

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 16th December 2008

**Present: Councillor Eaton (in the Chair)
Councillors Cheetham, Crawforth, Dickinson, Evans, Morris,
Neal, C Pilling, H Steen and Unsworth**

**In Attendance: Clare Birtwistle, Assistant Head of Legal Services
Tracy Brzozowski, Licensing Manager
Danny Dobson, Licensing Enforcement Officer
Emy Aceret, Committee Officer**

**Also Present: 17 Members of the Public
1 Member of the Press**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Wilson.

2. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 12th August 2008 be approved and signed by the Chair as a correct record.

3. URGENT ITEM OF BUSINESS

The Licensing Manager reported that a meeting with the Shah Jalal Mosque has alerted the Council to possible risks that may be detrimental to the currently established Mosque, surrounding businesses and the local community. It is imperative that the Licensing Committee make a determination which includes all the relevant and available information. The original report will be amended to include new information and the matter is likely to be determined at a future meeting of the Licensing Committee.

4. DECLARATIONS OF INTEREST

No declarations were made.

OPERATIONAL MATTERS

5. CHAIRMAN'S UPDATE

The Chairman reported briefly on the following:

- **Miscellaneous Costs**

The proposed review of 'miscellaneous costs' to the taxi trade was approved under the Constitution - General Day to Day Management of Services which states:

"To approve the level of any fees and charges for Council Services provided by his or her Service, subject to the approval of the Head of Financial Services, the Leader and the Leader of the Opposition"; (Part 3 under general delegations to officers).

- **An update on driver applications considered at previous meetings of the Committee**

6. REVIEW DECISION - HACKNEY CARRIAGE VEHICLE LICENCE CONDITION 5.10 AND PRIVATE HIRE VEHICLE CONDITION 4.10

The Licensing Manager presented the report detailing the circumstances surrounding the proposed review of some of the hackney carriage conditions.

The following issues were raised by the Taxi Trade representatives that were present at the meeting:

- The need to look at individual vehicles
- The number of taxi drivers and number of vehicles affected
- Public safety
- Workable solution i.e. grandfather rights to all vehicles currently licensed.

NB: The meeting was adjourned at 7.05pm to allow the Committee Members to inspect the vehicles in question. The meeting re-convened at 7.20pm.

Resolved:

That the review of the decision of the Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10 be deferred pending further investigation through the Taxi Liaison Group in January 2009.

7. DETERMINATION OF AN AGE RESTRICTION ON PURPOSE BUILT HACKNEY CARRIAGES

The Licensing Manager presented the report detailing the circumstances surrounding the proposed determination of an age restriction on purpose built Hackney carriages.

The following issues were raised by the Taxi Trade representatives that were present at the meeting:

- Emission tests
- Amount of corrosion

Resolved:

That the Committee, under the Section 47 and Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 amends the age criteria for purpose built

Hackney Carriage type vehicles licensed by Rossendale Borough Council in line with current age criteria for mini bus as follows:

The purpose built hackney carriage must be no more than 5 years and 364 days from the date of first registration on application to become licensed; thereafter, such vehicles may remain licensed until the age of 9 years and 364 days.

8. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involve the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

9. PROPOSED REVOCATION OF A HACKNEY CARRIAGE DRIVER'S LICENCE: KH

The Chairman welcomed the Applicant and his representative to the meeting.

The Licensing Manager presented the report detailing the circumstances surrounding the proposed revocation of the Hackney Carriage Drivers Licence.

The Applicant's representative presented information in support of the Applicant.

The Applicant, the Applicant's representative, the Licensing Enforcement Officer and the Licensing Manager left the room to enable the Committee to determine the application.

Resolved:

That the Licence not be revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee consider that the Applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.

10. NEW APPLICATION FOR HACKNEY CARRIAGE DRIVER'S LICENCE: AM

The Chairman welcomed the Applicant and his representatives to the meeting.

The Licensing Manager presented the report detailing the circumstances surrounding the new application for a Hackney Carriage Driver's Licence.

The Applicant's representative presented information in support of the application.

The Applicant, the applicant's representatives, the Licensing Enforcement Officer and the Licensing Manager left the room to enable the Committee to determine the application.

Resolved:

1. That the licence be refused under Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976. The Committee considered that the Applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

2. That the Applicant be notified in writing of the decision and his right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

The meeting commenced at 6.30pm and closed at 8.30pm

CHAIRMAN