

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 15th November 2016

**Present: Councillor Hughes (in the Chair)
Councillors Cheetham, Crawforth, Eaton, Farrington,
Haworth, Lythgoe, Neal, Smallridge, Smith and Stansfield**

**In Attendance: Phil Morton, Licensing Manager
Jenette Hicks, Licensing Consultant
Clare Birtwistle, Legal Services Manager
Abigail Wrench, Trainee Solicitor
Jenni Cook, Committee Officer
Glenda Ashton, Committee and Member Services Officer**

**Also Present: Councillors Ashworth, Marriott, Oakes and Procter
75 members of the taxi trade/public in the Chamber
63 members of the taxi trade in the breakout area.
Carolyn Sharples, Committee and Member Services
Manager (Breakout area)
Stephanie Carroll, Civic Services Officer and PA to the
Leader of the Council (Breakout Area)
1 member of the press
PC Gregson, Lancashire Constabulary (Breakout Area)
PCSO Kirkbright, Lancashire Constabulary (Breakout
Area)**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Shipley (Councillor Stansfield substituting) and Councillor Johnson (Councillor Lythgoe substituting).

2. MINUTES OF COMMITTEES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 12th July 2016 be approved as a correct record.

3. MINUTES OF SUB-COMMITTEES

Resolved:

That the minutes of the Driver Sub-Committees at Item A3(a) to (e) be approved and signed by the Chair as a correct record.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

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

- 6.1 The Licensing Manager introduced the report which provided details of the proposed changes to the policy arising from the consultation process as agreed by the Licensing Committee on 12th July 2016. The recommendations that the Committee were asked to consider were tabled at Appendix C of the Committee report.
- 6.2 The Licensing Manager outlined the consultation process, the responses that had been received and provided an analysis of those responses. Legal advice had been sought from a leading Licensing Lawyer and, although subject to legal privilege, the relevant general advice was highlighted.
- 6.3 It was noted that there were three minor typographical errors within Appendix C which would require amending: in recommendations 10, 11 and 29, the dates should be amended to read 2017.
- 6.4 The consultation and meetings carried out with the taxi trade was outlined along with the concerns raised by the trade.
- 6.5 The Chair noted that he had allowed deviation from the Procedure for Public Speaking and would allow 4 members of the trade to speak, and increase each speaker's time to 8 minutes and 10 minutes for elected members. Mr Mustafa Khanbai, Mr David Wilson, Mr David Lawrie and Mr Robert Back spoke on the item and each speaker answered questions for clarification from members. Councillor Oakes also spoke on the item.
- 6.6 Discussion took place on the item and the Licensing and Legal Officers provided clarification where required as summarised below:
- CCTV would protect drivers as well as passengers and discussion took place on whether this should be mandatory.
 - If the Council could subsidise the potential cost of any of the proposals. .
 - The policies proposed were no different to those of other Local Authorities.
 - With regards to the livery colours, clarity was sought by members and confirmed by officers that it is only new vehicles coming on to the fleet after the implementation date that are affected. It was clarified that should a liveried colour be accepted, then proprietors would not be required to change their cars immediately, nor expected to respray their cars nor provide wraps for their cars.
 - Clarification was given that proprietors were not expected to drill permanent holes in their roofs for signage.
 - The reduction of the entry age of the vehicle did not impact on the length of time the car could remain on the fleet.
 - An Exceptional Condition criterion would allow vehicles to come on to and leave the fleet at ages which fell outside the Council's policy so long as each element of the criteria was met.

- Concerns were expressed regarding the waiting time for the basic skills testing and the suitability of the test for taxi drivers. It was noted that a more suitable test and the capacity to administer the test would be procured
- It was confirmed that processes were in place for those drivers who had dyslexia and that any new testing would make provision for those who were not computer literate.
- Members could take the basic skills test themselves if they wished to however it was noted that the test paper itself would not be released into the public domain.
- It was noted that persons with dementia would find brightly coloured cars easier to spot.

6.7 It was moved and seconded that each recommendation at Appendix C be voted on separately.

6.8 Members voted on this becoming the substantive motion, but the vote was lost.

6.9 Members considered the original recommendation of the report and a proposal was moved and seconded to approve the recommendations *en bloc*, subject to the amendment of some of the recommendations at Appendix C and each of these would be voted on separately to form part of the substantive motion. Members voted on this becoming the substantive motion, and it was carried.

6.10 Three Elected Members called for a named vote on each of the separate recommendations for amendment at Appendix C. Voting took place as follows:-

Recommendation 1 – that the entry limit for licensed vehicles remains at 7 years, as opposed to the proposed 5 years.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth		✓	
Eaton	✓		
Farrington		✓	
Haworth	✓		
Lythgoe		✓	
Neal		✓	
Smallridge		✓	
Smith		✓	
Stansfield	✓		
Hughes			✓
Total	4	6	1

The motion failed and the amendment was declared lost.

Recommendation 10 – that the Council does not adopt a block colour livery for hackney carriage vehicles.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth		✓	
Eaton	✓		

Farrington		✓	
Haworth	✓		
Lythgoe		✓	
Neal		✓	
Smallridge		✓	
Smith		✓	
Stansfield	✓		
Hughes			✓
Total	4	6	1

The motion failed and the amendment was declared lost.

Recommendation 15 – that the line ‘hackney carriages working solely from ranks/stands to be exempted from this requirement’ be deleted.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth			✓
Eaton	✓		
Farrington			✓
Haworth	✓		
Lythgoe		✓	
Neal		✓	
Smallridge		✓	
Smith		✓	
Stansfield	✓		
Hughes		✓	
Total	4	5	2

The motion failed and the amendment was declared lost.

Recommendation 19 – that the Council does not introduce a requirement for mandatory CCTV in licensed vehicles.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth		✓	
Eaton	✓		
Farrington		✓	
Haworth		✓	
Lythgoe		✓	
Neal		✓	
Smallridge		✓	
Smith		✓	
Stansfield	✓		
Hughes		✓	
Total	3	8	0

The motion failed and the amendment was declared lost.

Recommendation 26 – That existing licensed drivers are not required to satisfactorily complete the basic skills assessment prior to the renewal of their hackney carriage/private hire driver’s licence.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth		✓	
Eaton	✓		
Farrington		✓	
Haworth	✓		
Lythgoe		✓	
Neal	✓		
Smallridge		✓	
Smith		✓	
Stansfield	✓		
Hughes		✓	
Total	5	6	0

The motion failed and the amendment was declared lost.

Recommendation 27 – That this recommendation, if implemented, be reviewed in February 2018.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth	✓		
Eaton	✓		
Farrington	✓		
Haworth	✓		
Lythgoe	✓		
Neal	✓		
Smallridge	✓		
Smith	✓		
Stansfield	✓		
Hughes	✓		
Total	11	0	0

The motion was successful and carried.

Recommendation 32 – That a local geographical knowledge test only be introduced for new applicant drivers and not existing licence holders.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth		✓	
Eaton	✓		
Farrington		✓	
Haworth	✓		
Lythgoe		✓	
Neal		✓	
Smallridge		✓	

Smith		✓	
Stansfield	✓		
Hughes		✓	
Total	4	7	0

The motion failed and the amendment was declared lost.

It was noted that Recommendation 32 was joined with Recommendation 33 within the recommendations at Appendix C and the vote was re-cast.

Recommendations 32 and 33 - That a local geographical knowledge test only be introduced for new applicant drivers and not existing licence holders.

Councillor	For	Against	Abstain
Cheetham	✓		
Crawforth		✓	
Eaton	✓		
Farrington		✓	
Haworth	✓		
Lythgoe		✓	
Neal		✓	
Smallridge		✓	
Smith		✓	
Stansfield	✓		
Hughes		✓	
Total	4	7	0

The motion failed and the amendment was declared lost.

- 6.8 It was confirmed that the substantive motion was to approve the recommendations at 1.1, 1.2, 1.3 and 1.4 of the report, with the successful amendment to Recommendation 27 and minor typographical errors rectified. Three Elected Members called for a named vote. Voting took place as follows:-

Councillor	For	Against	Abstain
Cheetham		✓	
Crawforth	✓		
Eaton		✓	
Farrington	✓		
Haworth		✓	
Lythgoe	✓		
Neal	✓		
Smallridge	✓		
Smith	✓		
Stansfield		✓	
Hughes	✓		
Total	7	4	0

Resolved:

1. That the Licensing Committee considered the report and associated appendices and approved the recommendations at Appendix C, along with

the rectification of typographical errors and the amendment to Recommendation 27.

2. That officers be requested to incorporate the changes into the Council's Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles.
3. That the amended policy incorporating the revised conviction policy, exceptional condition policy and CCTV specification be brought back to the Licensing Committee for approval.
4. That officers would undertake a further review of the private hire licensing requirements.

The meeting commenced at 6.30pm and closed at 9.10pm

CHAIR: _____