

LICENSING COMMITTEE

1.00 P.M.

26TH AUGUST 2021

PRESENT:- Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Paul Anderton, Mandy Bannon, Roger Dennison, June Greenwell and Joan Jackson

Apologies for Absence

Councillors Abi Mills and Jean Parr

Officers in attendance:

Jennifer Curtis	Licensing Manager
Daniel Spencer	Solicitor
Sarah Moorghen	Democratic Support Officer
Alec Reid	Democratic Support Officer

14 MINUTES

The Minutes of the meeting held on the 1st July 2021 were signed by the Chair as a correct record.

15 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

There were no items of urgent business.

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

With the agreement of the Committee the Chair brought forward item 6 - Extension to Pavement Licence Provision.

17 EXTENSION TO PAVEMENT LICENCE PROVISIONS

The Licensing Manager presented a report which sought approval for the extension of existing administration and enforcement provisions contained within Part 1 of the Business and Planning Act 2020 in respect of Pavement Licences.

The Committee was informed that on 22nd July 2020 the Business and Planning Act 2020 ("the Act") had come into force. Part 1 of the Act dealt with the consumption and sale of food and drink outdoors, and related to two particular licensing issues;

1. The introduction of pavement licences.
2. The modification of premises licences to authorise sales of alcohol for a limited period.

It was reported that the two provisions had been introduced as a temporary measure up to and including the 30th September 2021 only, in order to facilitate the operation of business within the restrictions/guidance in place at the time regarding the COVID- 19 pandemic.

The Committee was advised that on the 20th July 2021 amendments to the Act had come into force. The purpose of the amendment was to extend the current provision for

pavement licences from the existing statutory expiry date of 30th September 2021 for a further 12 months until 30th September 2022 in order to further enhance the recovery of the local hospitality industry.

A copy of the Council's amended policy was appended for the Committee's consideration.

Councillor Joan Jackson proposed, seconded by Councillor Mel Guiding;

"That the recommendations, as set out in the report, be approved."

There being no dissent to the recommendations, the Chair declared the proposals to be carried.

Resolved unanimously;

- 1) That the existing fee of £100 that is set for the grant of a pavement licence for a further 12 months until 30th September 2022 be retained.
- 2) That where a pavement licence is granted it shall normally be granted for a period up to and including 30 September 2022 or a lesser period (not less than 3 months) as directed by the applicant or upon determination by the Local Authority.
- 3) That the policy and associated appendices (1-4) attached at Appendix A be extended for a further year to 30th September 2022.

18 DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - CONSULTATION RESPONSES

The Licensing Manager presented a report which provided an overview of the consultation responses on the Draft Hackney Carriage and Private Hire Licensing Policy.

The Committee was advised that in July 2020, the Department for Transport (DfT) had published its "Statutory Taxi and Private Hire Vehicle Standards". This was a statutory set of standards to which local authorities must have regard.

It was reported that the need to update and develop some of the Council's licensing standards had been identified in the 2020 licensing workplan. In light of the updates required and the published DfT standards it was felt necessary to consolidate existing standards, policies and procedures into one document, suitable for applicants, officers, members and the wider public. This was the first time the Council had attempted to provide a single document containing all hackney carriage and private hire licensing policy. A copy of the draft policy was appended for the Committee's consideration.

Members were advised that the content of the policy was a mixture of existing policies and procedures and new requirements which were motivated by the need to ensure that the primary and overriding objective of the Council's licensing policies was to protect the public.

The Committee was advised that a 12-week consultation had been undertaken. All consultees had been contacted directly in writing advising them of the draft policy and inviting them to comment on the same via an online questionnaire. Due to the ongoing Covid-19 pandemic no face-to-face consultation was possible, instead the public was encouraged to review the draft policy and respond to the consultation via the Council's website and social media platforms, including Facebook and twitter.

In addition, those with a specific interest in a section of the policy were signposted to relevant sections and encouraged to respond to proposals.

The approved consultation questionnaire and the consultation responses were appended for consideration by the Committee. Through the consultation process a total of 12 responses were received, 9 via the online questionnaire and 3 written representations.

The Committee expressed disappointment in the low response rate. Members were advised that all consultees had been contacted via email about the consultation and potential policy changes. The questionnaire had been devised specifically to make it as easy as possible to respond to the consultation. In addition, the Taxi Working Group had invited members of the Trade to attend meetings to discuss the proposed policies.

The Licensing Manager advised on the following matters which required decisions prior to the completed Hackney Carriage and Private Hire Licensing Policy, with final amendments being presented for approval at the next Licensing Committee.

The Committee considered each section and resolved, as set out below;

Section 3.2 Authorisation of Officers

The Committee was advised that the Department for Transport advocated the Council considering authorising neighbouring officers for enforcement matters and visa vera. The proposal was to be considered as part of the ongoing local authority reorganisation considerations.

There was no evidence to suggest there is a problem in Lancaster District with drivers from neighbouring authorities and the Committee agreed that this was unnecessary at this time.

Resolved;

- 1) To allow the Licensing Manager via the County wide Officer Group to monitor this issue for the time being.

5.2.1/5.23.2 Hackney Carriage Allocation Policy/HCV Policy on Limiting/Delimiting numbers

The Licensing Manager advised that Lancaster City Council currently capped the number of Hackney Carriage vehicle licences to 108 and undertook an unmet demand survey every 3 years to ascertain any unmet demand. Members were asked to consider allowing a set number of Hackney Carriage license applications for zero emissions and/or wheelchair accessible vehicles.

Resolved;

- 1) Allow applications for a further 2 zero emission/wheelchair accessible Hackney Carriage Vehicles with the option for any further applications to be considered by Licensing Committee.

5.5 Emission Standards Proposed dates

On 30th January 2019 the Council had declared a climate emergency and made a commitment to work towards activities being carbon zero by 2030.

Proposed in the policy were the following lead times;

- From 1st January 2025 licensed vehicles must be Euro 6 compliant or zero emission.
- From 1st January 2030 licensed vehicles must be zero emission.

Resolved:

- 1) To maintain the lead times as currently stated in the draft policy.

5.13 CCTV Mandatory Standards

The DfT standards required Local Authorities to consult on whether CCTV would have a positive or negative impact on the safety of Private Hire/Hackney Carriage services and to consider mandating the requirement that all licensed vehicles have CCTV (including specification) by a certain date.

The Committee was advised that over the last 12 months, over 40% of the complaints/investigations could have benefitted from the presence of CCTV. However, Members were also advised a certain specification was required to make the CCTV systems fit for purpose, for example CCTV systems needed to work in poor light/ night conditions, cover all seated areas in the vehicle, create good quality imaging and store data for a sufficient level of time for its to be retrieved by the police or local authority.

The Committee considered the benefits of CCTV along with the cost to the trade.

Resolved:

- 1) No requirement for mandatory CCTV in private hire/hackney carriage vehicles. Issue to be kept under review and an annual review of licences and complaints to be presented to Licensing Committee.

5.15 Livery

It was reported that no proposals had been offered as part of the draft policy regarding a colour policy for private hire/hackney carriage vehicles. Members considered a requirement for standard roof-signs for hackney carriages and were presented with a prototype designed/custom made for Lancaster City Council hackney carriage vehicles to create uniformity.

It was proposed by Councillor Mel Guilding and seconded by Councillor Roger Dennison;

“That standardised roof-signage be made a requirement for all new/renewed hackney carriage licences”

There being no dissent to the recommendations, the Chair declared the proposals to be carried.

Resolved unanimously;

- 1) That standardised roof-signage be made a requirement for all new/renewed hackney carriage licences.

5.20 Hackney Carriage Fare Review

The Committee was advised that an annual report on a Hackney Carriage Fare Review be brought to Licensing Committee. The current approved method is to apply RPI, and then a common-sense approach to rounding-up which would ensure drivers were not required to carry small change.

Appendix O Hackney Carriage Stands

The Committee was advised that the Licensing Manager had engaged with Lancashire County Council regarding their ongoing project to review traffic flow etc in Lancaster. The intention was to also instigate conversations to review provisions in Morecambe and surrounding areas.

4.2.2/4.5 Driver Medicals

The Licensing Manager advised that the March 2021 Report stated that medical requirements for licensed drivers had been maintained in the draft policy as the DVLA group 2 medical standard. However, the draft policy was now completely aligned with the DVLA group 2 standard in terms of frequency of medicals as opposed to the medical standard to be achieved. In effect this meant younger drivers would need less frequent medicals. Public Safety was maintained by the requirement on all licensed drivers to notify the Council of changes in health, and the requirement to have additional medicals if considered necessary by the Council.

Resolved;

- 1) That the Policies medical requirements and frequency mirror those of the Group 2 DVLA Standards.

The Committee also discussed safeguarding of children, accessibility of taxi ranks and screens in taxi rank offices.

The Committee was advised that an amended, final draft of the Policy would be presented to Members for approval at the next Licensing Committee.

Chair

(The meeting ended at 2.35 p.m.)

**Any queries regarding these Minutes, please contact
Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk**