

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 7th February 2017

**Present: Councillor Hughes (in the Chair)
Smallridge, Farrington, Crawford, Smith, Johnson,
Cheetham, Howarth, Eaton, Neal and Stansfield (sub for
Shipley)**

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

**Also Present: Councillors Oakes, Serridge and Sam Plum, David
Hodgson, Nigel Yates and PC McGee, Lancashire
Constabulary.
11 Members of the taxi trade/public in the Chamber.**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

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

2. MINUTES OF COMMITTEES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 15th November 2016 be approved as a correct record.

3. MINUTES OF SUB-COMMITTEES

Resolved:

That the minutes of the Driver Sub-Committees held on the 9th November 2016, 24th November 2016, 1st December 2016, 20th December 2016 and the 12th January 2017 be approved 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. RATIFICATION OF DECISIONS MADE BY COMMITTEE ON THE 15TH NOVEMBER 2016 (REPORT B1)

6.1 The Licensing Manager introduced the report which provided details of the Letter before Claim received from the Rossendale Taxi Association and the numbered decisions made by Committee on the 15th November 2016 which were subject of the claim. The Committee were asked to consider the report and attached appendices A to L and to ratify those decisions made previously at the Licensing Committee meeting on the 15th November 2016.

The Licensing Manager took members through the report and included an analysis of the evidence considered in making the original recommendations.

6.2 The Legal Services Manager confirmed a Judicial Review had been issued and papers had been served on behalf of the Taxi trade in relation to the decision making process relating to three items; these included CCTV, age limits of the vehicles and tinted windows in the vehicles. No enforcement would take place on tinted windows and the council would not implement the CCTV and entry age of vehicles until the outcome of the Judicial Review had taken place.

6.3 Mr David Wilson spoke on the item.

6.4 Discussion took place on the item and The Legal Services Manager and Licensing Manager provided clarification where required as summarised below;

- Would members of the Committee be able to see a copy of any documentation regarding the Consent Order?
- It was confirmed that once the Consent Order had been sealed the information would be shared with Committee members.
- Confirmation was sought in relation to the test and whether it had been introduced.
- It was confirmed the test had not been introduced yet.

6.5 The Legal Services Manager and Licensing Manager clarified that members were being asked to agree to ratify the decisions made at the Licensing Committee on the 15th November 2016, but with the implementation of CCTV, age limits of vehicles and the enforcement of tinted windows in vehicles deferred until the outcome of the Judicial Review had been received.

Resolved:

That the decisions made at the Licensing Committee on the 15th November 2016 be agreed with the following conditions:

That the Council will not implement the requirements for mandatory CCTV and reduction of entry age of vehicles, nor enforce the Council's policy on tinted windows pending the outcome of the Judicial Review proceedings.

For	Against	Abstain
9	0	2

7. PROPOSED CHANGES TO THE POLICY FOR THE LICENSING OF: HACKNEY CARRIAGE DRIVERS AND VEHICLES, PRIVATE HIRE OPERATORS, DRIVERS AND VEHICLES (REPORT B2)

7.1 The Licensing Manager introduced the report which provided details of the proposed changes to the Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles. The Licensing Committee were asked to consider the report and appendices.

The Licensing Manager took members through the reports, the responses that had been received and provided an analysis of those responses.

7.2 The Chair noted that he had allowed deviation from the Procedure for Public Speaking on this occasion to allow the speaker time to be increased on item B2 from 3 minutes to 8 minutes.

7.3 David Lawrie spoke on the item of B2 and answered questions for clarification from members.

7.4 Discussion took place on the item as follows:

- Not supporting the recommendations as further clarification was needed.
- Further meetings should take place between Rossendale Borough Council and members of the taxi trade.
- Which members had met with the taxi trade and who should attend the Taxi Liaison meetings?

7.5 A proposal was moved and seconded to defer the recommendations 1.1 to 1.4 to a future meeting.

Resolved:

To defer the recommendations of points 1.1 to 1.4.

For	Against	Abstain
6	4	1

The meeting commenced at 6.30pm and closed at 7.40pm

CHAIR: _____