

LICENSING COMMITTEE

1.00 P.M.

6TH JUNE 2019

PRESENT: Councillors Colin Hartley (Chair), Merv Evans, Kevin Frea, Mike Greenall, Mel Guilding, Joan Jackson, Abi Mills, Jean Parr and Richard Austen-Baker

Apologies for Absence:

Councillor Joyce Pritchard

Officers in Attendance:

Jennifer Curtis

Luke Gorst

Jenny Kay

Licensing Manager

Solicitor

Civic & Ceremonial Democratic Support Officer

1 APPOINTMENT OF VICE-CHAIR

The Chair requested nominations for Vice-Chair of the Licensing Committee for the Municipal Year.

It was proposed by Councillor Merv Evans and seconded by Richard Austin-Baker:

That Councillor Mike Greenall be appointed Vice-Chair of the Licensing Committee.

It was then proposed by Councillor Joan Jackson and seconded by Councillor Kevin Frea:

“That Councillor Mel Guilding be appointed Vice-Chair of the Licensing Committee.”

Upon being put to the vote, Councillor Greenall received 2 votes and Councillor Guilding received 6 votes, whereupon the Chair declared that Councillor Guilding be appointed Vice-Chair of the Licensing Committee.

Resolved:

That Councillor Mel Guilding be appointed Vice-Chair of the Licensing Committee.

2 MINUTES

The Minutes of the meeting of the former Licensing Regulatory Committee held on 21st March 2019 and the former Licensing Act Committee held on 14th June 2018 were signed by the Chair as correct records.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business authorised by the Chair.

4 DECLARATIONS OF INTEREST

Councillor Merv Evans declared a personal interest in respect of agenda item 7 as he knew Mr Patel.

5 CHAIRS OF THE LICENSING SUB-COMMITTEES

The Chair requested nominations for the Chair of the Licensing Sub Committees. It was reported that the Chair and Vice-Chair of the Licensing Committee were automatically Chairs of the Sub Committees.

It was proposed by Councillor Abi Mills and seconded by Councillor Joan Jackson:

“That Councillor Kevin Frea be appointed as a Sub Committee Chair.”

It was then proposed by Councillor Merv Evans:

That Councillor Mike Greenall be appointed as a Sub Committee Chair.

As Councillor Evan’s proposal did not receive a seconder the proposition fell.

It was proposed by Councillor Mel Guilding and seconded by Councillor Joan Jackson:

“That Councillor Richard Austen-Baker be appointed as a Sub Committee Chair.”

As there were no other nominations, the Chair declared the propositions carried.

Resolved:

That Councillors Kevin Frea and Richard Austen-Baker be appointed as a Sub Committee Chairs along with the Chair and Vice-Chair of the Licensing Committee.

6 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - VEHICLE LICENSING - TINTED WINDOWS

(Councillor Merv Evans left the meeting at this point.)

The Chair welcomed Mr Patel and Mr Patel to the meeting.

The Licensing Manager presented a report which requested the Committee to consider the imposition of vehicle licence conditions to hackney carriage and private hire vehicle licences in respect of tinted windows and also to consider the licensing of the vehicle presented to members by Mr Patel and Mr Patel.

It was reported that under section 47(1) and 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the granting of a licence of a hackney carriage or private hire vehicle under the Act of 1976 such conditions, as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates’ Court.

The Committee was informed that the City Council had no established conditions attached to the grant of private hire and hackney carriage vehicle licences in respect of permitted level of tint on windows of licensed vehicles operating in the District. Members were requested to consider the imposition of a condition relating to permitted level of tint on licensed vehicles to provide clarity for the trade and ensure each application is treated fairly and consistently.

It was proposed by Councillor Kevin Frea and seconded by Councillor Joan Jackson:

- (1) That the Licensing Committee does not impose restrictions on vehicle licence conditions to hackney carriage and private hire vehicle licences in respect of tinted windows.
- (2) That Mr Patel and Mr Patel's vehicle licence be granted."

It was then proposed and accepted as a friendly amendment by the proposer and seconder of the original proposition:

"That the Licensing Committee does not impose restrictions in respect of tinted windows on rear windscreens and rear passenger windows of licensed vehicles. In respect of front windscreen and front side door glass the City Council adopt the following restrictions for future vehicle licences:-

Front windscreen transmission - minimum 75% light
Front side door glass transmission - minimum 70% light"

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chair declared the proposition carried.

Resolved:

- (1) That the Licensing Committee does not impose restrictions in respect of tinted windows on rear windscreens and rear passenger windows of licensed vehicles
- (2) In respect of front windscreen and front side door glass that the City Council adopt the following restrictions for future vehicle licences:-
 - Front windscreen transmission - minimum 75% light
 - Front side door glass transmission - minimum 70% light
- (3) That Mr Patel and Mr Patel's vehicle licence be granted.

(Councillor Merv Evans re-entered the meeting.)

7 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - VEHICLE LICENSING - APPROVED LIST UPDATES - REQUEST TO WAIVER CONDITIONS RELATING TO ACCESS AND EGRESS OF SPECIFIC MAKE/MODELS OF LICENSED VEHICLES

The Committee was requested to review the list of approved vehicle make/models that had previously been granted a licence with an exception of the condition relating to access and egress.

For this purpose, the Council had established conditions attached to the grant of a private hire and hackney carriage vehicle licence. The standard licence condition relating to access and egress was as follows;

“Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.”

It was reported that at a Licensing Regulatory Committee meeting on 1st September 2011, Councillors discussed the conditions relating to access and egress and made the following resolution:

- *That the requirement that access and egress to all passenger seats should be unimpeded, as set out in the report, be maintained, and;*
- *That the committee may make exceptions for specific models of vehicle, made to the manufacturer's specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.*

The Committee was advised that an approved list of vehicles that were eligible for the exception had not been maintained; therefore a thorough review was required.

Officers had contacted Members of the trade requesting them to submit notification of the make/model of their vehicle if they wish it to be included on the approved list.

The Committee had viewed those vehicles prior to the meeting.

It was proposed by Councillor Colin Hartley and seconded by Councillor Mel Guiding:-

“That conditions regarding access and egress be removed from all hackney carriage and private hire vehicle licenses.”

Upon being put to the vote, 5 Members voted in favour of the proposition, 2 voted against and 2 abstained whereupon the Chair declared the proposition carried.

Resolved:

“That conditions regarding access and egress be removed from all hackney carriage and private hire vehicle licenses.”

8 EXEMPT ITEM

The Chair advised Members that it had been recommended to exclude the press and public from the meeting for the following item of business on the ground that it could involve the possible disclosure of exempt information.

It was unanimously agreed:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.”

Resolved:

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in Paragraph 1 of Schedule 12A of that Act.

9 URGENT BUSINESS - EXISTING HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER LICENCE - KIERON THOMPSON

The Committee was advised of an urgent decision taken by the Chief Executive in consultation with the Chair of the Licensing Regulatory Committee to revoke the dual driver's licence of Kieron Thompson with immediate effect.

Due to the seriousness of the matter, an urgent decision was requested to determine whether there was reasonable cause to suspend or revoke Mr Thompson's Dual Driver's Licence in light of his driving standard whilst driving a private hire vehicle licensed by Lancaster City Council and whether any suspension or revocation should be imposed immediately as permitted by s61(2B) of the Local Government Miscellaneous Provisions Act 1976 in the interests of public safety.

Resolved:

That the report be noted.

Chair

(The meeting ended at 2.16 p.m.)

**Any queries regarding these Minutes, please contact
Jenny Kay, Democratic Services - telephone (01524) 582065 or email jkay@lancaster.gov.uk**