

## LICENSING COMMITTEE

1.00 P.M.

9TH JANUARY 2020

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

Officers in Attendance:

Jenette Hicks	Licensing Manager
Sarah Jones	Trainee Licensing Officer
Tom Mitchell	Civil Lawyer
Jane Glenton	Democratic Support Officer

### 34 MINUTES

The Minutes of the meeting held on 28<sup>th</sup> November 2019 were signed by the Chair as a correct record.

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

The Chair advised that there was one item of urgent business. The Vice-Chair had requested a meeting of the Taxi Working Group to consult on the requirement that the Trade does not discriminate against disabled people in the provision of services.

The Licensing Manager agreed that a meeting of the Taxi Working Group would be needed to report a number of other issues to the Trade, such as:

- the online Disclosure and Barring Service;
- the projects set out in the approved Licensing Work Plan 2020;
- operational changes; and
- changes to legislation.

It was unanimously agreed that a meeting of the Taxi Working Group should be facilitated, to which all members of the Committee should be invited.

### 36 DECLARATIONS OF INTEREST

There were no declarations of interest.

## MATTERS FOR DECISION

### 37 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 Greenall and seconded by Councillor Joan Jackson:

“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.

**38 APPLICATION FOR RENEWAL OF A SCRAP METAL DEALER'S LICENCE - MR. JAMES CARR (PAGES 5 - 7)**

The Committee received the report of the Commercial Protection Manager for the purpose of determining the suitability of Mr. James Carr to continue to be licensed as a scrap metal dealer (collector licence) in the Lancaster district, given the information contained in the report and any other additional information provided by Mr. Carr.

Details of the individual case are set out in Exempt Minute No. 38, in accordance with Section 100A (4) of the Local Government Act 1972.

***Decision of the Committee:***

That, based on the Commercial Protection Manager's report and Mr. Carr's representation, the Committee resolves that Mr. Carr's Application for Renewal of a Scrap Metal Dealer's Licence be granted.

**39 PUBLIC ITEM**

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

**40 NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS**

The Committee received the report of the Commercial Protection Manager for the purpose of the Committee providing a recommendation to the Executive Member regarding the adoption of the National Register of Taxi Licence Revocations and Refusals (NR3 Register).

It was reported that, in determining applications for hackney carriage and private hire licences, the legal test was that the Council must be satisfied that the applicant was a “fit and proper” person to be granted a licence.

Applicants for a taxi and private hire licence were asked if they had ever had a licence application refused or revoked by another local authority on the application form. If an applicant answered “yes” to this question, they also had to give the name of the local authority concerned, and officers could ask that local authority for the relevant information.

However, if an applicant stated “no”, there was no way to check or otherwise verify that this information was correct. There was therefore the potential for an applicant whose licence application had been refused or revoked by another local authority to obtain a licence with Lancaster City Council. Similarly, there was the potential for a person whose licence had been refused or revoked by Lancaster City Council to obtain a licence elsewhere.

The Local Government Association, in conjunction with the National Anti-Fraud Network, had implemented the NR3 Register as from August 2018. The Register was a national register of licence revocations/refusals that would allow adequate checks to be made against licence applicants.

If the Council were to adopt the NR3 Register, it would involve the Council providing information for the database on revoked or refused driver licensees/applicants, and responding to information requests on those data subjects in the event that the person applied to another local authority for a licence.

It was reported that the decision as to whether to adopt the Register was an Executive decision. As consultee, the Committee was being asked to make a recommendation to the Council’s Executive regarding adoption of the Register.

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

“That this Committee recommends that the Council’s Executive determines that:

- (1) the Council joins the National Register of Taxi Licence Revocations and Refusals;
- (2) the Council’s application forms and explanatory literature be updated appropriately to ensure that hackney carriage and private hire vehicle driver licence applicants are aware that, should their application be refused or their licence revoked, their details will be added to the Register for a period of 25 years;
- (3) a search of historical records be carried out to identify those drivers who have had their licences refused or revoked;
- (4) authority to introduce the Register and to determine which historical records of refused or revoked drivers are added to the Register be delegated to the Commercial Protection Manager and Licensing Manager;
- (5) the cost of registration administration of the Register be met from hackney carriage and private hire vehicle driver fees and private hire operator fees.”

A vote was taken and the motion was unanimously carried.

***Resolved:***

That this Committee recommends that the Council’s Executive determines that:

- (1) the Council joins the National Register of Taxi Licence Revocations and Refusals;

- (2) the Council's application forms and explanatory literature be updated appropriately to ensure that hackney carriage and private hire vehicle driver licence applicants are aware that, should their application be refused or their licence revoked, their details will be added to the Register for a period of 25 years;
- (3) a search of historical records be carried out to identify those drivers who have had their licences refused or revoked;
- (4) authority to introduce the Register and to determine which historical records of refused or revoked drivers are added to the Register be delegated to the Commercial Protection Manager and Licensing Manager;
- (5) the cost of registration administration of the Register be met from hackney carriage and private hire vehicle driver fees and private hire operator fees.

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Chair

(The meeting ended at 1.49 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.

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