

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 4<sup>th</sup> June 2013**

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

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager  
Clare Birtwistle, Principal Legal Officer  
Jenni Cook, Committee Officer**

**Also Present: 24 members of the public  
Councillor A. Barnes**

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## **BUSINESS MATTERS**

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

Apologies had been received on behalf of Councillor Crawforth (Councillor Oakes substituting) and Councillor Eaton.

### **2. MINUTES**

#### **Resolved:**

That the minutes of the meeting of the Licensing Committee held on the 12<sup>th</sup> March 2013 be approved and signed by the Chair as a correct record.

### **3. DECLARATIONS OF INTEREST**

Councillor Cheetham declared an interest in minute number 6 as she was a non-executive member of Rossendale Bus Company.

### **4. URGENT ITEM OF BUSINESS**

There were no urgent items of business.

### **5. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE**

The Licensing and Enforcement Manager introduced the report which requested the Committee to amend the policy for the licensing of hackney carriage drivers and vehicles, private hire drivers, vehicles and operators. The proposed amendments were outlined as follows:-

- The duration of a hackney carriage and private hire driver's badge be extended to a period of 3 years to 1 year.
- The requirement to obtain an annual statutory declaration be removed.
- That a procedure for a direct check on a hackney carriage and private hire drivers DVLC licence be adopted.

- That a phased approach to the changes over a 3-year period be adopted, meaning that hackney carriage and private hire drivers would remain on an annual licence until such time as they were required to obtain their enhanced disclosure from the disclosure and barring service.
- That a new fee of £255 for a 3-year licence be agreed.
- That an implementation date of 1<sup>st</sup> August 2013 be agreed for the proposed amendments.

The Licensing and Enforcement Manager outlined the report further and noted the comments from Statutory Officers and the consultation carried out with regard to the proposed amendments. Members' attention was drawn to the appendices to the report which detailed the consultation carried out, consultation responses, including a petition and data from other North West local authorities.

Mr David Lawrie spoke on the item.

Discussion took place on the item, summarised below:

- It was clarified that private companies used to carry out DVLC licence checks did not have the power to put points on a licence and there was no risk of a breach of the Data Protection Act.
- Motor offences would be checked by the DVLC licence checks and it was clarified that being a private hire or hackney carriage driver was a notifiable occupation.
- Flagging systems in other local authority areas were discussed and it was noted that the Council had a good working relationship with many North West councils and the Police.
- Other authorities used private companies for DVLC checks.

**Resolved:**

1. That the Policy for the licensing of hackney carriage drivers and vehicles, private hire drivers, vehicles and operators be amended by extending the duration of a hackney carriage and private hire drivers badge to a period of 3 years from 1 year.
2. That the Policy for the licensing of hackney carriage drivers and vehicles, private hire drivers, vehicles and operators be amended by removing the requirement for hackney carriage and private hire drivers to obtain an annual statutory declaration.
3. That the Policy for the licensing of hackney carriage drivers and vehicles, private hire drivers and operators be amended to adopt a procedure for a direct check on a hackney carriage and private hire drivers DVLC licence.
4. That a phased approach to the changes be agreed over a 3 year period be agreed as follows:-
  - Hackney carriage and private hire drivers would remain on an annual licence until such time as they are required to obtain their enhanced disclosure from the disclosure and barring service.
5. That a new fee of £255 for a 3-year drivers licence be agreed.
6. That an implementation date of 1<sup>st</sup> August 2013 be agreed.

## **6. AMENDMENT TO STREET TRADING HOURS**

The Licensing and Enforcement Manager outlined the purpose of the report which was to allow the Licensing and Enforcement Manager the discretion to amend the hours permitted for street trading from the current hours of 9am until 10pm to 6am to 10pm on any day, in consultation with the Chair of the Licensing Committee.

The Licensing and Enforcement Manager has reviewed hours of operation outside of schools and households and advised Members that it was reasonable to open a burger bar, situated on a trading estate from 6am to provide breakfast meals to nearby workers.

Upon hearing the item, the committee discussed the following:

- Concerns regarding trading near to schools and reference to a trader near the bus station.
- Any problems would be brought to the attention of the Committee.

### **Resolved:**

1. That the Licensing and Enforcement Manager be allowed the discretion to amend the hours permitted for street trading from the current hours of 9am to 10pm to the hours between 6am to 10pm on any day, in consultation with the Chair of the Licensing Committee.
2. That all future minor amendments to the policy be delegated to the Director of Business in consultation with the Portfolio Holder.

## **7. QUARTER 4 ENFORCEMENT REPORT**

The Licensing and Enforcement Manager outlined the purpose of the report which was to inform the Committee of enforcement action and issues in respect of licensing matters for the period 1<sup>st</sup> January 2013 to 31<sup>st</sup> March 2013. This included information in relation to premises licences, temporary event notices, charitable collections, taxi licensing and various exercises conducted.

Mr David Lawrie spoke on the item.

Upon hearing the item, the committee discussed the following:

- Ensuring that Lancashire County Council continue to invite officers on school checks.
- Policy decisions made by the Committee were being upheld by the Courts.
- Returns from the Street Collections would be clarified.

### **Resolved:**

That the contents of the report are noted.

**The meeting commenced at 6.30pm and closed at 7.10pm**

CHAIR: \_\_\_\_\_