

LICENSING COMMITTEE

1.00 P.M.

28TH NOVEMBER 2019

PRESENT:- Councillors Colin Hartley (Chair), Kevin Frea, Joan Jackson, Jean Parr and Joyce Pritchard

Apologies for Absence:

Councillors Mel Guilding (Vice-Chair), Richard Austen-Baker, Merv Evans, Mike Greenall and Abi Mills

Officers in Attendance:

Stephen Sylvester	Commercial Protection Manager
Jenette Hicks	Licensing Manager
Luke Gorst	Acting Head of Legal Services and Monitoring Officer
Daniel Spencer	Criminal Lawyer
Tom Mitchell	Civil Lawyer
Jane Glenton	Democratic Support Officer

26 MINUTES

The Minutes of the meeting held on 24th October 2019 were signed by the Chair as a correct record.

27 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

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

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

MATTERS FOR DECISION

29 EXEMPT ITEM

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

It was moved by Councillor Pritchard 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 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.”

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 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.

With the Committee's agreement, and at the Chair's suggestion, the agenda was re-ordered for the convenience of Mr. Aulich.

30 REVIEW OF DUAL DRIVER LICENCE - ANDREW JOHN AULICH (PAGES 4 - 8)

The Committee received the report of the Licensing Manager for the purpose of reviewing the suitability of Mr. Andrew John Aulich to continue to operate as a dual driver in the Lancaster District, having regard to complaints from members of the public regarding his conduct and behaviour.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 30, in accordance with Section 100A (4) of the Local Government Act 1972.

Decision of the Committee:

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

31 APPLICATION FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - MR MOHAMMED ADEEL (PAGES 9 - 12)

The Committee received the report of the Commercial Protection Manager for the purpose of determining the suitability of Mr. Mohammed Adeel to be a licensed hackney carriage/private hire driver in the Lancaster District, given the information contained in the report and any other additional information by Mr. Adeel.

Details of the individual case and the Chair's summary of the decision are set out in Exempt Minute No. 31, 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. Adeel's written representation, the Committee resolves that the decision be deferred until Mr. Adeel is able to demonstrate, to officers' satisfaction, evidence of adequate relevant topographical knowledge.

32 PUBLIC ITEM

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

33 PROPOSED LICENSING WORK PLAN 2020 (PAGES 13 - 18)

The Committee received the report of the Commercial Protection Manager to seek the Committee's approval (with or without modification) of the proposed Licensing Work Plan 2020, which was attached as Appendix 1 to the report.

The Licensing Work Plan, as proposed, provided an overview of planned project work for the year 2020 in relation to Licensing Act activities, taxi licensing and street trading. It contained reviews and developments that the Licensing Manager considered to be key priorities and deliverable within the timeframe set.

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

- “(1) That the proposed Licensing Work Plan 2020 (attached as Appendix 1 to the Minutes) be approved.
- (2) That additional projects be added to reflect changes to national guidance, legislation, case law, or other relevant considerations.”

A vote was taken and the motion was unanimously carried.

Resolved:

- (1) That the proposed Licensing Work Plan 2020 (attached as Appendix 1 to the Minutes) be approved.
- (2) That additional projects be added to reflect changes to national guidance, legislation, case law or other relevant considerations.

Chair

(The meeting ended at 2.20 p.m.)

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

Document is Restricted

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

Document is Restricted

Licensing Team

Proposed Project Work Plan 2020

Project	Scope	Reason	Risks	Timeline
To produce model Licensing conditions for use with Licensing Act applications, variations and reviews	<ul style="list-style-type: none"> To assist applicants, responsible authorities, Committee and other persons in proposing licensing conditions relevant to individual licensing applications, variations and reviews. 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 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 	<ul style="list-style-type: none"> Efficiency Consistency Support for Licensing Direct commercial service 	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"> 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) For members to review the findings from the unmet demand survey 	<ul style="list-style-type: none"> To maintain a cap on the number of Licensed hackneys evidence is required to support this. 	None Identified.	Oct 2019- April 2020 *

	<ul style="list-style-type: none"> • Development and Implementation of any policy related matters that may arise from the unmet demand survey 	<ul style="list-style-type: none"> • Opportunity to consider availability and suitability of wheel chair accessible vehicles 		
<p>To commence investigations regarding transitioning the Licensed fleet to low emission vehicles</p>	<ul style="list-style-type: none"> • Officers to explore the range of low emission vehicle suitable for licensing as hackney carriages or private hire vehicles • Officers to explore any grants/ financial assistance that may be available and associated with the purchase of low emission vehicles • Officers to explore any opportunities available through local dealerships to assist in the purchase of low emission vehicles • Officers to arrange fact finding visit to Blackpool (Licensing team and operator of electric Taxis) • To propose a timetable for full transition to low emission vehicles • To report strategy to Committee for consideration and agreement 	<ul style="list-style-type: none"> • Air quality within the City Centre fails to meet minimum standards in places. • Council has declared a Climate Emergency and this will support the Council's Commitment to tackling climate change • Government has already made a commitment to low emission vehicles and the initiative will help local drivers and operators transition 	<ul style="list-style-type: none"> • The cost to owners and operators will be high • Charge points need to be accessible • Vehicles need suitable range on single charge which means only newer cars would be suitable • 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 	<p>Jan – March 2020</p>

		<ul style="list-style-type: none"> • Assistance to drivers and operators may help them establish a more sustainable business long term • By switching to fully electric vehicles now will help to encourage general public to follow 	and lost income generation.	
Review of private hire / hackney carriage licence conditions	<ul style="list-style-type: none"> • Review existing licence conditions to ensure they reflect best practice and current standards • Review existing licence conditions to ensure conditions are reasonable necessary to provide appropriate levels of public safety • That the taxi working group be involved in the initial review of licence conditions • That proposals are brought to the committee for approval for formal consultation • That following consultation proposals are brought back to committee for consideration and final approval/ adoption 	<ul style="list-style-type: none"> • To help ensure a well regulator fleet working to appropriate standards • Improved clarity for owners and operators • More robust regulation 	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"> • 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 • Ensure that permitted street traders are subject to appropriate public safety checks • Formal consultation regarding any proposed changes 	<ul style="list-style-type: none"> • The current policy does not take account of where on permitted streets trading can take place • To help ensure a balanced and level playing field approach between high street businesses and mobile street traders • To help avoid mobile traders locating outside inappropriate locations e.g. schools • Could introduce a charging policy and increase revenue 	<ul style="list-style-type: none"> • Some mobile traders may lose income and become unsustainable 	April-September 2020*
Review of hackney carriage rank provision	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • To improve availability of hackney carriages to the public 	None Identified	Jan- Feb (Comments invited from hackney carriage trade)

	<ul style="list-style-type: none"> • 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 			<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"> • 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 • The adoption of RPI was an attempt to rationalise the approach because of the lack of National consistency or guidance • 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 	<ul style="list-style-type: none"> • The current arrangement may not necessarily reflect the true cost of operating a hackney carriage • 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 • This approach will help defend any future challenge that 	<ul style="list-style-type: none"> • The outcome could conclude that there is no ideal model approach to adopt that is any better than the current model • 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. 	<p>April 2020</p>

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

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

Colour coding Key

	Lowest Priority
	Medium Priority
	Highest Priority