

# LICENSING REGULATORY COMMITTEE

## Review of Arrangements for Licensing Surgeries 26<sup>th</sup> November 2015

### Report of the Chief Executive

#### PURPOSE OF REPORT

To enable Members to review the arrangements for Licensing Surgeries.

**This report is public**

#### RECOMMENDATIONS

- (1) That the terms of reference of the surgery be clarified so that it provides an efficient and effective mechanism for individual hackney carriage and private hire licence holders to raise issues, which may then be referred for further consideration by officers, the Committee, or Cabinet, as appropriate.
- (2) That future surgeries be attended by the Chairman and the Vice Chairman, supported by officers.

#### 1.0 Introduction

- 1.1 The Licensing Surgeries were established in November 2014 to replace the former Taxi Forum. A copy of the report considered by the Committee on the 13<sup>th</sup> November 2014 is attached at Appendix 1.
- 1.2 The Committee resolved that "In place of the Taxi Forum, a Local Forum be established, held by the Chairman, supported by officers, and attended by any members of the Licensing Regulatory Committee who wish to attend, to enable individual members of the trade to raise issues of concern, on a confidential basis if they so wish, but with any significant issue raised at the Forum being the subject of a report by the Committee and, if appropriate, the subject of written consultation with all proprietors, with meetings alternating between Lancaster and Morecambe Town Halls", and "That the proposal be reviewed in June 2015."
- 1.3 Since November 2014, the Local Forum has been referred to as a "surgery", and three surgeries have been held, in December, March and September, two at Morecambe Town Hall and one at Lancaster Town Hall.
- 1.4 It did not seem appropriate to ask the Committee to review the arrangements immediately following the election in June. However, a review is now overdue.
- 1.5 The surgeries, like the Forum they replaced, were intended to cover issues relating to the taxi licensing functions of the Committee. They were designed

to encourage individuals, who perhaps would not feel comfortable speaking at a larger or more formal meeting, to put forward new issues for consideration. However, at the most recent surgery in particular, the issues raised were predominantly operational matters which are for officers to deal with, rather than licensing matters which would be for member consideration. As had happened at the Forum meetings, many of the issues raised were ones which had been raised and considered on previous occasions in the past.

- 1.6 The intended purpose of the surgeries was to enable informal discussion between the trade and members, and specifically the Chairman. Operational matters can and should be raised by the trade with the Licensing Manager on a day to day basis, and if an issue remains outstanding, it should be referred to the Chief Officer (Governance). It is not the Committee's or indeed the surgery's role, to deal with such issues. Experience has shown that the current operation of the surgeries tends to blur the boundaries between officer and member responsibilities, and on occasions issues have been raised even though officers have already advised that member consideration is not appropriate as the issue is operational.
- 1.7 The fact that some, but not all, members of the Committee (and on occasions some substitutes) attend the surgeries means that any views expressed by members at the surgery may be taken by the trade to be the views of the whole Committee, whereas that may not be the case. There is thus a blurring between the views of individual members and the Committee as a whole. Any views expressed by members at a surgery can only be informal, being based solely on what is presented at the surgery, rather than on a detailed report.
- 1.8 Officers recommend therefore, that in reviewing any future arrangements, consideration should be given to the terms of reference of the surgery and which members should attend.

## **2.0 Proposal Details**

- 2.1 It is recommended that the remit of the surgery should be to consider general, policy issues relating to the licensing of hackney carriage and private hire vehicles. It should be made clear that it is not within the remit of the surgery to consider individual cases or operational matters, and that any issues raised will be referred to officers, the Committee or Cabinet as appropriate.
- 2.2 It is suggested that the surgery would be more focused and effective if it were to be held by the Chairman alone, or by the Chairman and the Vice-Chairman with officer support. This would make a clear distinction between the surgery and the formal Committee. Once an issue were raised at the surgery, the Chairman could then, if appropriate, request officers to prepare a report for the Committee, provided that the issue was properly a matter for consideration by the Committee. This would ensure that all the relevant information could be provided to enable the Committee to consider the matter and make any necessary decision.
- 2.3 In terms of officer support in future, each surgery will be supported by one or two Chief Officers of the Council, and licensing officers will not be in attendance. This will emphasise that it is not the role of the surgery to consider operational matters or to provide immediate explanations or responses, but rather to ensure that issues raised are followed up and referred to the appropriate decision-maker.
- 2.4 The advice of officers is that, with the above changes, the role of the surgeries would be clearer, and their operation more effective. Members might also wish to consider whether an appointment system for each surgery should be introduced, with a maximum of two individuals attending each

appointment.

### **3.0 Options and Options Analysis (including risk assessment)**

3.1 The Committee is asked to review the surgery arrangements. Officers are of the view that the surgery in its current format is not the most efficient and effective means of operation, and would recommend the changes as set out above.

### **4.0 Conclusion**

4.1 The Committee is asked to review the arrangements for future surgeries.

<b>CONCLUSION OF IMPACT ASSESSMENT</b> <b>(including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>
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None directly arising from this report.

<b>LEGAL IMPLICATIONS</b>
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None directly arising from this report.

<b>FINANCIAL IMPLICATIONS</b>
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None directly arising from this report

<b>OTHER RESOURCE IMPLICATIONS</b>
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**Human Resources:**

None

**Information Services:**

None

**Property:**

None

**Open Spaces:**

None

<b>SECTION 151 OFFICER'S COMMENTS</b>
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The Section 151 officer has been consulted and has no further comments.

<b>MONITORING OFFICER'S COMMENTS</b>
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The Monitoring Officer has assisted with the preparation of the report in her capacity as Chief Officer (Governance).

<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Mrs S Taylor <b>Telephone:</b> 01524 582025 <b>E-mail:</b> STaylor@lancaster.gov.uk <b>Ref:</b>
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None