

# Licensing and Safety Committee

Wednesday, 11 January 2006

**Present:** Councillor R Snape (Chair), Councillor Miss I Iddon (Vice-Chair) and Councillors Bedford, Mrs D Dickinson, D Dickinson, A Gee, Gray, McGowan, Mrs I Smith, E Smith, Walker and Mrs S Walsh

## 06.LS.01 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Lees and Lennox.

## 06.LS.02 DECLARATIONS OF ANY INTERESTS

No declarations of Interest were declared.

## 06.LS.03 MINUTES

**RESOLVED – That the minutes of the meeting of the Licensing and Safety Committee held on 6 December 2005 be received as a correct record and signed by the Chairman.**

## 06.LS.04 LICENCE CONDITION RELATING TO INSURANCE OF LICENSED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

The Director of Legal Services submitted a report informing Members of a problem that has arisen regarding the insuring of licensed vehicles and sought approval of a new licence condition to address the problem.

It was a requirement that upon licensing a hackney carriage or private hire vehicle, a valid certificate of insurance must be produced. Often this was a cover note for a period of a month and it was becoming increasingly difficult to identify the proprietors who do not subsequently produce a full certificate of insurance. In addition one company was insuring some of its vehicles on a weekly basis which caused administrative and enforcement problems.

**RESOLVED – That the following licence condition be added to both hackney carriage and private hire vehicle licences:**

### **INSURANCE**

**Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires.**

**It is the responsibility of the licensee to ensure that a current insurance document is produced to the Licensing Section; failure to do so may result in the suspension of this licence.**

## 06.LS.05 LICENCE CONDITION RELATING TO COLOUR OF LICENSED VEHICLES

The Director of Legal Services submitted a report seeking approval to a change of licence condition relating to the colour of licensed vehicles.

Given that the Council had a “mixed fleet” of hackney carriages (London style taxis and other vehicles) the colour difference between hackney carriages and private hire vehicles was of great significance and it was therefore important to maintain distinction.

**RESOLVED – That the following changes be made to the hackney carriage proprietors licence and private hire vehicle licences, to be attached to the new grant of vehicle licence, the renewal of a vehicle and any transfers.**

**Hackney carriage condition 3. (g), ...The colour of the vehicle unless a purpose built hackney carriage shall be white.**

**The Authority will allow the current silver people carrier that is presently licensed as a Hackney Carriage to continue trading with this colour on the proviso that when the carriage is replaced it must conform to the new condition.**

**Private Hire Vehicle condition 4. (g), ...The colour of the vehicle shall not be white.**

#### **06.LS.06 AMENDMENTS TO DELEGATION SCHEME - SPENT CONVICTIONS**

The Director of Legal Services submitted a report to seek approval to amend the delegation powers of the Director of Legal Services under the Delegation Scheme regarding applications for private hire and hackney carriage vehicle licences where spent convictions exist.

The changes would allow officers to have delegated powers to issue private hire and hackney carriage drivers licences where convictions would ordinarily be “spent” under the Rehabilitation of Offenders Act 1974 unless the offence is of a serious nature.

**RESOLVED – 1. That approval is given to the policy on spent convictions and amendment to the delegated powers of the Director of Legal Services as set out in paragraphs 9 and 10 of the report.**

**2. That the Council’s Constitution is amended accordingly.**

#### **06.LS.07 OUSTANDING LICENCE APPLICATIONS THAT WERE RECEIVED PRIOR TO AMENDMENT TO DELEGATED SCHEME**

The Chair accepted as urgent, consideration of this item, not included on the agenda in order to consider three applications, received in November 2005 and the Committee needed to consider them before the next scheduled meeting on 8 March 2006.

With reference to the above minute relating to the amendment of the Delegation Scheme the Director of Legal Services sought approval to deal with these applications under the amended delegated powers.

**RESOLVED – That the three applications be dealt with under the amended Delegated Scheme with any doubt regarding the drink driving conviction to be brought to the attention of this Committee.**

#### **06.LS.08 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 as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.**

#### **06.LS.09 SUSPENSION OF PRIVATE HIRE DRIVER’S LICENSE - PRB**

The Director of Legal Services submitted a report bringing to the attention of Members the suspension of Private Hire Driver’s Licence Mr PRB under delegated powers.

The Committee were requested to consider the circumstances leading to the suspension of the licence and, in the light of the information available and any explanation given by Mr PRB, decide if any further action was necessary.

The report set out the background to the suspension. The driver attended the meeting to put forward representation in his defence and the Committee carefully considered the representations made.

**RESOLVED – That the licence be revoked on the basis that Mr PRB is not a fit and proper person to hold a drivers licence. The Committee were concerned that the allegations made against the driver related to an inappropriate attitude and behaviour and the Committee was not satisfied by the explanations given.**

**In considering the responsibility placed on this Committee to ensure that drivers licensed by it are competent and responsible, the Committee decided that in the circumstances the protection of the public outweighed the drivers right to drive licensed vehicles.**

Chair