



MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Wednesday, 19 July 2017

MEMBERS PRESENT: Councillor Marion Lowe (Chair), Councillor Matthew Lynch (Vice-Chair) and Councillors Jean Cronshaw, Doreen Dickinson, Gordon France, Margaret France, Tom Gray, Mark Jarnell, Sheila Long, Adrian Lowe, Mick Muncaster, Kim Snape, Ralph Snape and John Walker

OFFICERS: Lesley Miller (Regulatory Services Manager), Alex Jackson (Legal Services Team Leader), Stefanie Leach (Trainee Solicitor) and Nina Neisser (Democratic and Member Services Officer)

17.LPS.76 Minutes of meeting Monday, 27 March 2017 of Licensing and Public Safety Committee

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 27 March 2017 be confirmed as a correct record for signature by the Chair.

17.LPS.77 Declarations of Any Interests

No declarations of any interests were received.

17.LPS.78 Minutes of the General Licensing Sub-Committees

RESOLVED – That the minutes of the General Licensing Sub Committees held on 27 March 2017, 24 May 2017 and 28 June 2017 be confirmed as a correct record.

17.LPS.79 Taxi Licence Fees and Charges - Review of Cost Apportionment

The Director of Early Intervention and Support submitted a report for the Licensing and Public Safety Committee to approve the advertisement of revised Fees and Charges for Taxi Licensing based on cost apportionment.

The current fees and charges were agreed by the Licensing and Public Safety Committee in July 2014 and following a consultation period came into force on 1 October 2014.

Chorley Council had a requirement to review the fees and charges on a regular basis to ensure that the costs of the service were reflected. The Council must ensure that legislative requirements were met with regard to the structure of the fees and that the

fees are not used to raise revenue and any surplus or deficit be carried forward on a 3 year cycle. Revised fees must be subject to an advertising period of a minimum of 28 days within the local press and consideration of any objections by members.

The Council's Financial Services department reviewed the fees and charges against the updated process maps and time allocations for each activity, which were appended to the report. Members were asked to note that the fees were based on time allocation; the addition of costs associated with the provision of the service was then averaged on the number of each licence issued.

Members noted that additional time allocations had been included for the provision of replacement documents, for Head of Service and/or Director involvement with a number of escalated cases and the costs of training included, which were absent in previous review in 2014. This was not additional work; it was part of the process and included in the review for completeness.

Attention was given to ensuring that that time allocations and associated costs were accurate and fully reflected the time spent on each of the individual taxi licences. The anomaly of the application for two badges compared to a single badge had been resolved. The process maps used to allocate time to each activity had been updated and reflected the additional time required to process a dual application in a clearer manner.

The costs of the unmet demand survey report produced by the contractor was known as £7040 excluding VAT, plus agreed Council Officer costs of £900.00, which would need to be evenly charged amongst the 36 Hackney Carriage Vehicle Licences at their next renewal following agreement of the Fees and Charges. This would equate to £220.55 one off additional cost to the licence renewal fee. This information would be communicated to the relevant proprietors as part of their renewal process.

Following queries, Members were reminded that consultation with the Trade was included in the recommendations and the Trade had to pay for any increase to these fees as part of the service from the Council. Members discussed the cost of complaints to the council and therefore stressed that they only be made when necessary.

After careful consideration it was proposed by Councillor Adrian Lowe, seconded by Councillor Matthew Lynch, and subsequently **RESOLVED**;

- 1. to approve the advertisement of revised Fees and Charges for Taxi Licensing based on the principle of cost apportionment.**
- 2. that the Regulatory Services Manager reports back to the next appropriate Licensing and Public Safety Committee where consideration to any objections to the fees would be required.**
- 3. that, where no objections were received, the new Fees and Charges would be implemented from 1 October 2017.**

17.LPS.80 The Allocation of a Hackney Carriage Vehicle Licence

The Director of Early Intervention and Support submitted a report for Members to consider the contents of the report and approve a method to issue one Hackney Carriage Vehicle (HCV) licence.

The Council currently restrict the number of HCV licenses to 36. There were at present 35 Hackney Carriage Vehicles licensed, following the revocation of one vehicle licence in January 2017. HCV licences were understood to command a significant intrinsic value and it was therefore appropriate that special measures be taken when allocating any available HCV licences in a fair and transparent way.

Members were asked to consider the method to re-allocate the HCV licence that would best serve the Hackney Carriage trade and the taxi travelling public. Members were advised that it would be appropriate to adopt those conditions and criteria that were broadly recommended to the Licensing and Public Safety Committee in 2008 and again in 2010 for the issue of a HCV licence.

The process involved contacting current holders of Chorley Private Hire and Hackney Carriage Driver Licences, proprietors of PHV's and operators of PHV's inviting them to apply to be considered to be entered into a tombola style draw for a HCV licence, (Members noted that the proposed process excluded any person from entering the application process who currently held or had transferred a Chorley Council HCV Proprietorship). The reasoning for this approach was to offer new opportunities to those who had otherwise been excluded from entering the trade and to not reward those who had chosen to leave the trade.

The Regulatory Services Manager made a verbal amendment to the Allocation of Hackney Carriage Licence Policy, with regards to item 3h on page 40 of the policy document. This was verbally updated to ensure that the applicant must be registered on the electoral register or pay business rates within the borough in order to fulfil the criteria.

The draw would be made at the next Licensing and Public Safety Committee meeting, where the successful applicant would be offered first refusal on the conditional grant of a Wheel Chair Accessible Vehicle (WAV) Hackney Carriage Vehicle licence. Two further draws would be made at the same time representing a second and third place, who would in turn be offered the same opportunity should the winning applicant be unable to fulfil the commitment to exercise the WAV HCV licence within 2 months of being notified of the award.

Members were satisfied that the proposed method was transparent and offered new opportunities to those who had otherwise been denied access to a HCV licence. This method also addressed the taxi travelling public interest concerns. The HCV licence would be designated an accessible vehicle and the proprietor of that vehicle could not transfer that HCV licence and vehicle for a period of 5 years from the date of first licensing.

After careful consideration it was **RESOLVED (unanimously);**

- 1. to approve the contents of the report and delegate the administrative process to the Director of Early Intervention and Support who would report back to the Chair of the Licensing and Public Safety Committee as necessary.**

17.LPS.81 Any urgent business previously agreed with the Chair

The Regulatory Services Manager and Head of Legal Services informed the Committee of recent changes regarding clarification of case law in light of the recent decision in Reigate and Banstead Borough Council v Pawlowski [2017]. The judge made clear that suspension was a sanction which was an alternative to revocation and not an interim step pending a further decision.

Members were reassured that adopting this would be abiding by case law and therefore put the Council at no more risk than at present. Once approved, it was agreed that a report would go to Council.

Following careful consideration it was proposed by Cllr Adrian Lowe, seconded by Cllr Matthew Lynch and subsequently **RESOLVED (unanimously) that;**

- 1. The section “Responsibility for Functions” in the Constitution be amended to grant delegated power to the Director of Early Intervention and Support in consultation with the Chair or Vice-Chair of the Licensing and Public Safety Committee to revoke a Hackney Carriage Driver Licence or Private Hire Driver Licence with or without immediate effect under Section 61 [2B] of the Local Government (Miscellaneous Provisions) Act 1976.**
- 2. In the exercise of the power described above the holder of the licence would be offered the opportunity of attending a hearing before the Director of Early Intervention and Support or such other officer duly authorised by that Director to make representations with consequential amendments to the consolidated policy on taxi licensing to reflect this.**
- 3. The Director of Early Intervention and Support would be authorised to amend the consolidated policy on taxi licensing to allow for the expeditious relicensing of a taxi driver whose licence was revoked who was subsequently found to be fit and proper, namely by the dispensation of any requirement for fees and checks including medical examinations which are considered unnecessary in the circumstances by Licensing Officers.**

In additional business, Cllr Ralph Snape thanked Cllr Tony Gee, former Vice-Chair of the Licensing and Public Safety Committee, for his services to the Council with regards to licensing.

Chair

Date