

Licensing and Safety Committee

Wednesday, 2 April 2008

Present: Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, Terry Brown, David Dickinson, Pat Haughton, Margaret Iddon, Hasina Khan, Margaret Lees, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh

08.LS.25 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Magda Cullens and Mrs Doreen Dickinson

08.LS.26 DECLARATIONS OF ANY INTERESTS

In accordance with the provision of the Local Government Act 2000, the Councils Constitution and the members Code of Conduct Councillor Pat Haughton declared a personal interest in relation to item 12 on the agenda.

08.LS.27 MINUTES

RESOLVED - That the Minutes of the meeting of the Licensing and Safety Committee held on 27 February 2008 be confirmed as a correct record and signed by the Chair.

08.LS.28 REVIEW OF THE LICENSING COMMITTEE STRUCTURE

The Committee received a report of the Corporate Director of Governance on proposals to simplify the Licensing Committee structure by combining the current Statutory Licensing and Licensing Safety Committee, including taking on the determination of Alcohol Designation Orders. It was also proposed that the process of hearing and reviews, including hackney carriage/private hire licensing application/reviews be dealt with by Licensing Sub-Committees made up of three Councillors.

The overarching Licensing Committee would be named the Licensing and Public Safety Committee to reflect its proactive role in public safety matters with membership to remain at 17 Councillors.

RESOLVED – That the proposals be forwarded to the full Council meeting on 22 April 2008 with an amendment that the Licensing Sub-Committee consist of five Councillors for consideration of hackney carriage and private hire licenses.

08.LS.29 REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES

The Corporate Director of Governance submitted a report advising Members of the Government's request for local authorities to review quantity control policies.

The report indicated that the Government had requested local authorities to establish whether there was any current demand for taxi services in their area and that consideration be given to an unmet demand survey. Should a survey not be commissioned the Council would be exposed to a possible legal challenge in maintaining a limited Hackney Carriage fleet.

The last survey was carried out in 2005 resulting in a further 7 Hackney Carriages being required to meet the identified significant unmet demand, on top of the existing provision of 30 vehicles.

The Government's view of the outcome of the review would either be:

- i) to remove restrictions and grant licences to anyone meeting the application criteria.
- ii) to continue restricting the number of licences issued. In this instance three scenarios would appear to be possible outcomes.
 - maintaining the current limit of taxi licences.
 - granting a number of new licences to meet any identified unmet demand.
 - granting a specific number of licences each year.

The report indicated that the local licensing forum had discussed the issue and the trade was of the view that there was no significant unmet demand for additional hackney carriage vehicle licences. The Hackney Carriage proprietors had all been written to to establish the need for a further survey or not, 34 had responded indicating they agree to a further survey and would be willing to contribute on an equal basis to the cost incurred for the survey. 3 proprietors had not responded and 1 proprietor who had the benefit of 2 hackney carriage vehicle licences was not contactable as he was out of the country.

RESOLVED -

- 1) **That the commissioning of a survey as outlined in the submitted report be approved.**
- 2) **That the Corporate Director of Governance be authorised to proceed with a tender for the independent survey.**
- 3) **That a report be submitted to a future meeting of the Committee on how the survey will be conducted.**
- 4) **That the results of the survey be reported back to this Committee.**

08.LS.30 REVIEW OF GUIDELINES ON THE RELEVANCE OF CONVICTIONS AND POLICE CAUTIONS FOR USE IN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGES AND PRIVATE HIRE DRIVERS LICENCES

The Committee received a report of the Corporate Director of Governance requesting approval to consult on a draft Statement of Policy and revised guidelines on the relevance of convictions and Police cautions for use in determining applications for Hackney Carriage and Private Hire Drivers' Licence.

RESOLVED – That the draft policy and revised guidelines as set out in the attached appendix to the report be approved and that as part of the consultation, the section regarding 'Dishonesty' relating to the concealment of convictions be strengthened and be considered a serious matter.

08.LS.31 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 DISPLAY OF SIGNS ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES AND REVIEW OF STYLE AND FORMAT OF LICENCE PLATES

The Committee received a report of the Corporate Director of Governance on proposals to amend the current conditions attached to hackney carriage and private hire vehicle licences in relation to the display of identification signage and the style and format of license plate.

The proposals would raise the confidence of the customer who use Hackney Carriages and Private Hire Vehicles with Chorley Borough in respect that the vehicle was a bona fide licensed vehicle by this authority. The proposed livery would aid in

the instant recognition of legitimate licensed vehicles by taxi users and contribute to the health and safety of such customers. The provision of date expiry licence plates would ease the enforcement burden of the Councils Licensing and Enforcement officers and allow transparency to other enforcement and partner agencies to the legitimacy of the licence of that vehicle.

RESOLVED –

- 1) **That the Council's signage for hackney carriage and private hire vehicles should be compulsory.**
- 2) **That the Council's signage should be displayed on both front doors of the vehicle.**
- 3) **That the Council's internal disc should be attached to the inside of the front windscreen outside the swept area of the glass or to be fixed in a vertical position on the dash board as not to obstruct the drivers view.**
- 4) **That the sample signs circulated at the meeting should be the adopted signs, in terms of shape, size, colour and content and the supply to hackney carriage and private hire proprietors from the Council's licensing office as detailed in the report.**
- 5) **That in addition to the above, hackney carriage and private hire proprietors may display other signs on their vehicles acquired from a supplier of their own choice, advertising the name and telephone number of their business. Where applicable, such signs to comply with the specifications contained within this report.**
- 6) **That the council's sampled licence plates circulated at the meeting should be compulsory.**

08.LS.32 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 09 FEBRUARY - 14 MARCH 2008

The Committee received a report of the Corporate Director of Governance on the various licenses and permits used, registration effected and enforcement activity by the Licensing Section between 9 February 2008 and 14 March 2008.

RESOLVED – That the report be noted.

08.LS.33 ALLOCATION OF HACKNEY CARRIAGE PLATE

The Committee received a report of the Corporate Director of Governance requesting Members to approve a method to issue one Hackney Carriage Licence.

The report indicated that at present the Council restricted the number of Hackney Carriage Vehicle Licences. One of the Hackney Carriage vehicle licences had been returned to the Council as the proprietor had failed to renew the licence within the prescribed period. Members were requested to consider whether to reallocate the Hackney Carriage vehicle licence that would best serve the Hackney Carriage trade and the taxi travelling public.

Members were informed that a letter had been received from the proprietor putting forward an explanation as to the failure to renew the licence and giving support to their account of the situation. Officers needed to check the records to collaborate the facts.

RESOLVED - That the decision of the Committee be deferred and that the outcome and decision be made under the delegated powers of the Corporate Director of Governance in consultation with the Chairman and Vice-Chairman of the Committee.

08.LS.34 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

08.LS.35 PRIVATE HIRE DRIVER SUSPENSION ON THE GROUNDS OF PUBLIC SAFETY

The Committee received a report of the Corporate Director of Governance bringing Members attention to the inappropriate conduct of a licensed private hire driver following a number of complaints and an investigation which had taken place into the driver's conduct. The investigation had led to evidence which was contained in the submitted report which also contained two written witness statements by two complainants.

The driver attended the meeting to make representations and answer questions from Members of the Committee.

RESOLVED – That having regard to the witness statements of X and Y together with the full and frank admissions from the licensed driver, the Committee determined that given the unsolicited grossly inappropriate material of an explicit sexual nature being displayed in the vehicle, that the licensed driver was not a fit and proper person to hold a private hire driver's licence and a private hire vehicle licence.

(Councillor Pat Haughton had declared a personal interest in the above item and left the room prior to consideration and voting).

08.LS.36 PRIVATE HIRE OPERATOR/PRIVATE HIRE VEHICLE LICENCE HOLDER AND PRIVATE HIRE DRIVER LICENCE - FAILURE TO NOTIFY OF CONVICTION

The Committee received a report of the Corporate Director of Governance bringing Members attention to a relevant conviction of a driver for operating a private hire vehicle for hire or reward in a controlled district without an operator's licence.

The report indicated that the licensed driver had informed the Council's Licensing Section by e-mail on 25 January 2008 that he had been convicted by Ashton under Lyme Magistrates Court on 9 August 2006 for an offence of operating a private hire vehicle on 25 November 2005 in a controlled district, without having a current licence under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. This conviction was the result of a test purchase by Tameside Council Licensing Section.

The conditions attached to the issue of a private hire operator's licence, a private hire driver's licence and a private hire vehicle licence state that the Council shall be notified in writing of any conviction recorded against a private hire operator, a private hire driver's licence holder or the proprietor of a private hire vehicle within seven days of such conviction being imposed. It had taken the driver/operator approximately 18 months to report the offence to Chorley Council's Licensing Office.

The driver attended the meeting to make representations and answered questions from Members of the Committee.

RESOLVED – That having regard to the conviction on 9 August 2006 at Ashton under Lyme Magistrates Court and hearing the oral submissions from the licensed driver, the Committee decided that the driver had failed to report the conviction within the pre-requisite period and that he was not a fit and proper person to hold a private hire operator’s licence, a private hire driver’s licence and a private hire vehicle licence.

Chair