

Licensing and Public Safety Committee

Wednesday, 9 March 2011

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Hasina Khan, Marion Lowe, Beverley Murray, Alan Platt, Debra Platt, Edward Smith, Ralph Snape and John Walker

Also in attendance: Simon Clark (Head of Health, Environment & Neighbourhoods), Zeynab Patel (Solicitor) and Cathryn Barrett (Democratic and Member Services Officer)

11.LPS.01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Anthony Gee, Councillor Laura Lennox, and Councillor Stella Walsh.

11.LPS.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

11.LPS.03 MPV VEHICLE CONDITION - TRANSITION DATE

The Committee received a report from the Director of People and Places which asked Members if they wanted to review the implementation date for existing fleet vehicles of the condition that all multi passenger type vehicles (MPV's) had to meet to comply with the MPV Vehicle Condition policy as approved by Committee on 20 October 2010.

The purpose of the policy was to ensure that additional seating provided in MPV's was suitable for passenger comfort and in particular allowed ease of access and exit from the vehicle when the rear seats were in use. At that time Members also determined that a transition date be set whereby all existing vehicles on fleet complied with the new condition, which was resolved as 1 June 2011.

Members of the Committee were invited to inspect the vehicles types in question and determine whether the transition date previously agreed should be retained.

Members of the Committee received both written and verbal representations from the taxi trade which claimed that the transition date was unfair and prejudiced the respective proprietors' ability to operate. It was understood that the implementation date affects only two vehicles in the fleet. Those vehicles would have to be removed from the taxi fleet on 1 June 2011, or have their vehicle licences amended to reduce the number of passengers licensed to be carried from six passengers to four passengers. Instead representatives of the taxi trade proposed that the two vehicles concerned be phased out at the end of the vehicles' lifespan, which was suggested would be in three years time, on the fourth anniversary of the private vehicle licence being issued; as the vehicles were already a year old.

It was proposed by Councillor Ralph Snape, seconded by Councillor David Dickinson and subsequently unanimously **RESOLVED – That the deadline of 1 June 2011 to comply with the new condition be removed for the two existing vehicles on fleet, but instead allow the vehicles to continue to be licensed to carry six people for a further three years. This would expire on the fourth anniversary of the original private hire vehicle licence being issued.**

11.LPS.04 MINUTES

RESOLVED – That the minutes of the Licensing and Public Safety Committee meeting held on 1 December 2010 by confirmed as a correct record and signed by the Chair.

11.LPS.05 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Sub-Committee meetings held on 5 January and 9 February 2011 be confirmed as correct records and signed by the Chair,

11.LPS.06 DRIVER TRAINING - WHEELCHAIR USERS

The Committee considered a report from the Director of People and Places bringing to Members attention representations received from the taxi trade concerning the introduction of training and testing requirements for new hackney carriage and private hire driver applications.

At the Licensing and Public Safety Committee on 15 September 2010, its Members approved a new set of conditions for hackney carriage and private hire driver licence applications which included a condition that all new applicants undergo the Driving Standards Agency (DSA) two part test which included a test relating to wheelchair users and safe wheelchair transit on hackney and private hire vehicles. The policy came in to force on 1 November 2010 and was due to be reviewed in September 2011. Since its introduction, the Council had received two applications for a driver's licence where the DSA test had been successfully completed as part of the application process.

Representations from the taxi trade asked that the review of the condition be brought forward from September 2011, as they claim the condition was unfair and imposed additional unnecessary burden on new driver licence applications. Particular concerns had been voiced by the taxi trade related to the location of the test centre being in Bury, which is the nearest centre capable of providing this service, and the need to provide a wheelchair accessible vehicle as part of the test. However, Members of the Committee were advised that the condition had received support from the Chorley and South Ribble Disability Forum.

The Head of Health, Environment and Neighbourhoods confirmed that new applicants did have to complete the second part of the DSA test in Bury at the moment but had been assured that from May 2011 drivers would be able to take the test in Chorley.

After extensive consideration, in which Members of the Committee discussed the benefits and disadvantages of the two DSA tests, including the fact that the condition related to new driver licence applications only, it was proposed by Councillor Terry Brown, seconded by Councillor Marion Lowe and subsequently **RESOLVED by a majority decision – That from Monday, 14 March 2011, the DSA testing process for new applicant changes to a two tier system in that all new applicants should successfully complete the first part of the DSA test, and those applicants who intend to drive wheelchair access vehicles should also successfully complete the second part of the test.**

At this point the Chair of the Committee reminded Members that the review of this condition had been brought forward from the September 2011 meeting, and that unless significant issues arose related to this condition which required further consideration, the matter would not be considered again under his Chairmanship.

11.LPS.07 DVLA V5 DOCUMENT REQUIREMENT

The Committee received a report from the Director of People and Places that brought Members' attention to concerns raised by the taxi trade regarding a long standing condition that insisted a vehicle's DVLA V5 (log book) document had to be presented at the time a vehicle was licensed as a hackney carriage or private hire vehicle as evidence of whom the registered keeper was, and the date the vehicle was first registered.

When a vehicle was purchased, and in particular a second hand vehicle, the V5 document has to be sent away by the vendor to the DVLA and the new owner was usually given a handwritten slip containing information which could be used to trace the document with the DVLA if necessary.

Members of the Committee received representations from the taxi trade that felt this condition was delaying their ability to operate a vehicle as quickly as they would like as it could take the DVLA up to three weeks before they would issue the V5 document, and that the handwritten slip should suffice as proof of ownership.

Members of the Committee considered the representations from the taxi trade and alternative documentation as proof of the registered keeper and although Members noted the concern of the taxi trade felt that the existing condition was reasonable. It was therefore proposed by Councillor Terry Brown, seconded by Councillor Marion Lowe and subsequently unanimously **RESOLVED – That the original condition be retained unchanged to ensure that there was a traceable and accurate document which identified the registered vehicle keeper in order that the vehicle licence applicant and vehicle keeper could be identified as one and the same person at the time of the vehicle licence application as well as confirmation of the date of first registration of the vehicle in the UK.**

11.LPS.08 ANNUAL REVIEW OF TAXI FEES AND CHARGES

The Committee received a report from the Director of People and Places which detailed the proposed licensing fees for 2011/2012. Members of the Committee were asked to receive responses to the proposed increase in fees and charges, following a 28 day consultation period, and delegate the consideration of any representations received and subsequent reporting to the Executive Member of Transformation by the Director of People and Places in consultation with the Chair of Licensing and Public Safety Committee.

It was proposed by Councillor John Walker, seconded by Councillor Debra Platt and subsequently **RESOLVED by a majority decision – That the report be noted, and to delegate the consideration of any representations received following a 28 day consultation period, and subsequent reporting to the Executive Member of Transformation to the Director of People and Places in consultation with the Chair of the Licensing and Public Safety Committee.**

11.LPS.09 LICENSING PERFORMANCE REPORT - QUARTER 3

Councillor Alan Platt and Councillor Debra Platt left the meeting at this point.

The Committee received a verbal update from the Head of Health, Environment and Neighbourhoods which detailed the performance of the Council's licensing functions during quarter three which included:

- 4 hackney carriage driver licence applications had been received
- 17 hackney carriage driver renewal applications had had been received
- 1 Operators Licence had changed

- 3 applications had been received for private hire drivers licences
- 6 alcohol licences had been issued
- 5 street collection applications had been received
- 5 door to door collection applications had been received.

RESOLVED – That the update was noted.

11.LPS.10 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 grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

11.LPS.11 UPDATE ON HACKNEY CARRIAGE DRIVER LICENCE SUSPENSION

The Head of Health, Environment and Neighbourhoods informed Members of the Committee that a driver whose private hire driver's licence had been suspended by the General Licensing Sub-Committee until his licence had expired managed to renew his licence by attending the Customer Services One Stop Shop.

The decision notice produced at the time the licence was suspended indicated that it was intention of Members of the Sub-Committee that only a future General Licensing Sub-Committee should consider a renewal application from this driver.

Following further investigation once the error had been identified, the matter itself was dealt with by the Director of People and Places in consultation with the Chair of the Licensing and Public Safety Committee. Members of the Committee were advised that since the incident, the Customer Services team have undergone further training and extra checking procedures were being introduced.

11.LPS.12 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

The Chair of the Licensing and Public Safety Committee thanked all Members of the Committee for their attendance and contributions throughout the year, and particularly thanked Councillor Pat Haughton, Councillor Laura Lennox and Councillor Edward Smith who were due to stand down from the Council at the Borough Election on 5 May 2011.

Chair