



MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Wednesday, 22 July 2015

MEMBERS PRESENT: Councillor Roy Lees (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Jean Cronshaw, Doreen Dickinson, Gordon France, Margaret France, Mark Jarnell, Hasina Khan, Margaret Lees, Matthew Lynch, Mick Muncaster, Steve Murfitt, Ralph Snape and John Walker

OFFICERS: Alex Jackson (Legal Services Team Leader), Lesley Miller (Regulatory Services Manager) and Dianne Scambler (Democratic and Member Services Officer)

APOLOGIES: Councillor Keith Iddon

OTHER MEMBERS: Jodi Fitzpatrick (Solicitor)

15.LPS.8 Declarations of Any Interests

There were no declarations of any interest.

15.LPS.9 Minutes

RESOLVED – That the minutes of the Licensing and Public Safety Committee meeting held on 12 March 2015 be confirmed as a correct record for signing by the Chair.

15.LPS.10 Approval of the minutes of the General Licensing Sub Committee's

RESOLVED – That the minutes of the General Licensing Sub Committee's held on 1 April and 27 May 2015 be confirmed as a correct record.

15.LPS.11 Approval of the minutes of the Licensing Act 2003 Sub Committee's

RESOLVED – That the minutes of the Licensing Act 2003 Sub Committee's held on 23 March and 11 June 2015 be held as a correct record.

15.LPS.12 Minutes of Licensing Liaison Panel

Councillor John Walker asked the Chair why the Executive Member for Public Protection had chaired the last meeting of the Licensing Liaison Panel as it was usual practice for the Chair and Vice Chair of Licensing to attend the meetings and undertake this role.

The Chair and Vice Chair of the Licensing and Public Safety Committee were both appointed at the Annual Council in May so any change would have to be agreed at Council.

RESOLVED – That Democratic Services look into why this change has been made.

15.LPS.13 Amendment to the Scheme of Delegation for Licensing

The Committee received a report that sought to review the scheme of delegation to allow the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle renewals or grant applications for new vehicle licences in consultation with the Chair and Vice Chair of Licensing and Public Safety Committee.

The current scheme of delegation was agreed in March 2009 and at present, the Director of Public Protection, Streetscene and Community does not have delegated authority to refuse the granting of either a new vehicle licence or the renewal of an existing vehicle licence. A recent case where a hackney carriage had been presented for renewal and found not to comply with the Council's Vehicle Conditions had highlighted a need for this to be amended.

It was not considered that such cases are best brought in front of members and that renewals if granted are turned around in a fairly short period of time. The above example is a decision that is primarily a technical one based on vehicle safety and passenger comfort and does not require discretion on the part of the members unlike when considering if a driver is a fit and proper person in light of previous convictions or behaviour. The deferment of any such decision until a Sub Committee can be arranged was not thought to be an efficient way of determining applications either for the trade or the Council.

The report also sought to amend the scheme of delegation to allow officers to revoke a Gambling Premises Licence and the cancellation of licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of the non-payment of an annual fee. This too would need a decision of the full Council in respect of an amendment to the Constitution.

Members noted that Section 193 of the Gambling Act 2005 limits any discretion or decision making for the Licensing Authority in its approach to administering the provision of the Act in this regard, save any administrative error associated with the non-payment of the fee. If the annual fee has not been paid then under the Gambling Act 2005 the licence must be revoked.

The amendment to the scheme of delegation would allow such matters to be dealt with expeditiously and will promote efficient use of both officer and member time.

RESOLVED

That the Licensing and Public Safety Committee recommends to full Council to authorise the Head of Governance and Property Services to amend the current scheme of delegation to allow the Director of Public Protection, Streetscene and Community to make the decision to refuse private hire and hackney carriage vehicle renewals and to refuse to grant applications for new licences in

consultation with the Chair/Vice Chair of Licensing and Public Safety Committee.

That the cut-off point for receipt of an application to renew a taxi vehicle licence will be at close of business before the licence expires.

That the Licensing and Public Safety Committee recommends to full Council to amend the Council's Scheme of Delegation to allow officers to revoke a Gambling Premises Licence and cancel licensed premises gaming machine permits issued under the Gambling Act 2005 in respect of the non-payment of an annual fee.

15.LPS.14 Review of the Councils Policy which limits the number of Hackney Carriage Vehicle Licences issued to 36

The Director of Public Protection, Streetscene and Community submitted a report advising Members of the Council's responsibility to review the quantity control policy that currently limits the number of Hackney Carriage Vehicle Licences that the authority issues.

The Council currently has a policy limiting the number of Hackney Carriage Vehicle licences it issues to 36, including provision for 9 wheelchair accessible vehicles.

The Council are not obliged to maintain a limited number of hackney carriage licences and may determine that the maintenance of the limit is not in the public interest in serving the transport needs of the borough and does not provide an adequate level of service for residents and visitors to the area.

However, where a limit exists and the Council wishes to maintain that limit, the Council has to be satisfied that there is no significant unmet demand.

Establishing unmet demand can be achieved by way of a survey of the hackney carriage provision within the borough of Chorley, examining by way of a series of observations of taxi rank activity and by issuing direct and in-direct questionnaires to interested parties including the general public. The Council may commission such a survey and recover the costs from the trade.

Should Members decide not to commission the unmet demand survey then the Council would over time lack recent data to justify not delimiting numbers. In this instance the Council would not be in a position to refuse the granting of an application for a hackney carriage vehicle licence without being exposed to possible legal challenge.

Members were informed that the Law Commission has recently conducted a wholesale review of taxi provision and surrounding legislation. Although it was anticipated that the recommendations would have found their way to statute by this time, this was not the case, and as yet, although considered that they would be implemented within this Parliamentary term, local authorities have not been advised on when these recommendations will become legislation.

The results and recommendations to Government have however now been made public and the document titled Taxi and Private Hire Services May 2014 was contained within the report for information. The Committee's attention was drawn to

those chapters which discussed and set out the proposals in relation to Local Authorities ability to limiting the numbers of Hackney Carriage Vehicle's and Accessibility for all. The Law Commission's report has been accepted by Government.

Should these provisions become legislation the Council would be obliged to review its policy in relation to limiting the number of HCV licences it will issue, having regard to a public interest only.

As the Law Commission's report was expected to be implemented within the forthcoming Parliamentary term, the Committee considered that it would be appropriate at this time to undertake a wider public interest test, to establish the extend of need across all genres of the community and the borough. As advised by officers, this may also include an unmet survey demand but would be dependent on cost.

It was proposed by Councillor Matthew Lynch, seconded by Councillor Gordon France and subsequently unanimously **RESOLVED that subject to reasonable costs within the allocated budget, to instruct officers to undertake a process of consultation to determine whether or not a decision to remove the Council's limit on the number of Hackney Carriage Vehicle licences it will issue is in the public interest. The consultation shall be so designed to examine the current arrangements and consider the removal of:**

- a) the numerical limit the Council currently imposes on the number of HCV licences it will issue; or
- b) removal of the numerical limit the Council currently imposes on the number of HCV licences it will issue, and only consider applications for the grant of a Hackney Carriage Vehicle Licence where the vehicle presented is able to meet the requirements of the Council's Conditions of Application for the Grant of a Wheelchair Accessible Vehicle Hackney Carriage Vehicle as detailed in the Councils condition of application, or
- c) to maintain the limited number of HCV licences it will issue.

If the cost of such a survey was higher than the allocated budget, the details would be brought back to the Licensing and Public Safety Committee for a decision.

The results of any consultation undertaken and any recommendations shall be brought back to the Licensing and Public Safety Committee for their consideration.

Chair

Date