

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 4<sup>th</sup> September 2012**

**Present: Councillor Gill (in the Chair)  
Councillors: Ashworth, Cheetham, Crawforth, De Souza,  
Morris, Farrington, Hughes, Shipley and Wilkinson.**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager  
Brian Taylor, Licensing and Enforcement Officer  
Michelle Hargreaves, Committee and Member Services  
Officer  
Lorna McShane, Legal and Democratic Services Manager**

**Also Present: 12 Members of the Public**

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**BUSINESS MATTERS**

**1. APOLOGIES FOR ABSENCE**

Apologies had been received on behalf of Councillor Neal and Councillor Eaton (Councillor Morris sub).

**2. MINUTES**

**Resolved:**

That the Minutes of the meeting of the Licensing Committee held on the 12<sup>th</sup> July 2012 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, Morris and Wilkinson as they were members of the Rossendale Transport who had sent a submission on this item.

**5. HACKNEY CARRIAGE STAND, ST. JAMES STREET, BACUP**

The Licensing and Enforcement Officer outlined the purpose of the report which was to request the Committee to confirm the adoption of a hackney carriage stand on St. James Street in Bacup by formally appointing a hackney carriage stand for nine hackney carriages under section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing and Enforcement Officer stated that the current authorised hackney carriage stands within Rossendale had been appended at appendix A and these were outlined to the committee.

Mr D Lawrie and Mr G Bulcock spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Why the stand had come to committee and where the proposal had originated
- Comments made by the Section 151 Officer and relevant costs associated with the proposal
- If the Lumb Scarr taxi stand was being used during the day

**Resolved:**

That the committee agree recommendations 1.1 to 1.3 of the report.

**6. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE UPDATE**

The Licensing and Enforcement Manager outlined the report to the committee which was to update Members in relation to the financial implications of the decision to increase the length of the driver badges in July 2012 and to seek approval to commence consultation in order to support the Council in delivering its decision by fully exploring the implications of an annual, bi-annual and 3 year driver licence and a review of the administrative processes associated with any changes to the driver licence arrangements.

It was outlined to the committee that the Council was required to make a cut of £1.3m from its revenue budget as part of the medium term financial strategy. In July 2012, the Licensing Committee's decision to amend the duration of hackney carriage and private hire vehicles had a negative financial implication of over £20k.

Statutory Officers comments were outlined in the report.

Mr D Lawrie and Mr G Bulcock spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Hackney Carriage driver fees from other councils
- Potential costs of 2 and 3 year badges
- Further consultation required with trade as per recommendation.

**Resolved:**

That the committee agree recommendations 1.1 to 1.3 of the report.

## **7. QUARTER 1 ENFORCEMENT REPORT**

The Licensing and Enforcement Officer outlined the purpose of the report which was to present to the Committee a summary of the enforcement action taken by the Licensing and Enforcement Unit between 1<sup>st</sup> April 2012 to 30<sup>th</sup> June 2012.

The Licensing and Enforcement Officer outlined the matters which the Licensing and Enforcement Unit dealt with, some of which were highlighted within the report.

The Licensing and Enforcement Officer recommended that the report be noted.

Mr D Lawrie spoke on the item.

Upon hearing the item, the Committee discussed the following:

- House to house collections were not classed as Ltd Companies
- Clarification of incorrect signage
- Unlicensed vehicles and what was being done with these vehicles

### **Resolved:**

That the report be noted.

Due to the number of items on the agenda the Chair asked the Licensing and Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

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

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

The Licensing and Enforcement 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 Licensing and Enforcement Manager, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement 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.

**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.

**10. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – IR**

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement 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.

### **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.

## **11. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MR**

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

The Licensing and Enforcement Manager presented the report detailing the reasons for the suspension of a current application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Licensing and Enforcement Manager, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

### **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.

### **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.

## **12. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MUR**

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer presented the report detailing the proposed renewal for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the case.

The Committee Members asked questions of the Licensing and Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

**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.

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

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

The Licensing and Enforcement 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 Enforcement Manager, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, the Applicant's Representative and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

**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.

**The meeting commenced at 6.30pm and closed at 8.50pm**

CHAIRMAN