

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 28<sup>th</sup> February 2012**

**Present: Councillor Gill (in the Chair)  
Councillors Cheetham, Crawforth, Driver (Sub for Steen),  
Eaton, Evans, Farrington, Morris, Neal, Oakes and Wilkinson.**

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

**Also Present: 50 Members of the Public**

---

---

## **BUSINESS MATTERS**

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

Apologies were submitted on behalf of Councillor Steen (Driver sub).

### **2. MINUTES**

#### **Resolved:**

That the Minutes of the meeting of the Licensing Committee held on the 30<sup>th</sup> August 2011 be approved and signed by the Chair as a correct record.

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

There were no urgent items of business.

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

Declarations of interest were made on behalf of Councillors Cheetham and Crawforth regarding Rossendale Transport.

### **5. CHAIRS UPDATE**

The Chair clarified to the Committee regarding the background of the Public Protection Unit. The Public Protection Manager now had responsibility for planning enforcement and licensing including licensing enforcement. From the 1<sup>st</sup> July 2011 the Benefit Investigation Unit was transferred into the unit from Capita.

It was also noted that that the name of the Public Protection Unit would be reviewed at the 12 month anniversary of the newly formed unit. On the 1<sup>st</sup> December 2011 it was proposed that the Unit would become the 'Licensing and Enforcement Unit' or LEU from the 1<sup>st</sup> April 2012. The committee unanimously supported this proposal.

Members were advised that the Public Protection Unit was currently experiencing an increased workload due to cross border working following two high court cases.

In relation to CRB disclosures the government had received representations from a number of organisations concerning the appropriate level of criminal records checks for licensed taxi and public hire vehicle drivers following advice from the Criminal Records Bureau that the legal entitlement for many drivers was a standard check. The current practice at Rossendale and many of the neighboring Councils was to apply for an enhanced check, however following a decision at a Management meeting it was noted that Rossendale Council would now only be applying for standard checks.

The Legal Representative clarified issues raised by the committee.

It was noted that the Chair would speak to the Monitoring Officer to discuss information in relation to CRB further.

It was noted that the work at Lumb Scarr had now been completed.

**NB. It was agreed that Items C1-C3 would be taken after the Business Matters.**

## **6. ENFORCEMENT REPORT Q2 AND Q3**

The Public Protection Officer outlined the purpose of the report which was to present to the Committee a summary of the enforcement action taken by the Public Protection Unit between 1<sup>st</sup> July and the 31<sup>st</sup> December 2011.

The Public Protection Officer outlined the matters which the PPU deal with, some of which were highlighted within the report.

There had been a number of joint operations conducted with the Police, Trading Standards and VOSA to address underage sales of alcohol and taxi enforcement. Taxi enforcement checks had been mixed, 7 vehicles had been checked, 6 of them were given immediate prohibitions for mechanical defects, mainly tyres and lights.

It was noted a Task and Coordinating Group had been implemented with the Police to formalise and document the identification and action taken against licensed premises.

The Public Protection Officer outlined the appendices which were attached along with the report.

The Public Protection Officer recommended that the report be noted.

Mr Lawrie spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Multi-Agency exercises to Rossendale Schools, how vehicle problems are followed up

- Temporary event notices
- Number of mechanical and tyre/light failures
- Number of checks done at schools in Rossendale
- Format of members of public responding to reports
- Reports in clearer format
- Positive report

The Public Protection Manager confirmed that contact would be made to LCC in order to attempt to retrieve figures in relation to the multi-agency exercises.

**Resolved:**

That the Public Protection Unit Enforcement Report Q2 and Q3 be noted.

**7. TO CONSIDER THE INTRODUCTION OF A THREE YEAR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE**

The Public Protection Manager outlined the recommendation to the committee which was the duration of hackney carriage and private hire driver's licences remain at 12 months. If elected members sought to explore the issue of such licences for 3 years, a community impact assessment should be carried out and the matter brought back to licensing committee for further consideration.

The Public Protection Manager stated that the Rossendale Taxi Association had requested elected members to consider hackney and private hire driver's licences be issued for a 3 year period instead of the current one year.

An extraordinary meeting of the Council had taken place in 2008 changing the licence issue period from 3 years to 12 months. Reasons for this decision were due to random checks of 25 DVLA records which had shown that 7 drivers had convictions within the previous 3 years. A convictions amnesty had been conducted at the same time and was appended at appendix A.

The current requirements for the renewal of a driver's licence were outlined to the committee. It was noted that the system was not completely fool proof as the applicant could potentially lie on the statutory declarations.

The best practice guidelines were re-published by the Department of Transport in February 2010, further information was highlighted in the report.

The Public Protection Manager clarified the length of officer time used when renewing a drivers licence. It was noted there would be a reduction in officer time if issuing licences was amended to 3 years.

Over the past 2 years, 9 drivers had appeared before the Licensing Committee for failing to declare convictions.

Mr Lawrie and Mr Bulcock both spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Amendment to state 'they' not 'him' in the reports

- Need to look at safeguarding
- Statutory declaration to be produced every 12 months
- Option of 12 month and 3 year licences

**Resolved:**

That the duration of hackney carriage and private hire driver's licences remain at 12 months. With the amended request to explore the issue of such licences for 2 and 3 years. A community impact assessment would be carried out and the matter brought back to the Licensing Committee for further consideration.

**8. TO CONSIDER THE REMOVAL OF AGE RESTRICTIONS ON LICENSED VEHICLES**

The Public Protection Officer outlined the recommendation to the committee which was the age restriction on vehicles which were licenced for use as Hackney Carriages and Private Hire remain unchanged. If elected members sought to explore the option of removing the age restriction, a community impact assessment should be carried out and the matter bought back to licensing committee for further consideration.

The Public Protection Officer highlighted to the committee that the Local Government (Miscellaneous Provisions) Act 1976 stated that the Local Authority had a responsibility to licence hackney carriages and private hire vehicles, both Section 47 and Section 48 were outlined to the members in the report.

It was stated that best practice suggested no age limit on vehicles and Rossendale Borough Council Policy stated that all hackney carriages and private hire vehicles were to undertake and pass two MOT tests and 2 Rossendale Borough Council Taxi Tests annually.

The Public Protection Officer confirmed that RBC did not have its own qualified vehicle inspectors and all testing of hackney carriage and private hire vehicles were designated to 3 garages, which would notify the Public Protection Unit of any MOT failures.

Joint operations had been undertaken throughout the year. A recent operation had stopped 7 vehicles which were examined by VOSA, six of these had failed their examination, a large percentage, as a result of defective tyres.

Appended at appendix B was information regarding what neighbouring councils had in place in relation to age restrictions on vehicles.

Mr Lawrie and Mr Bulcock spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Failures more tyre based than mechanical
- Importance of any defect found
- Lack of correlation between age of vehicle and tyre tread
- Hyndburn's policy in relation to age of vehicle
- CIA assessment

- Special meeting of the Licensing Committee

The Legal representative gave advice and clarified issues raised to the committee.

**Resolved:**

That the age restriction on vehicles which were licenced for use as Hackney Carriages and Private Hire be amended to replicate Hyndburn Borough Council which was a lower age limit of under 7 years (vehicles up to the age of 6 years 364 days inclusive can be licensed) and an upper limit of 10 years (vehicle reaching their 10<sup>th</sup> year are too old). MOT's would remain at every 6 months along with the Rossendale Test twice a year. A community impact assessment would be carried out and reported back to committee.

**9. INCREASE RAWTENSTALL BUS STATION HC STAND FROM 4 TO 10 SPACES, CHANGE TIMES OF OPERATION**

The Public Protection Officer outlined the purpose of the report which was to request that the committee agree to increase the current hackney carriage stand for 4 hackney carriages at the Bus Station in Bacup Road, Rawtenstall by formally appointing a hackney carriage stand for ten hackney carriages under section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

The operation times would also be amended from 23.00 - 05.00 to 23.30 – 05.30 and all matters relating to the appointment of the Hackney carriage stand be delegated to the Public Protection Manager in consultation with the Chair of Licensing.

Appended to the report were details of the proposed location and map.

It was requested that the committee agree the recommendations 1.1 to 1.3 in the report.

Mr Lawrie spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Consultation with taxi trade

**Resolved:**

That the recommendations outlined at 1.1 to 1.3 of the report be agreed.

**10. HACKNEY CARRIAGE STAND, ST JAMES SQUARE, BACUP**

A proposal was moved and seconded to agree the officers recommendation outlined at 1.1 to 1.3 of the report which was to appoint a hackney carriage stand for two hackney carriages at St. James Square, Bacup, Monday to Sunday 20.00 to 06.00 hours and all matters relating to the appointment of the hackney carriage

stand be delegated to the Public Protection Manager in consultation with the Chair of the Licensing Committee.

**Resolved:**

That the recommendations outlined at 1.1 to 1.3 be agreed.

**11. AMENDMENT TO POLICY FOR THE LICENSING OF: HACKNEY CARRIAGE DRIVERS AND VEHICLES, PRIVATE HIRE OPERATORS, DRIVERS AND VEHICLES**

The Public Protection Manager outlined the recommendations to the committee which were outlined at 1.1 and 1.2 of the report which were to recommend that elected members determine to amend condition 1.1.4 at Appendix A and condition 1 d) at Appendix D to “No markings of any nature, other than standard manufacturer’s markings, are permitted, except in accordance with the criteria set out below”. “The Director for Business, Monitoring Officer or Unit Manager may instruct the vehicle owner to remove any markings deemed inappropriate and/or offensive”.

A condition was made within the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles in relation to what markings were permitted on vehicles. The Public Protection Manager requested that this be amended to remove the burden from the taxi trade of having to request permission for that which is already in the policy.

Mr Lawrie spoke on the item.

**Resolved:**

That the recommendations outlined at 1.1 and 1.2 of the report be agreed.

**12. 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.

**13. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – RB**

The Chair welcomed the Applicant and the Applicant’s Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant’s Representative.

The Public Protection Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

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

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

The Legal Representative clarified relevant issues raised associated with the application to the committee.

**Resolved:**

- That the licence be granted. The Committee consider that the applicant is 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.

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

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

The Public Protection Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

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

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

The Legal Representative clarified relevant issues raised associated with the application to the committee.

**Resolved:**

- That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

## **15. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – WW**

The Chair welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members introduced themselves to the Applicant and the Applicant's Representative.

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

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

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

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

The Legal Representative clarified relevant issues raised associated with the application to the committee.

### **Resolved:**

- That the licence not be revoked. The Committee consider that the applicant is 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 and policy and the Committee took into account all the relevant information put before them.

**The meeting commenced at 6.30pm and closed at 10.20pm**

CHAIRMAN

---