

## LICENSING AND SAFETY COMMITTEE (SPECIAL MEETING)

29 April 2005

Present: Councillor R Snape (Chairman), Councillor Miss Iddon (Vice-Chair), Councillor Bedford, D Dickinson, Mrs D Dickinson, T Gray, Lennox, McGowan, Mrs I Smith, E Smith, Walker and Mrs Walsh.

Also present for Minute 05.LS.25 Councillor A Whittaker

### 05.LS.21 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors A Gee, Hoyle and M Lees.

### 05.LS.22 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS

The undermentioned Member declared a personal/prejudicial interest in relation to the report indicated below included on the meetings agenda for consideration.

Councillor R Snape - Item 4 Review of Hackney Carriage Vehicle Licensing Policy.

### 05.LS.23 MINUTES

**RESOLVED - That the minutes of the meeting of the Licensing and Safety Committee held on 9 March 2005 be received as a correct record subject to deletion of Resolution 2 in Minute 05.LS.15 and replacing it with the following:**

**“1)That the Director of Legal Services be given delegated authority in consultation with the Chair and Vice Chair to approve future applications where the applicant is not a registered charity and there are exceptional reasons why consent should be granted provided that applications may be referred to the Licensing and Safety Committee for determination if the Chair / Vice Chair has concerns as to whether exceptional reasons exist.**

**2) That the constitution be amended accordingly”**

**05.LS.24** (The Chair Councillor R Snape declared an interest in the following item and left the room during the discussion and voting and the Vice-Chair, Councillor Miss Iddon Chaired the Committee.

### REVIEW OF HACKNEY CARRIAGE VEHICLE LICENSING POLICY

Further to Minute 04.LS.82 the Director of Legal Services submitted a report on the review of the hackney carriage vehicle licence policy as the Department of Transport had requested all local authorities to review quantity control policies.

The report indicated that the Government had requested local authorities to establish whether there was any unmet demand for taxi services in their area and that consideration be given to an unmet demand survey, unless a recent survey had been carried out.

The Director of Legal Services reported that the Council has maintained a limit on the number of hackney carriage vehicle licences it will issue for many years. She reported that the last survey carried out in 2001 had recommended the issue of one additional hackney carriage vehicle licence to a specially adapted vehicle. Members followed the recommendation. However, as one licence had been revoked at that time, the practical effect was that the limit remained at 30 vehicles.

The Director of Legal Services reported that, Halcrow Group Limited had been commissioned to carry out a survey regarding unmet demand. She also reported upon other factors which could be considered relevant when considering the issue of hackney carriage vehicles, such as the value of licences, reduction in custom to existing customers, the availability of hackney carriage stands, vehicle standards, opportunities for others to enter the trade, illegal plying for hire and the benefit to the public with more vehicles being available. She also reported on the experiences of other licensing authorities in the area. She also summarised the conclusions of the Consultants and referred to survey, which was attached to the report.

The Director of Legal Services had concluded her report by setting out the options to members. These were to maintain the limit, to remove the limit entirely or to retain the limit at 37 with a controlled release of additional licences.

Members of the private hire and hackney carriage trade attended the meeting.

Dr S Pells from Halcrow Group Limited commissioned to carry out the survey, also attended the meeting and presented the final report to the Committee..

Dr Pells stated that the survey findings were that there had been identified evidence of significant unmet demand for hackney carriage vehicle licences in Chorley and the consultants recommended that an additional 7 licences be issued to meet this unmet demand. This was broken down as follows: 4 to eliminate identified patent demand and 3 to address latent (suppressed demand).

Dr Pells concluded that even at 37 the provision for hackney carriage vehicles remained relatively low and recommended a reassessment of the supply every two years.

The Consultants, had, separate from the issue of unmet demand, had also been asked to comment on the current provision regarding, disabled access vehicles. Dr Pells concluded that additional 47 accessible vehicles were required to eliminate the discrepancy between accessible and standard vehicles across the entire fleet.

Dr Pells also stated that there was demand for rank at the Chorley Interchange and railway station (albeit it should be noted that there was an existing rank at Chorley Interchange).

Members of the Committee and some members of the trade then asked questions of Dr Pells regarding the survey.

Mr J Hall, Regional Organiser, Transport and General Workers Union addressed the Committee on behalf of the 30 licensed hackney carriage proprietors. His written representations were circulated to the Committee. In summary, whilst he welcomed the survey report, he wished to draw attention to

the fact, that in the trade's view the survey failed to undertake or detail any monitoring of the taxi ranks within the Town Centre and that there was limited consultation with the trade other than the self- completion of a questionnaire. However, the trade accepted that the report addresses the requirement to undertake a review of the hackney carriage provision.

Mr Hall requested that the seven additional licences be phased in over three years, 3 to be of immediate effect. 2 within 12 months and 2 the second year. The trade also requested that the Council might wish to invite applications that would be subject, after compliance to be picked on the basis of a lottery and not first come first served. In this way a smooth introduction up to the next review would be facilitated.

Mr Hall proposed that the Council impose on any new licences criteria requiring that the vehicles be new black cabs (TX2) to ensure an increased availability of vehicles to be used by the public who have mobility problems. Though this should not be imposed in respect of current licences.

Mr Hall also stated that any review should not be undertaken prior to the expiry of three years due to the limited changes that have occurred in the previous three years in the Town Centre. The trade believed that 37 licensed vehicles would be sufficient for the future demands of the public. Mr Hall then made various references to Appendix 1 of the Department of Transport.

Finally, Mr Hall made representations that the revenue from any additional licences be used to off set the costs of the survey with the difference being costed against the annual licence as opposed to the total cost being borne by the current 30 Licence holders.

Mr B Crompton also made representations to the Committee concerning the rank at the Chorley Interchange and the regulations relating to wheelchair accessibility.

Mr Y I Illahi made representations to the Committee regarding rank provision at the train station and bus station.

After hearing all the representations made members indicated that they wished to obtain legal advice in the absence of members of the public.

**RESOLVED – In reaching its decision the Committee took account of the Government's view that quantity controls should be removed unless a case can be made that controls would benefit the consumer. The Committee also concur with the view that local authorities are best placed to determine local transport needs in the light of local circumstances.**

**The Committee took account of the survey report undertaken by Halcrow Group Limited regarding the provision of hackney carriage provision in the Borough. The Committee took cognisance of the fact that Halcrow Group Limited had found an unmet demand for hackney carriage vehicles in the Borough and recommended the issue of 7 additional hackney carriage vehicle licences (4 to meet the patent demand and 3 to meet the latent demand). The Committee noted the contents of the trade survey involved consultation with the trade, consumers and passengers, local interest groups and a wide range of stakeholders.**

The Committee also carefully the representations received from members of the trade.

The Committee also considered the results of the public attitude survey, which indicated that the majority of the public was satisfied with the quality and cleanliness of the vehicle and value for money. Importantly, the majority interviewed indicated that they did not encounter significant problems or delays when hiring a taxi. The Committee was also of the view that the fairly low level of responses from bodies invited to comment suggested that hackney carriage provision be regarded as relatively uncontroversial outside the industry. However, the Committee recognised that the general provision of night-time public transport could be improved. It was also noted that only a very small proportion of those who responded from both trades considered that there were currently few hackney carriages in Chorley. The Committee were of the view that to remove the limit could lead to congestion .

The Committee was also of the view that as the Borough was a mix of urban and rural landscapes, with each having different transport requirements. Hackney carriages and private hire were serving these markets, with the hackney carriage trade being focussed in the urbanised area particularly Chorley and Euxton and the private hire trade operating across the Borough. Therefore an increase of seven additional licences , each being to a wheelchair accessible vehicle would provide a good, value for money service to the public and also help address the deficiency found in the Halcrow Group Limiteds report.

The Committee after considering all relevant factors **RESOLVED** that in the light of the local circumstances quantity controls on hackney carriage vehicles be maintained. However, an additional 7 additional hackney carriage vehicle licences be issued subject to mandatory criteria relating to the vehicle and preferential criteria relating to the applicants/ proprietors.

The Committee further resolved that a report concerning the criteria to be imposed in respect of these additional licences be submitted to a future meeting of this Committee after consultation with the trade.

It was also resolved that the position is reviewed in three years in accordance with the Government's recommendations and that minutes of the Licensing Liaison Panel is submitted to this Committee in future. The Committee also resolved that the issue of rank provision be examined and a report submitted in due course.

(The Chair Councillor R Snape resumed the Chair for the remainder of the meeting)

#### **05.LS.25 PRIVATE HIRE OPERATORS - APPLICATION FOR SECOND OPERATING BASE**

The Committee received a report of the Director of Legal Services on an application by a licensed private hire operator to add a second operating base to his operator's base.

The report informed members that Mr Andrew Mason proprietor of Eccleston Village Cars had submitted an application to add a second operating base to his existing location at Grove Mill, Eccleston at his home address of 21 Gorsey

Lane, Mawdesley.

It had been stated by Mr Mason that he would only operate two private hire vehicles from 21 Gorsey Lane and would cause no more nuisance than any other family with two vehicles and based on this Mr Mason felt that planning permission would not be required.

The matter had been referred to the Committee for determination in view of the fact that Mr Mason had been unable to satisfy the Council's Licensing Section that the licence condition regarding planning permission had been adequately addressed.

The applicant attended the meeting to put forward representation in support of his application. The Committee received observations from two objectors to the application. Councillor Whittaker also addressed the Committee on behalf of residents.

At the conclusion of the evidence and discussions by all parties, the Committee assessed the application taking account of all the arguments and interests of both the parties.

The Committee was sympathetic to the concerns of the objectors should the application be granted. However, the Committee recognised that licensing and planning matters were separate and distinct matters and would not seek to secure objectives that are appropriate to be dealt with by planning legislation. The Committee also took note of the fact that the Head of Planning Services was not in a position to give a definitive response at this point in time.

The Committee, considered all the representations together with the Article 8 rights of both the applicant and the objectors and the proportionality principle and :

**RESOLVED - 1) That the application to add a second operating base at 21 Gorsey Lane, Mawdesley be granted subject to the standard conditions and the following additional conditions;**

- a) that only two private hire vehicles shall operate from the premises at any time**
- b) that there shall be no operation of private hire vehicles or provision made for bookings between the hours of midnight and 6 a.m. seven days a week.**

**05.LS.26 APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE - THE CROWN, CHAPEL STREET, CHORLEY**

The Director of Legal Services submitted a report requesting the Committee to determine an application for the renewal of a public entertainment licence in respect of The Crown, Chapel Street, Chorley.

The application was based on the same permitted hours of Monday to Saturday 11.00am until 11.00pm and Sundays 12 noon until 10.30pm but had been brought to Committee because the premises had been structurally altered and refurbished some time ago. Following an inspection, outstanding work had not been completed and to date there had been no response from the applicant.

The applicant attended and informed the Committee that following a delay, all the outstanding work had been completed. Re-inspection of the premises had

been carried out by Building Control and confirmation was waiting that the work carried out was satisfactory.

**RESOLVED - That the Public Entertainment Licence in respect of The Crown, Chapel Street, Chorley be renewed subject to confirmation from the Building Control Officer that there had been a satisfactory inspection.**

#### **05.LS.27 ANNUAL REVIEW OF LICENCE FEES**

The Director of Legal Services submitted a report on the annual review of fees and charges for various licences and permits under the remit of the Licensing and Safety Committee for 2005/06 financial year.

**RESOLVED - 1) That the fees and charges in respect of the undermentioned licences be increased as follows and the Director of Legal Services be authorised to undertake any necessary statutory procedure required to give effect to the changes.**

**2) That the below mentioned fees and charges in respect of Hackney Carriage and Private Hire be increased by approximately 2½ - 3% in line with inflation for the 2005/06 financial year.**

	<b>Current Fee</b>	<b>Recommended Fee from 16 June 2005</b>
Hackney Carriage Licence (12 months)	370	457 *
Hackney Carriage Licence (6 months)	195	200
Hackney Carriage Licence (4 months)	134	138
Private Hire Vehicle Licence (12 months)	180	185 **
Private Hire Vehicle Licence (6 months)	100	103
Private Hire Vehicle Licence (4 months)	68	70
Drivers Licence (Grant)	55	57
Drivers Licence (Renewal)	40	41
Private Hire Operators (12 months)		
1 vehicle	185	190
2 - 5 vehicles	220	225
6 - 10 vehicles	260	270
11 + vehicles	295	305

\* Reduced by £40 if wheelchair accessible

\*\* Reduced by £20 if wheelchair accessible

#### **05.LS.28 POLICY FOR CHECKING SUITABILITY OF OVERSEAS APPLICANT FOR HACKNEY/PRIVATE HIRE LICENCES**

The Director of Legal Services submitted a report introducing a policy to ensure that as far as reasonably practicable, that applicants for hackney carriage and private hire drivers licences who have recently moved to this Country do not have any convictions that would make them unsuitable for holding a licence.

**RESOLVED - That the following policy be introduced:**

- **If an applicant has resided in the United Kingdom for less than five years or has spent six continuous months or more overseas he must produce evidence of a criminal record check from the country or countries in which has previously resided. Where the evidence is not in English it must be translated into English by an accepted translation body.**

- **Information about how to obtain a translation may be obtained from the Licensing Section.**

#### **05.LS.29 LICENSING AND REGISTRATION**

The Committee received a report of the Director of Legal Services on the various licences and permits issued and the registrations effected by the Licensing Section since the last ordinary meeting.

**RESOLVED - That the report be noted.**

#### **05.LS.30 STREET COLLECTIONS - DIRECT DEBITS**

The Chairman accepted as urgent, consideration of this item, not included on the agenda in order for the Committee to consider the following resolution of the Council meeting held on 19 April 2005.

Minute 05.C.34 (b) refers. "That the Licensing and Safety Committee be requested to investigate the legal and licensing position with regard to the increasing number of representations of charitable organisations who are requesting members of the public in the Chorley Town Centre area to sign direct debit forms for charities.

The Director of Legal Services informed the Committee that the Police, Factories etc (Miscellaneous Provisions) Act 1916 defined street collections as "the collection of monies or the sale of articles for the benefit of charitable or other purposes. Therefore the collection of direct debit mandates would not come within this definition. She further advised that it would not come within the definition of street trading under the Local Government (Miscellaneous Provisions) Act 1982.

The Director of Legal Services also stated that other ways of trying to control the collection of direct debit mandates had been researched including the possibility of adopting a "touting" byelaw. However, the collection of direct debit mandates would not appear to come within the definition of touting either. The Office of the Deputy Prime Minister had been approached for their view on this matter and for an Informal view of whether a byelaw submitted under the standard scheme would be likely to receive approval.

The Director of Legal Services informed the Committee that a Charities Bill is currently before the House of Lords. This Bill provides for the regulation of public charitable collections (collections in a public place and door to door collections). The Bill currently contains a provision relating to the giving of money, the definition of which would include the collection of direct debit mandates. However, this Bill is still subject to amendments, which are yet to be debated and would have to receive Royal Assent before it became law.

**RESOLVED - That the report be noted and any progress on this matter be reported to the Committee**

Chairman