

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 10th November 2015

**Present: Councillor De Souza (in the Chair)
Councillors Cheetham, Eaton, Farrington, Haworth, Lythgoe,
Marriott, Neal, Shipley, Smallridge**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Clare Birtwistle, Legal Services Manager
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer**

**Also Present: Councillor Serridge
172 members of the public in both the Chamber and the
Breakout Area
0 members of the press**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Crawforth (Councillor Marriott substituting) and Councillor M. Smith.

2. MINUTES OF COMMITTEES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 10th September 2015 be approved and signed by the Chair as a correct record.

3. MINUTES OF SUB-COMMITTEES

Resolved:

That the minutes of the following Driver Sub-Committees be approved and signed by the Chair as a correct record:-

- a) 23rd September 2015
- b) 7th October 2015

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. URGENT ITEM OF BUSINESS

There were no urgent items of business.

6. REVISED POLICY FOR THE LICENSING OF HACKNEY CARRIAGE DRIVERS AND VEHICLES, PRIVATE HIRE OPERATORS, DRIVERS AND VEHICLES

- 6.1 The Licensing and Enforcement Manager introduced the report which outlined proposed revisions to the above policy. It was noted that the current policy was

adopted on 23rd February 2011 and the revisions in the report and update report were outlined.

- 6.2 The Licensing and Enforcement Manager outlined the proposed changes in more detail:-
- The Policy had been updated to reflect procedural changes plus the introduction of basic skills, Child Sexual Exploitation/Disability awareness and mandatory training.
 - The revisions would affect new drivers only, not the drivers currently in post, unless concerns were raised regarding an existing driver.
 - Feedback had been incorporated from the Rossendale Taxi Association, however it was noted that not all feedback had been included for example seating and tinted windows issues which were matters to be determined by members.
 - In terms of seating and tinted windows the Licensing and Enforcement Manager confirmed that officers remained of the view that these should remain as per the recommendations in the revised policy.
- 6.3 The Licensing and Enforcement Manager outlined the main revisions in the Update report:-
- Removal of the proposed vehicle suspension fee of £35.
 - £8 notification charge for change of ownership will be changed to nil.
- 6.4 The proposed revisions had been discussed at a meeting with the Taxi Trade and the delegations were clarified. At a separate meeting with local taxi representatives, concerns had been noted in respect of difficulties faced when a vehicle is suspended on a Friday evening and availability of Enforcement Officers on a Saturday morning, following Friday evening enforcement work.
- 6.4 Mr David Wilson and Mr David Lawrie spoke on this item on behalf of the Taxi Trade. Members asked questions for clarification.
- 6.5 The Licensing and Enforcement Manager and the Legal Services Manager provided clarification where required. It was noted that where regulations were set by legislation, the Council did not have the power to change this.
- 6.6 Discussion took place on the item, summarised below:
- Members expressed concerns regarding the timing and receipt of the substantive and Update Report.
 - It was clarified that the Director of Business post was currently vacant.
 - Delegations should be to an officer with legal qualifications.
 - Concerns were expressed regarding tinted windows.

Resolved:

That the item be deferred to a future meeting of the Licensing Committee to allow members the opportunity to fully digest the reports presented. .

7. INTENDED USE POLICY

- 7.1 The Licensing and Enforcement Manager outlined the report which sought Members approval to implement an 'Intended Use Policy' for hackney carriages. The policy had been developed in order to provide a control to the Council with

regards to the number of hackney carriage licences issued which could then be used as private hire licences in other local authority areas.

- 7.2 The Licensing and Enforcement Manager outlined the current case law around an Intended Use Policy and referenced Brentwood Borough Council v Gladen and Newcastle City Council v Berwick-upon-Tweed Borough Council.
- 7.3 The Licensing and Enforcement Manager noted that the policy allowed for provision to be made where exceptional hardship may arise for the cases where current licence holders had earned their livings or built up businesses that were reliant on their Rossendale licence.
- 7.4 The consultation responses were outlined and it was noted that 75 responses had been received from 8 Councils (including a combined response from West Yorkshire), 3 Elected Councillors, 3 Members of Parliament, 2 Hackney Carriage Driver Employers, 1 Insurance Company and 57 hackney carriage and private hire drivers, of which 48 were licensed elsewhere and 9 were licenced by Rossendale.
- 7.5 Mr David Wilson and Mr David Lawrie spoke on this item on behalf of the taxi trade. Members asked questions for clarification.
- 7.6 The Licensing and Enforcement Manager and the Legal Services Manager provided clarification on issues raised. It was noted that the Council had sought external legal advice on this Policy and that genuine hardship would be taken into account, where drivers would have 12 months of their licence renewed to enable them to seek a licence elsewhere. The Legal Services Manager provided the Committee with a definition of the word 'presumption' within the policy.
- 7.7 Discussion took place on the item, summarised below:-
 - The use of the words 'suspend' and 'revoke' within the policy was clarified.
 - Independent legal advice had been obtained.
 - Concerns were raised regarding someone who may have their licence revoked who would then have to apply in a 'capped' borough.
 - The amount of Taxi Rank space within Rossendale was noted.
 - Article 2 of the Human Rights Act was noted and discussed.
 - The consultees and consultation period was discussed.
 - Concerns were raised as to the intent of the policy.
 - It was noted that the manner in which insurance companies determined postcodes could have an effect on drivers and this policy.
 - It was requested that any future meetings with the Taxi Trade, Members and Officers included an opposition spokesperson.

Resolved:

That the item be deferred to a future meeting of the Licensing Committee to allow further work to be carried out on the revised Policy.

8. REVIEW OF STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

- 8.1 The Licensing and Enforcement Manager introduced the report which informed Members of the consultation being carried out on the proposed amendments to the Statement of Principles under the Gambling Act 2005 for the period 31st January 2016 to 30th January 2019.

- 8.2 The Licensing and Enforcement Manager noted that this was a statutory requirement under Section 349 of the Gambling Act 2005.
- 8.3 The Licensing and Enforcement Manager informed Members of the list of consultees and noted that no responses had been received. This was not, however, an unusual occurrence.
- 8.4 Discussion took place on the item, summarised below:-
- It was suggested that a sub-group be set up to include the Chair, Vice Chair and an opposition spokesperson to ensure the policy was worded and implemented properly.
 - The Licensing and Enforcement Manager agreed to add the Showmen's Guild to the consultee list.

Resolved:

The Licensing Committee noted the relevant consultation being carried out on the proposed amendments to the Statement of Principles under the Gambling Act 2005 for the period 31st January 2016 to 30th January 2019.

The meeting commenced at 6.30pm and closed at 7.50pm

CHAIR: _____