

Licensing and Public Safety Committee

Wednesday, 2 December 2009

Present: Councillor Keith Iddon (Chair), Councillors Magda Cullens, Doreen Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Thomas McGowan, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh

Also in attendance: Simon Clark (Environmental Health Manager), Paul Carter (Public Protection Co-ordinator), Zeynab Patel (Solicitor) and Cathryn Barrett (Democratic and Member Services Officer)

09.LPS.31 WELCOME

The Chair welcomed everyone present to the meeting.

09.LPS.32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Judith Boothman, Terry Brown, David Dickinson and Pat Haughton.

09.LPS.33 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted by the Sub-Committee Members on any item on the agenda.

09.LPS.34 MINUTES

That minutes of the meeting of the Licensing and Public Safety Committee held on 16 September 2009, be confirmed as a correct record and signed by the Chair.

09.LPS.35 MINUTES OF THE LICENSING SUB-COMMITTEES

The minutes of the Licensing Sub-Committees held on 17 September 2009, 30 September 2009, and 4 November 2009 were confirmed as correct records and signed by the Chair.

09.LPS.36 REVIEW OF TAXI LICENSING VEHICLE CONDITIONS

The Committee considered a report of the Corporate Director (Neighbourhoods) that sought Members approval to implement the proposals to amend the conditions applied to taxi vehicle licence applications and the subsequent licence conditions.

Following the last Committee, a Sub-Group of the Licensing Liaison Panel had been established, which included representatives of the Private Hire and Hackney Carriage Trade and officers from the Public Protection Team. The Sub-Group met on several occasions, and based on feedback received at the Sub-Group the following amendments to the taxi licensing vehicle conditions had been proposed:

- Streamline vehicle testing frequency (hackney carriage and private hire) – vehicle testing would take place every six months, irrespective of the age of the vehicle, and provided the vehicle could be repaired to a standard that met the vehicle test requirement, would not be precluded from operating as a licensed taxi.
- Vehicle testing format (hackney carriage and private hire) – withdrawal of the required third ‘Council Safety Test’ and instead rely on the MOT/VOSA test and the ‘Taxi Inspection and Safety Test’ to identify vehicles that were unsuitable or unsafe to operate as a taxi. Testing garages would be provided with detailed guidance to assist them in assessing the elements of the Taxi Inspection and Safety Test.
- Taxi Plate Requirement (hackney carriage and private hire) – one plate to be issued, for display, at the initial licensing period with a renewable internal taxi badge to be displayed with the date of expiry of the taxi licence. This plate would be attached to the vehicle until such time the licence was not renewed or surrendered. The business procedures within the Council would be used to monitor licences that had expired that had not been renewed or surrendered and the increased enforcement resources within the Public Protection Team would be used to investigate and seize plates not properly licensed.
- Luggage Capacity Requirement (private hire only) – remove the requirement that licensed vehicles must be capable to carry one suitcase for each passenger that the vehicle was licensed to carry, and replace it with the condition that requires operators to determine the luggage carrying capacity of the fare at the time of booking. The onus would be on the operator to inform the fare of any additional vehicles that would be required to accommodate luggage and ensure that all luggage was stowed internally in the vehicle in a manner that ensured the safety of passengers and other road users. No changes to luggage carrying capacity for hackney carriage vehicles were proposed.
- Tyre tread requirements (hackney carriage and private hire) – remove the requirement for a 3mm tread depth and rely on the national standard of 1.6mm over the central $\frac{3}{4}$ of the tread patterns. In addition the test requirements would be clarified to state that the spare tyre, where fitted must also comply too the same standard. Where a vehicle was not equipped with a spare tyre at the time of manufacture, the vehicle manufacturers’ recommended ‘run flat’ or ‘self inflatable’ tyres should be fitted on all wheels. The use and carrying of proprietary puncture repair kits would not be considered a suitable alternative.

Members of the Committee discussed the proposed changes. The majority of Members felt that the current system was over bureaucratic and burdensome on the trade, and accepted that the proposals would improve the current system.

Committee Members raised concern that a reduction in the current condition of a 3mm tyre tread, in support of the national standards 1.6mm could prove detrimental to the safety of the vehicles, especially with the reduction of compulsory testing that had been proposed. The Committee were advised that

some drivers did not comply with the current 3mm condition currently in place, and it was felt that reducing the tyre tread to the national standard would make little difference to compliance. Members were reassured however, that spot checks would still take place regularly and for those drivers who failed to comply with the conditions, enforcement action would be taken.

It was envisaged that the changes to the conditions would be brought in to force with effect from 2 January 2010.

The Environmental Manager clarified that it had been proposed to issue paper expiry discs only when the drivers' licence was renewed. In response to Councillor Platt's suggestion it was agreed that those drivers with a long expiry date would also be issued with paper expiry discs.

It was proposed by Councillor Debra Platt, seconded by Councillor Magda Cullens and was subsequently **RESOLVED (12:1) to approve the proposed amendments to the vehicle licensing conditions for taxis.**

09.LPS.37 REVIEW OF THE LICENSING LIAISON PANEL

The Committee considered a report from the Corporate Director (Neighbourhoods) which informed Members of the results of the review of the current licensing liaison arrangements.

At the last Committee, held on 16 September 2009, Members approved a review of the Licensing Liaison Panel.

After consultation with the Licensing Liaison Panel, held on 28 September 2009, and in consultation with the Chair and Vice Chair of Licensing and Public Safety Committee, the general view was that the existing arrangements should be retained with minor amendments and additions to the remit and make up of the panel. The outcome of the review and consultation resulted in the following proposed operation of the Licensing Liaison Panel in Chorley:

- the Panel would meet on a quarterly basis, and would discuss wider matters of interest in the licensed trade in its widest sense
- the Panel would consist of an open membership drawn from Council Members, licensed premises trade, taxi licensing trade, other licensing trades, Disability Forum, Council Enforcement officers, Police, Fire Services and other Council directorates
- the Panel would operate to a published constitution and code of conduct
- although the Panel would not have any decision making powers, it was envisaged that through open discussion and published minutes the Panel would endeavour to influence decisions taken by other organisations and bodies

It was proposed by Councillor Adrian Lowe, seconded by Councillor Marion Lowe and subsequently **RESOLVED (13:0) to accept the results of the Licensing Liaison Panel review and agreed the implementation of the proposed amendments, with the stipulation that the Chair and Vice Chair of the Licensing and Public Safety Committee would have respective roles on the Panel.**

09.LPS.38 LICENSING ENFORCEMENT ACTIVITY AND PERFORMANCE

Members of the Committee received a report from the Corporate Director (Neighbourhoods) informing members of the enforcement activity of the Public Protection Team in relation to licensing issues during Quarter 2 (July 2009 – September 2009).

Key issues in the report included:

- Taxi enforcement – 18 compliance checks on taxis resulting in the issue of 9 Defect Notices and 1 Suspension Notice – all notices were complied with in the specified time periods, resulting in no further action being necessary
- Enforcement activity – 35 visits to licensed premises checked for compliance with conditions and respond to complaints. In addition 12 joint visits with Trading Standards officers made to licensed premises for the purpose of test purchasing. 11 out of the 12 passed the purchase test. The licensed premises that failed the test was issued with a 'simple caution' by the police to the licence holder.

The Committee **RESOLVED that the report be noted.**

Chair