amended to authorise the Chief Officer (Governance) and the Licensing Manager to refuse new applications for hackney carriage or private hire driver licences, where satisfied that the applicant is not a fit and proper person to hold a licence.

62 THE AVAILABILITY OF WHEELCHAIR ACCESSIBLE VEHICLES

The Committee received the report of the Licensing Manager to enable Members to consider the responses to the recent consultation about the perceived problem in relation to the availability of wheelchair accessible vehicles.

On 3rd September 2015, the Committee had resolved that a consultation should be undertaken with the hackney carriage & private hire trade and stakeholders on potential solutions to the perceived problems relating to the availability of wheelchair accessible

vehicles. A consultation letter had been sent to all stakeholders and the Committee had met with representatives of private hire operators to discuss the issue.

A total of 22 responses had been received to the consultation. Most of the responses acknowledged that there was a problem in relation to the availability of wheelchair accessible vehicles. However, there was no consensus as to any sort of workable solution, and officers did not consider the responses to be conclusive.

One of the responses suggested that two additional hackney carriage plates for wheelchair accessible vehicles could be allocated to each of the three large operators in the district, who would then be required to employ drivers specifically to drive those vehicles. The drivers would be on an hourly rate, which would eliminate the problem of drivers losing money on dead mileage and so on.

It was reported that if Members decided that this solution should be explored, the co-operation and agreement of the operators would be required, together with further consultation and discussion. Any arrangement would have to be properly documented to ensure that appropriate and enforceable licence conditions were imposed. In the interests of fairness, consideration should be given as to whether such an arrangement could be extended to other operators.

Another option would be to wait until the unmet demand survey next year, and to authorise the Licensing Manager, when commissioning that survey, to request a specific assessment of the demand for and availability of wheelchair accessible vehicles, and to request that the survey report include possible solutions based on that assessment.

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

“That the Committee waits until the unmet demand survey next year and authorises the Licensing Manager, when commissioning that survey, to request a specific assessment of the demand for and availability of wheelchair accessible vehicles, and to request that the survey report include possible solutions based on that assessment.”

It was then proposed by way of amendment by Councillor Hamilton-Cox:

“That officers be asked to explore the solution suggested in one of the responses that two additional hackney carriage plates for wheelchair accessible vehicles could be allocated to each of the three large operators in the district, who would then be required to employ drivers specifically to drive those vehicles, and that the drivers be on an hourly rate.”

There was no seconder for the amendment and therefore the Chairman did not put it to the meeting.

Councillor Gardiner then proposed by way of amendment:

“That the requirement for drivers of registered wheelchair accessible vehicles to undergo the enhanced wheelchair element of the DSA training be waived for a period of six months.”

There was no seconder for the amendment and therefore the Chairman did not put it to the meeting.

Members voted on the main motion, and 5 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 Committee waits until the unmet demand survey next year and authorises the Licensing Manager, when commissioning that survey, to request a specific assessment of the demand for and availability of wheelchair accessible vehicles, and to request that the survey report include possible solutions based on that assessment.

Chairman

(The meeting ended at 1.55 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services - telephone (01524) 582068, or email
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