

## LICENSING COMMITTEE

1.00 P.M.

29TH AUGUST 2019

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

Apologies for Absence:

Councillors Kevin Frea, Abi Mills and Joyce Pritchard

Officers in Attendance:

Jennifer Curtis	Licensing Manager
Karen Hodgson	Licensing Officer
Luke Gorst	Solicitor
Susan Clowes	Senior Environmental Health Officer (Community Protection) (for Minute No. 18 only)
Sarah Jones	Dog Warden (for Minute No. 18 only)
Jane Glenton	Democratic Support Officer

### 10 MINUTES

The Minutes of the meeting held on 6<sup>th</sup> June 2019 were signed by the Chair as a correct record.

### 11 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

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

### 12 DECLARATIONS OF INTEREST

Councillor Austen-Baker declared an 'other interest (non-prejudicial)' in Item No. 6 on the Agenda – Existing Dual Driver's Licence Holder – Steven Fred Towers (Minute No. 14 refers) for the reason that he worked at Lancaster University where the incident occurred.

Councillor Joan Jackson declared an 'other interest (prejudicial)' in Item No. 8 on the Agenda – Vehicle Licensing – Exemption Request – Mr. John Taylor (Minute No. 16 refers) for the reason that Mr. Taylor was an associate of hers.

## MATTERS FOR DECISION

### 13 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 moved by Councillor Joan Jackson and seconded by Councillor Guilding:

"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."

A vote was taken and the motion was unanimously carried.

***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.

***It was noted that Councillor Austen-Baker had declared an 'other interest (non-prejudicial)' in the following item.***

**14      EXISTING DUAL DRIVER'S LICENCE HOLDER - STEVEN FRED TOWERS (PAGES 9 - 11)**

The Committee received the report of the Licensing Manager to assess Mr. Towers' continued fitness to be licensed and to consider what action, if any, to take in respect of Mr. Towers' dual driver's licence.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 14, in accordance with Section 100A (4) of the Local Government Act 1972.

***Decision of the Committee:***

That, based on the Licensing Manager's report and Mr. Towers' representation, the Committee resolves that Mr. Towers be issued with a warning regarding his conduct/behaviour.

**15      PUBLIC ITEMS**

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

***With the agreement of the Committee, the Chair moved the order of the Agenda to allow members of the public to leave the meeting following consideration of their applications.***

***Agenda Items 8 and 9 (Minute Nos. 16 and 17 refer) were considered together.***

***It was noted that Councillor Joan Jackson had declared an 'other interest (prejudicial)' in the following item and left the meeting room during its consideration and did not vote on the matter.***

**16      VEHICLE LICENSING - EXEMPTION REQUEST - MR. JOHN TAYLOR**

The Committee received the report of the Licensing Manager for the purpose of considering a request from Mr. John Taylor to issue his private hire vehicle with a s75 (3) exemption notice and to consider a request to waive the conditions relating to door signs and stickers.

Mr. Taylor had been invited to attend the Licensing Committee to provide supplementary information regarding his request and was in attendance at the meeting with his wife, Dawn Taylor, for consideration of the report. Members had inspected the vehicle to which the request related prior to the meeting.

It was proposed by Councillor Greenall and seconded by Councillor Parr:

“That, based on the Licensing Manager’s report, the inspection of the private hire vehicle and Mr. Taylor’s representation, the Committee resolves:

- (1) That Mr. Taylor’s private hire vehicle be issued with a s75 (3) exemption notice to exempt the vehicle from displaying licence plates.
- (2) That the conditions relating to door signs and stickers in relation to the vehicle be waived.”

A vote was taken and the motion was unanimously carried.

***Resolved:***

That, based on the Licensing Manager’s report, the inspection of the private hire vehicle and Mr. Taylor’s representation, the Committee resolves:

- (1) That Mr. Taylor’s private hire vehicle be issued with a s75 (3) exemption notice to exempt the vehicle from displaying licence plates.
- (2) That the conditions relating to door signs and stickers in relation to the vehicle be waived.

**17 VEHICLE LICENSING - EXEMPTION REQUEST - MR. NIGEL RALPHSON**

The Committee received the report of the Licensing Manager to consider a request from Mr. Nigel Ralphson to issue his private hire vehicle with a s75 (3) exemption notice, which would exempt the vehicle from displaying licence plates, and to consider a request to waiver the conditions relating to door signs and stickers.

Mr. Ralphson had been invited to attend the Licensing Committee to provide supplementary information regarding his request and was in attendance at the meeting for consideration of the report. Members had inspected the vehicle to which the request related prior to the meeting.

It was proposed by Councillor Austen-Baker and seconded by Councillor Greenall:

“That, based on the Licensing Manager’s report, the inspection of the private hire vehicle and Mr. Ralphson’s representation, the Committee resolves:

- (1) That Mr. Ralphson’s private hire vehicle be issued with a s75 (3) exemption notice to exempt the vehicle from displaying licence plates.
- (2) That the conditions relating to door signs and stickers in relation to the vehicle be waived.”

A vote was taken and the motion was unanimously carried.

***Resolved:***

That, based on the Licensing Manager's report, the inspection of the private hire vehicle and Mr. Ralphson's representation, the Committee resolves:

- (1) That Mr. Ralphson's private hire vehicle be issued with a s75 (3) exemption notice to exempt the vehicle from displaying licence plates.
- (2) That the conditions relating to door signs and stickers in relation to the vehicle be waived.

***Councillor Joan Jackson returned to the meeting room at this point.***

***The Senior Environmental Health Officer (Community Protection) and Dog Warden joined the meeting at this point.***

**18 REVIEW OF LICENSING FEES FOR ANIMAL-RELATED LICENSING (PAGE 12)**

The Committee received the report of the Director for Communities and the Environment for the purpose of reviewing the costs and licensing fees for animal-related licensing and approving the level of fee for 2019/20, giving particular consideration to substantive changes introduced by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

It was reported that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 had introduced a new regime for animal licensing, which had substantially increased the workloads of animal licensing staff. It was noted that the function could not be carried out without additional resources, and full cost recovery would be necessary in order to assist in funding this.

The options and options analysis (including risk assessment) were set out in the report, as follows:

**Option 1** Fully recover all costs by charging the fees set out in Appendix 1 to the report.

**Option 2** Increase fees by 2.1% in line with inflation.

**Option 3** Propose an alternative fee structure.

	<b>Option 1: Fully recover all costs</b>	<b>Option 2: Increase fees by 2.1% inflation</b>	<b>Option 3: Propose an alternative fee structure</b>
Advantages	<b>Results in increased income, necessary to fund the additional resources needed for the council to implement the new regulations.</b>	<b>More affordable for operators, many of whom are small businesses.</b>	<b>Members may wish to increase fees by more than 2.1% but below full cost recovery level, which would be more affordable for the</b>

	Consistent with increases to other licensing fees within council.		operators.
Disadvantages	Substantial price increase for most operators, many of whom are small businesses.	Does not recover the cost of providing the service, leading to the council subsidising the cost of the animal licensing function.	As Option 2 but to a lesser degree.  Alternative options would need to be further appraised to determine full budgetary impact for the Council.
Risks	Price increase may encourage unlicensed activity, hence risk to animal welfare.  Increase in unlicensed activity requires additional reactive investigation and enforcement by officers.	None identified.	As Option 1 but to a lesser degree.

The officer preferred option was option 1.

It was proposed by Councillor Joan Jackson and seconded by Councillor Evans:

“That, based on the findings and recommendation contained in the Director for Communities and the Environment’s report, the Committee resolves that all costs be fully recovered by charging the fees set out in Appendix 1 (copy attached).”

A vote was taken and the motion was unanimously carried.

***Resolved:***

That, based on the findings and recommendation contained in the Director for Communities and the Environment’s report, the Committee resolves that all costs be fully recovered by charging the fees set out in Appendix 1 (copy attached).

***The Senior Environmental Health Officer (Community Protection) and Dog Warden left the meeting at this point.***

## 19 HACKNEY CARRIAGE FARE REVIEW 2019

The Committee received the report of the Licensing Manager to update Members on the proposal to introduce a new fare tariff in relation to licensed hackney carriages operating in the Lancaster district.

It was reported that there had been no fare increase to the tariff used to calculate hackney carriage fares since 2017, when RPI had been applied, which had resulted in a marginal increase.

In the absence of any alternative mechanism, it was proposed that RPI should continue to be used as the default method to calculate increases in future years and that the average two-mile journey on tariff 1 should be raised to £5.80, which was just below the national average.

The options and options analysis (including risk assessment) were set out in the report, as follows:

	<b>Option 1:</b> Maintain current table of fares approved in 2017.	<b>Option 2:</b> Apply retail price index (RPI) to current flag fall.	<b>Option 3:</b> Apply 20p increase to flag fall
Advantages	Public are aware of expected fares when hiring a hackney carriage.	This seems to be a general approach across County and Country, although not a common approach to all.	Representatives of the trade supported this approach when discussed at the Taxi Working Group
Disadvantages	The current table of fares has not been reviewed since 2017.	Allows for a minimal increase only (2.1%).	The increase is not supported by an agreed or common methodology that reflects the cost of owning and operating a hackney carriage in the District.
Risks	Drivers may decide to leave the trade, if they decide that the profit is marginal.	Drivers may decide to leave the trade, if they decide that the profit is marginal.	Decrease in business for hackney carriages due to fare adjustments.

The officer preferred option was option 3.

It was proposed by Councillor Austen-Baker and seconded by Councillor Greenall:

“That, based on the details and recommendations set out in the Licensing Manager’s report, the Committee resolves:

- (1) That a 20 pence increase be applied to the initial flag fall.
- (2) That the matter be referred to Cabinet for approval, as the Licensing Committee is not the decision-making body.
- (3) That the potential to work with the Institute of Licensing and other Authorities to develop a common approach to setting hackney carriage fares be noted.”

A vote was taken and the motion was unanimously carried.

**Resolved:**

That, based on the details and recommendations set out in the Licensing Manager's report, the Committee resolves:

- (1) That a 20 pence increase be applied to the initial flag fall.
- (2) That the matter be referred to Cabinet for approval, as the Licensing Committee is not the decision-making body.
- (3) That the potential to work with the Institute of Licensing and other Authorities to develop a common approach to setting hackney carriage fares be noted.

20

**GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES**

The Committee received the report of the Licensing Manager, which sought Members' approval to the adoption of draft guidance entitled *Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences*, which was based on the Institute of Licensing's guidance. If adopted, the guidance would update existing guidance and application procedures, and would form the basis for considering an applicant's fitness.

Members were advised that the two documents currently used by Licensing Services as guidance were not well set out, and members of the trade were not using the documents as intended.

The matter had gone out for consultation. The two responses received were reported to Members.

It was proposed by Councillor Greenall and seconded by Councillor Evans:

"That based on the findings and recommendations contained in the Licensing Manager's report, the Committee resolves:

- (1) That the *Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences* be adopted."
- (2) That the Committee be provided with a report on the number of licences captured under the new Guidance."

A vote was taken and the motion was unanimously carried.

**Resolved:**

That, based on the findings and recommendations contained in the Licensing Manager's report, the Committee resolves:

- (1) That the *Guidance on determining the suitability of applicants and licensees for Hackney Carriage and Private Hire Licences* be adopted.

- (2) That the Committee be provided with a report on the number of licences captured under the new Guidance.

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Chair

(The meeting ended at 3.05 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

## APPENDIX 1

## FULL COST RECOVERY PROPOSED FEES 2019/20

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