



**Committee:** LICENSING COMMITTEE  
**Date:** THURSDAY, 28 NOVEMBER 2019  
**Venue:** LANCASTER TOWN HALL  
**Time:** 1.00 P.M.

## A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 24 October 2019 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Councillors are required to declare the existence and nature of any other interests, as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

### **Matters for Decision**

#### **Exclusion of the Press and Public**

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following items:

"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 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."

Councillors are reminded, whilst the following items have been marked as exempt, it is for the Committee to decide whether or not to consider them in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

6. **Application for Hackney Carriage and Private Hire Driver's Licence - Mr Mohammed Adeel** (Pages 4 - 7)

Report of Commercial Protection Manager

7. **Review of Dual Driver Licence - Andrew John Aulich**

Report of Licensing Manager (to follow)

**The press and public will be readmitted to the meeting at this point.**

8. **Proposed Licensing Work Plan 2020** (Pages 8 - 15)

Report of Commercial Protection Manager

## **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

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

**(ii) Queries regarding this Agenda**

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk).

**(iii) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone (01524) 582170, or email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

KIERAN KEANE,  
CHIEF EXECUTIVE,  
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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

**LICENSING COMMITTEE****Proposed Licensing Work Plan 2020  
28 November 2019****Report of Commercial Protection Manager****PURPOSE OF REPORT**

To seek The Committee's approval (with or without modification) of the proposed Licensing work plan for 2020

**The report is public**

**RECOMMENDATIONS**

- (1) **That the attached draft Licensing work plan for 2020 be approved by the Committee with or without modification**

**1.0 Introduction**

- 1.1 The proposed work plan attached at **Appendix 1** provides an overview of planned project work for the year 2020. The work plan does not deal with the day to day routine activities of the team which would have to take priority over planned reviews and developments.
- 1.2 The committee will recall that the permanent Licensing Manager is currently on Maternity leave and the temporary licensing manager is working a reduced week, 3 days per week. This may impact on the deliverability of the work plan.
- 1.3 The work plan contains project work or service reviews that have been identified over the last few years as areas that will need scrutiny and review. The committee may already be familiar with a substantial number of the elements identified in the work plan as matters previously raised by or discussed by this committee.

- 1.4 The committee may wish to add to, remove or otherwise modify the work plan.

**2.0 Proposal Details**

- 2.1 The proposals detail planned project type work in relation to Licensing Act activities, taxi licensing and street trading. Additional projects may be required dependent upon any changes to national guidance, legislation, case law or other relevant consideration.

**3.0 Details of Consultation**

- 3.1 There are no plans to undertake any formal consultation regarding the proposed work plan, other than to seek committee's approval with or without amendment to the draft

work plan outlined at **Appendix 1**

**4.0 Officer Preferred Option**

4.1 For committee to agree the attached work plan noting the indicated priorities given for each of the items it contains.

**5.0 Conclusion**

5.1 The work plan as proposed contains key reviews and developments that the Licensing Manager considers to be key priorities and deliverable within the timeframe set, subject to the constraints mentioned in paragraph 1.2.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

The work plan identifies a number of policy reviews which will be subject to impact assessments as appropriate.

**LEGAL IMPLICATIONS**

Each policy review will be conducted within the appropriate legal framework and compliance with best practice guidance where appropriate.

**FINANCIAL IMPLICATIONS**

Any financial implications arising from individual elements of the work plan will be detailed in the specific reports.

**BACKGROUND PAPERS**

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**Ref:** JH

**Licensing Team**  
**Proposed Project Work Plan 2020**

<b>Project</b>	<b>Scope</b>	<b>Reason</b>	<b>Risks</b>	<b>Timeline</b>
To produce model Licensing conditions for use with Licensing Act applications, variations and reviews	<ul style="list-style-type: none"> <li>To assist applicants, responsible authorities, Committee and other persons in proposing licensing conditions relevant to individual licensing applications, variations and reviews.</li> <li>The availability of a pool of conditions which all parties have access to will promote consistency and will assist enforcement. To produce a pool of Licensing conditions which are clear, appropriate and enforceable</li> <li>A draft document will be produced for the Committee with a request for the committee to agree consultation prior to consideration of proposals and consultation responses received</li> </ul>	<ul style="list-style-type: none"> <li>Efficiency</li> <li>Consistency</li> <li>Support for Licensing Direct commercial service</li> </ul>	None identified. Use of model standards would not prevent use of bespoke conditions if required	January to May 2020 *
To undertake a hackney carriage unmet demand survey	<ul style="list-style-type: none"> <li>The Council to commission an unmet demand survey that complies with the requirements detailed in the Departments for Transport Best Practice Guidance (survey commissioned Oct 19)</li> <li>For members to review the findings from the unmet demand survey</li> </ul>	<ul style="list-style-type: none"> <li>To maintain a cap on the number of Licensed Hackneys evidence is required to support this.</li> </ul>	None Identified.	Oct 2019- April 2020 *

	<ul style="list-style-type: none"> <li>• Development and Implementation of any policy related matters that may arise from the unmet demand survey</li> </ul>	<ul style="list-style-type: none"> <li>• Opportunity to consider availability and suitability of wheel chair accessible vehicles</li> </ul>		
<p>To commence investigations regarding transitioning the Licensed fleet to low emission vehicles</p>	<ul style="list-style-type: none"> <li>• Officers to explore the range of low emission vehicle suitable for licensing as hackney carriages or private hire vehicles</li> <li>• Officers to explore any grants/ financial assistance that may be available and associated with the purchase of low emission vehicles</li> <li>• Officers to explore any opportunities available through local dealerships to assist in the purchase of low emission vehicles</li> <li>• Officers to arrange fact finding visit to Blackpool (Licensing team and operator of electric Taxis)</li> <li>• To propose a timetable for full transition to low emission vehicles</li> <li>• To report strategy to Committee for consideration and agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Air quality within the City Centre fails to meet minimum standards in places.</li> <li>• Council has declared a Climate Emergency and this will support the Council's Commitment to tackling climate change</li> <li>• Government has already made a commitment to low emission vehicles and the initiative will help local drivers and operators transition</li> </ul>	<ul style="list-style-type: none"> <li>• The cost to owners and operators will be high</li> <li>• Charge points need to be accessible</li> <li>• Vehicles need suitable range on single charge which means only newer cars would be suitable</li> <li>• If the Council imposes a very tight timescale to switch, this could encourage owners/operators to get vehicles licensed elsewhere but still operate in Lancaster – no overall benefit</li> </ul>	<p>Jan – March 2020</p>

		<ul style="list-style-type: none"> <li>• Assistance to drivers and operators may help them establish a more sustainable business long term</li> <li>• By switching to fully electric vehicles now will help to encourage general public to follow</li> </ul>	and lost income generation.	
Review of private hire / hackney carriage licence conditions	<ul style="list-style-type: none"> <li>• Review existing licence conditions to ensure they reflect best practice and current standards</li> <li>• Review existing licence conditions to ensure conditions are reasonable necessary to provide appropriate levels of public safety</li> <li>• That the taxi working group be involved in the initial review of licence conditions</li> <li>• That proposals are brought to the committee for approval for formal consultation</li> <li>• That following consultation proposals are brought back to committee for consideration and final approval/ adoption</li> </ul>	<ul style="list-style-type: none"> <li>• To help ensure a well regulator fleet working to appropriate standards</li> <li>• Improved clarity for owners and operators</li> <li>• More robust regulation</li> </ul>	None Identified	<p>April-September 2020</p> <p>(this timescale will allow for any issues from unmet demand and low emission vehicle projects to be considered as part of the review of licence conditions</p>



Review of street trading Policy	<ul style="list-style-type: none"> <li>• To liaise with colleagues in Economic Development regarding potential improvements to the current street trading policy in respect of consent/ licence and prohibited streets for street trading</li> <li>• Ensure that permitted street traders are subject to appropriate public safety checks</li> <li>• Formal consultation regarding any proposed changes</li> </ul>	<ul style="list-style-type: none"> <li>• The current policy does not take account of where on permitted streets trading can take place</li> <li>• To help ensure a balanced and level playing field approach between high street businesses and mobile street traders</li> <li>• To help avoid mobile traders locating outside inappropriate locations e.g. schools</li> <li>• Could introduce a charging policy and increase revenue</li> </ul>	<ul style="list-style-type: none"> <li>• Some mobile traders may lose income and become unsustainable</li> </ul>	April-September 2020*
Review of hackney carriage rank provision	<ul style="list-style-type: none"> <li>• It is understood that Lancashire County Council intend to conduct a review of hackney carriage rank provision across the County. The Council welcomes this and would seek to work in partnership with the County Council and Lancaster Councils hackney carriage trade</li> </ul>	<ul style="list-style-type: none"> <li>• To improve availability of Hackney carriages to the public</li> </ul>	None Identified	Jan- Feb (Comments invited from hackney carriage trade )

	<ul style="list-style-type: none"> <li>• That the hackney carriage trade be invited to provide written proposals regarding hackney carriage rank provision at the earliest opportunity so that these can form part of the first stage of the review</li> </ul>			<p>Remainder of timetable outside the scope of Lancaster City Council to be led by Lancashire County Council</p>
<p>Review mechanism for assessing Hackney Carriage fares and annual uplift/change</p>	<ul style="list-style-type: none"> <li>• The current arrangement of applying an annual uplift based on RPI has previously been subject to scrutiny and review over the last few years to try and identify the most suitable mechanism</li> <li>• The adoption of RPI was an attempt to rationalise the approach because of the lack of National consistency or guidance</li> <li>• An opportunity has arisen to work closely with Institute of Licensing to explore option for a more appropriate mechanism that code be used as a model approach</li> </ul>	<ul style="list-style-type: none"> <li>• The current arrangement may not necessarily reflect the true cost of operating a Hackney carriage</li> <li>• If a model approach can be agreed with the Institute of Licensing this could be adopted by other Licensing Authorities to help ensure level playing field</li> <li>• This approach will help defend any future challenge that</li> </ul>	<ul style="list-style-type: none"> <li>• The outcome could conclude that there is no ideal model approach to adopt that is any better than the current model</li> <li>• Review could conclude that the current tariff is actually too high and may conclude that the fares should reduce. This would cause concern with the trade and may result in judicial review.</li> </ul>	<p>April 2020</p>

		might be received		
Local Authority registration with the National Anti Fraud Network (NAFN)	<ul style="list-style-type: none"> <li>The Council to review relevant permissions and contractual requirements required to sign up to the NAFN NR3</li> <li>The NRS register is the National Register of Taxi and private hire Revocations and Refusals</li> </ul>	<ul style="list-style-type: none"> <li>To help improve sharing information between Licensing Authorities on unsuitable drivers/operators</li> </ul>	None Identified	Jan 2020

\*Denotes timescale extended due to the requirement to consult as part of the project

**Colour coding Key**

	<b>Lowest Priority</b>
	<b>Medium Priority</b>
	<b>Highest Priority</b>