

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 24<sup>th</sup> January 2011**

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

**In Attendance: Tracy Brzozowski, Public Protection Manager  
Danny Dobson, Temporary Public Protection Officer  
Sian Roxborough, Head of Legal and Democratic Services  
Michelle Hargreaves, Committee and Member Services  
Officer**

**Also Present: 99 Members of the Public**

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## **BUSINESS MATTERS**

### **1. APOLOGIES FOR ABSENCE**

Apologies were submitted on behalf of Councillor Neal.

### **2. MINUTES**

#### **Resolved:**

That the Minutes of the meeting of the Licensing Committee held on the 6<sup>th</sup> December 2010 be approved and signed by the Chair as a correct record.

A member raised an issue in relation to publishing councillor names when comments/recommendations are made. Head of Legal would clarify for the next meeting.

### **3. URGENT ITEM OF BUSINESS**

There were no urgent items of business.

### **4. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **5. 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.

## **6. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – AH**

The Chair welcomed the Applicant and the Applicants Representative to the meeting. The Committee Members and Officers introduced themselves to the Applicant.

The Public Protection Officer presented the report detailing the circumstances surrounding the proposed application of the Hackney Carriage Drivers Licence.

Reference was made in relation to the minor administrative error in the report.

The Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Public Protection Officer and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and Public Protection Unit Staff left the room to enable the Committee to determine the application.

### **Resolved:**

- That the licence be refused. The Committee consider that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- The applicant would be notified in writing of the decision and had a right of appeal to the magistrates' court which must be exercised within 21 days of service of the decision letter upon them.

### **Reason for Decision**

The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

## **7. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – SI**

The Chair welcomed the Applicant and the Applicants Representative to the meeting. The Committee Members and Officers introduced themselves to the Applicant.

The Public Protection Officer presented the report detailing the proposed revocation of a Hackney Carriage Drivers Licence.

Reference was made in relation to the minor administrative error in the report.

The Applicant and the Applicant's Representative spoke in favour of the case.

The Committee Members asked questions of the Public Protection Officer and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and Public Protection Unit Staff left the room to enable the Committee to determine the application.

**Resolved:**

- That the licence not be revoked. The Committee consider that the applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence.

**Reason for Decision**

- The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

**8. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – NR**

The Chair informed the Committee that the Applicant had not be attended the meeting.

The Public Protection Manager advised that the Applicant had been informed that the meeting could still go ahead whether the applicant was in attendance or not.

The Committee resolved that it was satisfied that the Applicant knew of the date and time of the Committee meeting and that the meeting should therefore go ahead in the absence of the Applicant.

The Public Protection Manager presented the report detailing the proposed revocation of a Hackney Carriage Drivers Licence.

The Committee Members asked questions of the Public Protection Manager and the Applicant's Representative for clarification purposes only.

The Public Protection Unit Staff left the room to enable the Committee to determine the application.

**Resolved:**

- That the licence be revoked. The Committee consider that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- The applicant would be notified in writing of the decision and has a right of appeal to the magistrates' court which must be exercised within 21 days of service of the decision letter upon them.

**Reason for Decision**

- The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them. .

## **OPERATIONAL MATTERS**

### **MEMBERS OF THE PUBLIC WERE NOW WELCOMED INTO THE CHAMBER FOR THE FOLLOWING PUBLIC ITEMS**

The Chair opened the second part of the meeting and asked the Committee Members and Officers to introduce themselves.

### **URGENT ITEMS OF BUSINESS**

It was confirmed there were no urgent items of business.

### **DECLARATIONS OF INTEREST**

There were no declarations of interest for the remaining items on the agenda.

### **CHAIRS UPDATE**

The Government is proposing to make an order under Section 172 of the Licensing Act 2003 to mark the wedding of Prince William and Kate Middleton on the 29<sup>th</sup> April, 2011. It is likely that pubs and other licensed premises will wish to open later over the long weekend of the Royal Wedding - Friday 29<sup>th</sup> April has been designated as a Bank Holiday.

The order will extend opening hours until 1am on Friday 29<sup>th</sup> and Saturday 30<sup>th</sup> April for the sale of alcohol and the provision of regulated entertainment.

## **9. TAXI LICENSING POLICY**

The Public Protection Manager outlined to the Committee that the Taxi Licensing Policy and the Taxi Enforcement Policy had already been considered by the Policy Overview & Scrutiny Committee who had recommended both policies be approved at full Council.

The Public Protection Manager presented the report to the Committee. The purpose of the report was to introduce a policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles for the Borough of Rossendale.

It was outlined that Rossendale Borough Council did not currently have a policy in place or any published procedures in relation to dealing with various aspects of vehicle, driver and operating licensing.

The Policy which is appended at Appendix A had been written using current conditions, byelaws and procedures already in force within Rossendale.

The Public Protection Manager highlighted that the proposed changes to the current conditions and procedures were appended at Appendix B.

In relation to the Rossendale Test, this was currently being conducted by officers of the Council, however, it has been proposed that garages which carry out MOT tests would now also conduct the Rossendale Test. This change would give better use of officer time.

A consultation process had been conducted for the Taxi Licensing Policy and comments received had been considered. One comment had been made from a member of public and a letter had been received from trade representatives.

Rossendale Taxi Association had submitted a written response to the proposals and the Public Protection Unit had submitted a response to the Taxi Association, both of these have been appended with the report.

The Public Protection Manager stated that consultation would take place in relation to the First Aid Kits; however the items below would be something that could be considered:

- Advice Leaflet
- 20 individually wrapped sterile dressings
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

Mr David Lawrie spoke on the item to represent the Taxi Trade and brought the Committees attention to the following:

- Amount of time given to represent
- Changes requested by trade
- Annual badges
- Annual renewal
- Driver and Vehicle renewals
- Appointments system
- External driving mirrors
- Age of vehicles
- Seating capacity in vehicles
- License fees
- Rossendale Test

Following this information the Committee clarified the following points with the Public Protection Manager:

- Costs in relation to cost for Rossendale Test
- Consultation regarding the policy
- Driving Licences

The committee recommended the following amendments to the report:

- That with regards to page 9 paragraph 2.10 of the Taxi Licensing Policy, the points would be increased from 6 to 9 before a driver would have to retake the DSA Test. If the driver accumulates 6 or more points in 1 year depending on the severity, the driver could be referred to committee.
- In relation to Convictions, the time limit in which a driver would have to disclose details of a conviction, police caution or fixed penalty notice would be increased from 7 to 14 days.

## **Resolved:**

That the Committee recommend to Council the adoption of the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test proposals including the amendments stated above.

## **10. TAXI ENFORCEMENT POLICY**

The Public Protection Officer presented the report to the committee; the purpose of the report was to agree an Enforcement Policy for Rossendale Borough Council in respect of hackney carriage and private hire drivers and proprietors and private hire operators.

It was highlighted that Rossendale Borough Council had no current written policy regarding the way it decides when to take enforcement action in respect of the hackney carriage and private hire trade. In addition, prosecution decisions and enforcement action should be proportionate, fair, open and effective. A written policy clarifies to customers exactly what they may expect if they breach legislation and enables a consistency of approach to be adopted.

Consultation had taken place and ran from Monday 20<sup>th</sup> September until Monday 1<sup>st</sup> November 2010 - no relevant responses had been received.

Mr Glenn Bulcock spoke on the item to represent the Taxi Trade and brought the Committees attention to the following:

- Dress Code
- Re-sitting DSA Test
- Length of time to pass DSA Test
- NVQ
- Vehicle defects
- Refusal to carry passengers – in relation to prosecution
- Complaints forms
- Clarification of the wording in relation to paragraph 4.0.

Following this information the Committee clarified the following points with the Public Protection Manager:

- Complaint Forms
- It was confirmed that the NVQ was not mandatory.
- Following consultation with officers, the Public Protection Manager stated that a summary of the amount of times a booking fee had been charged would be added to the quarterly enforcement report.

The committee recommended the following amendments to the policy:

- The removal of 'contraventions of the dress code' from paragraph 2.3.

- Rewording of paragraph 4.0 in relation to the Appointments System.

**Resolved:**

That the committee recommend to council the adoption of the Enforcement Policy including the amendments stated above.

**11. WHITWORTH TAXI STAND**

The Public Protection Manager outlined the purpose of the report which was to advise the Committee of a request for a hackney carriage stand in Thorneylea, Whitworth.

The taxi stands which were currently in the Borough were appended at Appendix A.

Consultations had taken place with the Taxi Liaison Group, Lancashire Constabulary, Lancashire County Council Engineering Service and Whitworth Town Council and no objections had been received.

The Public Protection Manager confirmed in relation to the financial aspect, the money had been put aside in last year's budget for the cost of the stand.

It was recommended that the operation hours of the stand would be Monday to Sunday, 24 hours.

Mr Glenn Bulcock spoke in support of the application and made reference to the following:

- Byelaws
- Possibility of more taxi ranks in the future.

Following the information given, the committee discussed the following:

- Number of taxis permitted on stand
- Over spill issues
- Location

**Resolved:**

That the Committee approved the recommendations highlighted in the report regarding the appointment of the Whitworth Taxi Stand.

**The meeting commenced at 5.00pm and closed at 8.30pm**

CHAIRMAN \_\_\_\_\_