

Licensing and Public Safety Committee

Wednesday, 11 March 2009

Present: Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle, Keith Iddon, Hasina Khan, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape and Stella Walsh

09.LPS.01 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor John Walker.

09.LPS.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

09.LPS.03 MINUTES

The minutes of the meeting of the Licensing and Public Safety Committee held on 3 February 2009 were confirmed as a correct record and signed by the Chair.

09.LPS.04 PRESENTATION ON LICENSING BUSINESS IMPROVEMENTS

The Licensing Manager gave a presentation to the Committee on the achievements of the Licensing Section in the last year, and looked forward detailing the challenges ahead.

The next 12 months would see the Licensing Section, being integrated with the Neighbourhoods Department, more skills development for officers, co-ordinate major events through MALT, formulate a response to the Department of Transport consultation on disability access to taxis and the review of various policies. The Council has also volunteered to be one of a handful of Councils to pioneer LBRO/LACORS.

09.LPS.05 SUMMARY OF SUB COMMITTEE DECISIONS FOR 2008/2009

The Committee received a report from the Corporate Director of Governance on the various decisions taken by the Licensing Act 2003 Sub Committee and the General Licensing Sub Committee in 2008/2009.

The Chair advised the meeting that all future minutes of Sub Committee meetings will be brought before the Licensing and Public Safety Committee for them to be confirmed as a correct record and signed.

Resolved – 1) That the report be noted.

2) Future minutes to be submitted to the next meeting of the Licensing and Public Safety Committee to be agreed and signed by the Chair.

09.LPS.06 REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCE POLICY

The Committee received a report from the Corporate Director of Governance asking for members to review the Council's policy of maintaining a fixed number of hackney licensed vehicles and consider issues relating to the accessibility of the taxi fleet to customers with disabilities.

Transport Planning International (TPI) had been asked to conduct a survey in to the Hackney Carriage market in Chorley Borough, TPI representative Paul McKee presented the findings of the survey. Mr McKee advised members that since the completion of the survey, it had been announced the Department of Transport is expected to issue further guidance later in the year and that the recommendations in the survey may have been different if this guidance had been available in advance of the survey being conducted.

At the end of the presentation the Chair thanked Mr McKee on his presentation and opened discussion on the recommendations.

Resolved – 1) That the Committee delayed the decision for 6 months until the guidance has been issued by the Department of Transport.

2) That the Corporate Director of Governance refer the Unmet Demand Survey to the Overview and Scrutiny Committee for review.

09.LPS.07 SCHEME OF DELEGATION

The Committee received a report from the Corporate Director of Governance to agree changes to the Council's Scheme of Delegation in respect of Licensing matters upon the transfer of responsibilities for Licensing from the Corporate Governance Directorate to the Neighbourhoods Directorate and to review the arrangements for Sub Committee hearings.

In response to a member question the Corporate Director of Neighbourhoods advised that Licensing Section would change from its present format. Under new proposals it is proposed that the Enforcement Officers would be brought together and while specialising in their own areas of enforcement they would also have the opportunity to develop other skills in different areas of enforcement. The rest of the Licensing Section will join a wider team. It is envisaged that the changes will benefit customers, increase the skills of officers while bringing continuity to the service.

Last year the number of members sitting on the Sub Committee hearing Hackney Carriage and Private Hire applications was reduced to 5. Members have been pleased with this arrangement, and did not feel that any changes to membership of the panels would be beneficial at present.

Members raised concern that the Sub Committee's were starting at 10am when previously it had been agreed for the meetings to commence at 2pm. Only meetings, which were expected to be lengthy, would commence at 10am.

Resolved – 1) That the Corporate Director (Neighbourhoods) be given delegated powers to exercise the Licensing functions set out in the appendix of the report as from the date when the Licensing Section transfers to the Neighbourhoods Directorate.

That membership of Sub Committee's remained unchanged, and the time of the Sub Committee's would be reviewed.

09.LPS.08 ANNUAL REVIEW OF LICENCE FEES

The Committee was asked to consider a report from the Corporate Director of Governance that presented the results of the 28 days consultation period for the proposed licensing fees for 2009/2010.

At the Licensing and Public Safety Committee on 3 February 2009 members approved a report subject to the statutory 28 days consultation period where the proposed fees are advertised in the local press and at the Council offices. The Licensing Manager confirmed that the proposed fees appeared in the Public Notices section of Chorley Guardian on 3 February 2009 and that the fees have also been displayed at the reception area of the Town Hall and Civic Offices, Union Street for the required 28 consecutive days.

The Licensing Manager had not received any representations on the proposed review.

The Licensing Manager made a correction to the date in the title of the table on appendix 1 (page 62). The date should read 'Taxi Fees from 1 April 2009'. The Licensing Manager confirmed that it was only this report that had the incorrect date and that the correct date was on the documents that went for out for consultation.

RESOLVED – That the licensing fees and charges, as set out in the report, be approved for adoption and members instruct the Corporate Director of Governance to implement the recommendations with effect from 1 April 2009.

09.LPS.09 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

09.LPS.10 ALLOCATION OF A HACKNEY CARRIAGE LICENCE

The Committee was asked to consider the report submitted by the Corporate Director of Governance and approve the reissue of a Hackney Carriage licence.

Members were advised that a licence relating to a Hackney Carriage was due to expire. On the 27 February 2009 the Licensing Office received notice that the vehicle had been presented for testing at a Council approved taxi testing garage. The vehicle had failed the test and the garage had issued a VT30 refusal of an MOT certificate as the vehicle was so defective it would be dangerous to test. The Council has not had any other suitable vehicle presented for the purpose of licensing prior to the expiry of the Hackney Carriage vehicle licence and on the 28 February 2009 the licence expired.

Members were reminded that should a proprietor fail to renew the licence, the provision of that licence will be the responsibility of the Council to grant the licence to any person who can fulfil the required criteria. As the Council restrict the number of Hackney Carriage vehicle licences the licences do command an intrinsic value, which could be realised, should a proprietor wish to transfer the licence and vehicle.

It is therefore appropriate that special measures be taken when allocating a Hackney Carriage vehicle licence, in a fair and transparent way. Previously this has been by picking a name out of a tombola from those applicants who have met the required criteria. This caused some concern at the time, but the procedure, which the Government finds acceptable, is thought to be the most fair and transparent way of awarding the licence.

RESOLVED – The Committee, by a majority decision, agreed the administration process in issuing a new licence be delegated to the Licensing Manager, who will then arrange a tombola to be drawn at the next Licensing and Public Safety Committee on 10 June 2009.

Chair