

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: Monday 8th October 2007

**Present: Councillor Steen (in the Chair)
Councillors A Barnes, L Barnes, Cheetham, Dickinson,
Durkin, Eaton, Gill, Morris, Pilling, Sandiford, Unsworth**

**In Attendance: T Brzozowski, Licensing Manager
D Dobson, Senior Licensing Enforcement Officer
C Birtwistle, Principal Legal Officer
J Cook, Committee Officer
C Law, Committee Officer**

**Also Present: Councillor Farrington and 6 Members of the Taxi Trade
and Public**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Wilson.

2. DECLARATIONS OF INTEREST

Members of the Committee were asked to consider whether they had an interest in any matters to be discussed at the meeting, however no declarations of interest were made.

3. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 6th August 2007 be signed by the Chair as a correct record.

OPERATIONAL MATTERS

4. URGENT ITEM OF BUSINESS

There were no urgent items of business.

5. CHAIR'S UPDATE

Councillor Peter Gill

The Chair placed on record the Committee's gratitude to the late Councillor Peter Gill for his diligence and hard work during his time on the Licensing Committee.

Revised Tobacco Laws

The Chair highlighted new legislation in respect of the sale of tobacco being prohibited to persons under 18 years of age. Although this remained a matter for

Trading Standards, the Chair noted that premises owners brought before the Committee for this matter would be dealt with in a serious manner.

Introduction of Lobbying Register and Training Matters

The Chair noted that the Licensing Committee was a Regulatory Committee and as such a lobbying register had been introduced to bring it into line with other Regulatory Committees.

The Chair welcomed the new Members of the Committee and reminded all Members that if they had not participated in formal training then they would be unable to take any part in the debate and voting until such time as training had taken place.

Request for Items on the Agenda made by Trade Representatives

The Chair stated that a request had been made by a taxi trade representative for an item to be placed on the Committee Agenda to propose a change in procedure to raise the maximum age of mini buses coming onto the fleet from 6 to 8 years old, coming off at 10 years old. The Taxi Liaison Group in September 2007 resolved that the representative should return to the next meeting with evidence that this proposal would not compromise safety. This was not done and the item has not been placed on the agenda. The Chair stated that altering the age limits on vehicles was not something that should be done without a great deal of thought and discussion and that this did not meet the criteria for an urgent item. It had been agreed that between now and the next Licensing Committee a proposal would be drafted and piloted that would provide the taxi trade with a reasonable method of placing items onto the Agenda.

Lumb Scar Taxi Rank

The Chair circulated pictures of Lumb Scar Taxi Rank in Bacup and asked for Members approval to recommend to Lancashire County Council Highways that the entrance and exit to the taxi rank be reversed. Members discussed safety concerns for both the taxi trade and public with the current arrangements.

Resolved:

That the Chair and the Licensing Manager would write to Lancashire County Council Highways with a recommendation that the entrance and exit to the Lumb Scar Taxi Rank be reversed for safety reasons.

6. PROPOSAL TO INCREASE THE HACKNEY CARRIAGE TAXIMETER TARIFF AND SOILING CHARGE

The Committee considered the report of the Licensing Manager, presented by the Senior Licensing Enforcement Officer, which detailed the proposal received from the taxi trade to increase the current hackney carriage taximeter tariff to £2.50 for the first mile and the soiling charge to £50.

In addition the Senior Enforcement Officer drew Members attention to the current table of fares for hackney carriages and it was recommended that changes be made as follows:

- Under 'Extra Charges': For hiring between midnight and 06:00 and on Sundays and Statutory Holidays (except Christmas Eve, Christmas Day, New Year's Eve and New Year's Day): +50% of mileage charge.
- That 'and on Sundays' be removed from the current table of fares as it was not common practice within the taxi trade within Rossendale to increase fares on a Sunday.
- That the time stated for extra charges is changed to 'For hiring between 02:00 and 06:00'.

Discussion took place on the above proposals and it was noted that revision of the charges would encourage more vulnerable members of the public to use taxis to get home in the early hours. In addition the increase of the fare for the first mile would help to cover rising fuel costs.

In response to a query by a Member, the Chair noted that once a taxi was 'soiled' it must be cleaned immediately, and subsequently the taxi driver was required to pay whatever charge a valeting company imposed. The increase to £50 would more accurately reflect current costs.

Resolved:

1. That the Tariff 1 flag be increased to £2.50 for the first mile.
2. That the soiling charge be increased to £50.
3. That the extra charges within the 'Table of Fares' be revised as follows:
 - Extra Charges – For hiring between midnight and 06:00 and on Sundays and Statutory Holidays (except Christmas Eve, Christmas Day, New Year's Eve and New Year's Day): +50% of mileage charge (Tariff 2).
 - That 'and on Sundays' be removed from the current Table of Fares.
 - That the time stated for extra charges be changed to 'between 02:00 and 06:00am'.
4. That the above changes be implemented by 26th November 2007.

7. PROPOSAL TO ADOPT THE DVLA APPROVED GROUP 2 MEDICAL PROCEDURE IN RESPECT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

The Committee considered the report of the Licensing Manager, presented by the Senior Licensing Enforcement Officer, which outlined a proposal to introduce the DVLA approved Group 2 Medical Procedure. The Senior Enforcement Officer outlined the current procedure which was adopted in 1992 as a medical to be undertaken every 3 years at a cost to the applicant of between £90.00 and £160.00. It was noted that these costs were subject to the charges imposed by individual GPs and the Licensing Unit has no control over these fees.

The Senior Licensing Enforcement Officer outlined the proposed Group 2 Medical Procedure which would require one medical to be obtained upon application with no further medicals (dependent upon the individual driver's health) until the age of

45. After that age, medicals would be required every 5 years until the age of 65 when the medical would be annual. It was also proposed to introduce a Statutory Declaration which drivers would be required to sign in the presence of a solicitor annually. It was noted that drivers would be charged a nominal fee by solicitors at an approximate cost of between £4-£7. It was also noted that should Members resolve to adopt the Group 2 medical procedure, current drivers would be required to undertake the Group 2 medical upon renewal of their licence.

In response to a query by a Member, the Principal Legal Officer stated that it was not appropriate for the Council's Legal Officers to witness the Statutory Declaration.

Discussion took place on the current notification procedure and it was clarified that it was the driver and/or operator's responsibility to notify the Licensing Unit of any changes to a driver's health. In response to a query by a Member it was noted that due to patient confidentiality, medical practitioners could not be expected to inform the Licensing Unit of any medical matters. In response to the discussion, the Licensing Manager clarified the procedure undertaken by the Licensing Unit if they were notified of any changes to a driver's health by third parties - namely that the right to request a further medical at any time out of cycle. For example: If there is reason to believe there is a new medical condition, or a current medical condition has deteriorated.

Resolved:

1. That the DVLA Approved Group 2 Medical Procedure be adopted to establish the medical fitness of hackney carriage and private hire drivers.
2. That the procedure be implemented by 26th November 2007.

8. PROPOSAL TO INTRODUCE AN ANNUAL HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE AND STATUTORY DECLARATION

The Committee considered the report of the Licensing Manager, presented by the Senior Licensing Enforcement Officer, which outlined the proposal to change from a 3 year hackney carriage and private hire licence, to an annual licence with a Statutory Declaration. It was noted that this proposal was as a result of an audit of undisclosed convictions carried out by the Licensing Unit and the subsequent 'Convictions Amnesty'. Revised fees would be introduced as follows:

Year 1 (upon application) - £120 and thereafter renewal at £85 each year.

It was noted that the higher fee was justified by the fact that two appointments were necessary for the grant of a drivers licence – one to receive and verify the application for a criminal records bureau disclosure and the second for the full application. The Licensing Manager emphasised strongly that the Council were unable to make a profit from the taxi trade and that the increased fees would cover costs of processing applications only.

Notwithstanding the procedure for public speaking, the Chair allowed representatives of the taxi trade to speak on the matter. Concerns were raised in respect of additional costs and the Licensing Manager again emphasised that the revised fees would not result in profit to the Licensing Unit, and noted that they

were unable to fund 3 dedicated members of staff to concentrate solely on taxi trade matters as the Licensing Unit deals with many other licensing matters. In response to further questions by the taxi trade it was noted that specific financial details of staff salaries and other matters were confidential and would not be discussed. The Chair reminded the trade that they were being permitted to speak on the report only and not to question individual officers.

In response to queries by Members, it was noted that very few Councils had retained the 3-year licences and that annual licenses were standard nationally. Fees at other Councils were discussed, however the Licensing Manager reminded Members that Rossendale was a smaller Council and could not be compared with larger Councils such as Rochdale and Manchester.

Discussion took place on the current shortfall in funds as a result of the current fees and it was noted that the charge to Rossendale tax payers was estimated at £2.24 per person and it was noted that council tax payers in Rossendale should not be expected to subsidise the taxi trade.

The Chair moved the Officers' recommendations as outlined in the report.

Councillor Eaton moved an amended recommendation as follows:

Year 1 (upon application) - £60

Year 2 - £70

Year 3 - £85 and £85 thereafter subject to review, taking into account inflation, etc.

The amendment was seconded and voted upon. However the amendment failed.

The original recommendations were voted upon.

Resolved:

1. That an Annual Licence and application fee of £120 for new applications and £85 for renewals of applications be agreed subject to approval by the Cabinet.
2. That an Annual Statutory Declaration be introduced, subject to approval by the Cabinet.
3. That should a hackney carriage/private hire driver licence expire, it will be treated as a first application, subject to approval of the new procedure by the Cabinet.
4. That subject to approval by the Cabinet, the above resolutions be implemented by 26th November 2007.

9. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following item of business under Section 100(A)(4) of the Local Government Act 1972 since the following item

involves the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

10. APPLICATION FOR A HACKNEY CARRIAGE DRIVERS LICENCE – MR MH

The Committee considered the report of the Licensing Manager, presented by the Senior Licensing Enforcement Officer.

The applicant's representative presented the applicant's case to the Committee. It was noted that several mistakes had been made on the application form and the applicant's representative stated that this was a genuine error on the applicant's part.

The applicant, his representative and the Licensing Unit staff left the room.

Resolved:

The Committee resolved that the applicant was a fit and proper person and that the application for a Hackney Carriage Drivers Licence be granted.

The Chair asked the applicant to note that should he be required to fill in further paperwork for the Licensing Unit, that he seeks advice from Licensing Unit Staff who will assist him as required.

The meeting commenced at 6.30pm and closed at 8.35pm