

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

5TH JANUARY 2017

PRESENT: Councillors Colin Hartley (Chairman), Margaret Pattison (Vice-Chairman), Alan Biddulph, Susie Charles, Tim Hamilton-Cox, Joan Jackson, Terrie Metcalfe and Robert Redfern

Apologies for Absence:

Councillor Mel Guilding

Officers in Attendance:

Nick Howard	Environmental Health Manager
Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
Marie Sharkey	Licensing Enforcement Officer
David Eglin	Licensing Enforcement Officer
Jane Glenton	Democratic Support Officer

43 MINUTES

The Minutes of the meeting held on 24th November 2016 were signed by the Chairman as a correct record.

44 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

45 DECLARATIONS OF INTEREST

There were no declarations of interest.

46 REQUEST FOR WAIVER OF LICENCE CONDITIONS REQUIRING DISPLAY OF THE COUNCIL'S UNIFORM SIGNAGE - MR. CHRIS DALBY AND MR. PAUL CUMPSTY

Committee received the report of the Licensing Manager to enable Members to consider a request for the waiver of the standard licence condition requiring the display of the Council's uniform signage in connection with an application for a private hire vehicle licence received from Mr. Chris Dalby and Mr. Paul Cumpsty of Bay Transfers.

The Licensing Manager reported that the application was in connection with the licensing of a Mercedes Vito Traveller. The applicants had requested a waiver of the standard licence conditions requiring the display of the Council's uniform door signage, on the grounds that the vehicle had been purchased on the basis of Bay Transfers having secured contracts with several businesses and hotels, who used the company on a regular basis to transport clients to and from the airport, and wanted a company that could offer an executive service above and beyond that offered by local taxis operating off radio services.

Members were advised that Bay Transfers had been given a similar exemption in October 2015 for a Mercedes E Class. The Mercedes Vito Traveller had been purchased to cope with the extra multi-seater work that was being requested.

In officers' view, allowing a private hire vehicle to operate without signs would be a dangerous precedent, as members of the public would no longer be able to rely on licensed vehicles always displaying uniform Council signage. The exemption would not, therefore, normally be granted unless Members could be satisfied that the vehicle was only being used for exclusive contracts. Mr. Dalby's letter requesting the exemption (attached as appendix 1 to the report) confirmed this.

The applicants had been invited to attend the meeting to make representations in support of their request, and Mr. Dalby was present at the meeting. Members had been able to view the Mercedes Vito Traveller prior to the meeting.

Following presentation of the Licensing Manager's report, Mr. Dalby was given the opportunity to question the Licensing Manager on her report. Members of the Committee then had the opportunity to question the Licensing Manager on the report.

In determining what action to take in respect of Mr. Dalby and Mr. Cumpsty's request, Members heard Mr. Dalby's representation. During his representation, Mr. Dalby advised that the Mercedes Vito Traveller had been purchased exclusively to run alongside the company's Mercedes E Class, due to the volume of new corporate clients that had been attracted. Mr. Dalby confirmed that the Mercedes Vito Traveller would never have a radio/meter fitted, nor work the streets.

Following Mr. Dalby's representation, the Licensing Manager had the opportunity to question Mr. Dalby. Members of the Committee then had the opportunity to question Mr. Dalby.

The Licensing Manager summed up by advising Members that, should they determine that the request for a waiver of the standard licence condition requiring the display of the Council's uniform signage be granted, they would need to be satisfied that the vehicle was only being used for exclusive contracts.

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

"That Mr. Dalby and Mr. Cumpsty of Bay Transfers' request for a waiver of the standard licence condition requiring the display of the Council's uniform signage in connection with an application for a private hire vehicle licence be granted."

Upon being put to the vote, 7 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

That Mr. Dalby and Mr. Cumpsty of Bay Transfers' request for a waiver of the standard licence condition requiring the display of the Council's uniform signage in connection with an application for a private hire vehicle licence be granted.

47 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE VEHICLE LICENSING - REQUEST FOR WAIVER OF LICENCE CONDITIONS REQUIRING DISPLAY OF THE COUNCIL'S UNIFORM SIGNAGE - MR. BHARAT BHUSHAN OF LANCASTER TAXIS LTD.

The Committee received the report of the Licensing Manager to enable Members to consider a request for the waiver of the standard licence condition requiring the display of the Council's uniform signage in connection with an application for a private hire vehicle licence received from Mr. Bharat Bhushan of Lancaster Taxis Limited.

The Licensing Manager reported that the application was in connection with the licensing of a Mercedes E Class Saloon. The vehicle had been granted a licence, which had commenced on 29th November 2016 and was currently subject to all of the standard licence conditions relating to signage.

The applicant had requested a waiver of the standard licence conditions requiring the display of the Council's uniform door signage, on the grounds that the vehicle would be used to provide a chauffeur service for weddings, executive business travel, airport/ferry port transfers/VIP event services, sightseeing tours and sporting events packages.

In officers' view, allowing a private hire vehicle to operate without signs would be a dangerous precedent, as members of the public would no longer be able to rely on licensed vehicles always displaying uniform Council signage. The exemption would not, therefore, normally be granted unless Members could be satisfied that the vehicle was only being used for exclusive contracts. Mr. Bhushan's letter requesting the exemption (attached as appendix 1 to the report) did not confirm this to be the case.

The applicant had been invited to attend the meeting to make representations in support of his request, and Mr. Bhushan was present at the meeting. Members had been able to view the Mercedes E Class Saloon prior to the meeting.

Following presentation of the Licensing Manager's report, Mr. Bhushan was given the opportunity to question the Licensing Manager on her report. Members of the Committee then had the opportunity to question the Licensing Manager on the report.

In determining what action to take in respect of Mr. Bhushan's request, Members heard Mr. Bhushan's representation. During his representation, Mr. Bhushan of Lancaster Taxis Limited advised that he wished to operate an unmarked private hire vehicle in order to provide a high-class chauffeur service. It was essential that the Mercedes E Class Saloon was unmarked to provide an executive look and a discrete service. Mr. Bhushan confirmed that the Mercedes E Class Saloon did not have a radio/meter fitted, and informed Members that he did not have any contracts yet.

Following Mr. Bhushan's representation, the Licensing Manager had the opportunity to question Mr. Bhushan. Members of the Committee then had the opportunity to question Mr. Bhushan.

The Licensing Manager summed up by advising Members that, should they determine that the request for a waiver of the standard licence condition requiring the display of the Council's uniform signage be granted, they would need to be satisfied that the vehicle was only being used for exclusive contracts.

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

- “(1) That Mr. Bhushan’s request for a waiver of the standard licence condition requiring the display of the Council’s uniform signage in connection with an application for a private hire vehicle licence be refused.
- (2) That Mr. Bhushan be encouraged to re-apply, once he is able to provide proof of exclusive contracts.”

Upon being put to the vote, 7 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

Resolved:

- (1) That Mr. Bhushan’s request for a waiver of the standard licence condition requiring the display of the Council’s uniform signage in connection with an application for a private hire vehicle licence be refused.
- (2) That Mr. Bhushan be encouraged to re-apply, once he is able to provide proof of exclusive contracts.

48 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.

49 EXISTING HACKNEY CARRIAGE AND DUAL DRIVER'S LICENCE - JASON IAN POWELL

The Committee received the exempt report of the Licensing Manager to enable Members to consider whether there was reasonable cause to suspend or revoke Mr. Powell’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. 49, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

That Mr. Powell’s dual hackney carriage and private hire driver’s licence be revoked and that the revocation be with immediate effect.

50 EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DUAL DRIVER'S LICENCE - PHILIP ADRIAN JACKSON (PAGES 8 - 10)

The Committee received the exempt report of the Licensing Manager to enable Members to consider what action, if any, to take in respect of Mr. Jackson’s hackney carriage and 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. 50, in accordance with Section 100A(4) of the Local Government Act 1972.

Decision of the Committee:

That Mr. Jackson be issued with a warning that he should, in future, disclose to the Council in writing details of any conviction, caution or fixed penalty imposed on him during the period of the licence within seven days of such change taking place.

51 PUBLIC ITEMS

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

52 IMMIGRATION ACT 2016 - AMENDMENTS TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TO PREVENT ILLEGAL WORKING IN THE TAXI AND PRIVATE HIRE SECTOR IN ENGLAND AND WALES

The Committee received the report of the Licensing Manager to inform Members of the amendments to the Local Government (Miscellaneous Provisions) Act 1976 implemented by the Immigration Act 2016 that required licensing authorities in England and Wales to prevent illegal working in the taxi and private hire sector.

Members were advised that the Immigration Act 2016, which came into force on 1st December 2016, amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle and taxi sector. Licensing authorities across the UK would be prohibited from issuing to anyone who was disqualified by reason of their immigration status.

It was reported that the local authority must discharge this duty by conducting immigration checks. The checking requirements did not apply to licences issued or presented to the licensing authority before 1st December 2016.

Members noted that the Act also embedded other immigration safeguards into the existing licensing regimes across the UK.

The provisions of the Act were outlined in the report, and the Home Office's *Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales* was attached, for information, as appendix 1 to the report.

It was reported that the following statement had been added to the taxi page of the Council's website, and the *Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing* had been updated:

"Your right to work in the UK will be checked as part of your licence application. This could include the licensing authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out on our website. You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by the licensing

authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence."

Resolved:

That the report be noted.

53 TAXI AND PRIVATE HIRE INTERNAL AUDIT

The Committee received the report of the Licensing Manager to inform Members of the outcome of a recent internal audit of taxi and private hire licensing.

It was reported that the Licensing Manager had requested an informal audit of the procedures in licensing services in relation to hackney carriage and private hire licensing to provide assurance in relation to the procedures and control of risk, following negative press coverage received by other local authorities in relation to their procedures.

The report (attached as appendix 1 to the report) had concluded that the level of assurance provided by the current procedures was substantial, and that Lancaster had clear policies and procedures in place, setting the requirements for both hackney carriage and private hire licensing.

Resolved:

That the report be noted.

54 RECENT COURT CASE

The Committee received the report of the Licensing Manager to inform Members of the outcome of a recent court case.

Members were advised that licensing services had received two emails from licensed drivers pointing out that Michael James Gillan, who was not a licensed private hire driver, was advertising on a Facebook page and offering lifts for money.

A test purchase had been carried out and a booking made by a licensing enforcement officer on Facebook. The booking to Manchester Airport had been agreed at a return fee of £100.

Mr. Gillan had arrived for the booking in a black BMW, which was not licensed to carry passengers by any licensing authority. Mr. Gillan had been cautioned, reported for prosecution and summoned to appear in Court on 12th December, when he had pleaded guilty to all charges laid against him.

Resolved:

That the report be noted.

The Chairman advised Members that this would be the last meeting of the Licensing Regulatory Committee the Licensing Manager would attend, prior to commencing employment at Hyndburn Borough Council. On behalf of members of the Committee, the Chairman thanked the Licensing Manager for her valued work and contribution at the City Council and wished her success at Hyndburn Borough Council. The Chairman's comments were endorsed by the Environmental Health Manager.

Chairman

(The meeting ended at 3.17 p.m.)

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

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted