

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 16<sup>th</sup> March 2017**

**Present: Councillor Hughes (in the Chair)  
Cheetham, Crawforth, Eaton (James), Howarth, Johnson,  
Neal, Shipley, Smallridge, and Smith**

**In Attendance: Phil Morton, Licensing Manager  
Clare Birtwistle, Legal Services Manager  
Carolyn Sharples, Committee and Member Services  
Manager**

**Also Present: Councillors Oakes, Lythgoe and Bromley  
13 members of the taxi trade/public**

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## **BUSINESS MATTERS**

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

Apologies had been received on behalf of Councillor Farrington.

### **2. MINUTES OF COMMITTEES**

**Resolved:**

That the minutes of the meeting of the Licensing Committee held on the 7<sup>th</sup> February 2017 be approved as a correct record.

### **3. MINUTES OF SUB-COMMITTEES**

**Resolved:**

That the minutes of the Driver Sub-Committee held on the 16<sup>th</sup> February 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. UPDATE OF ACTIONS IN RESPECT OF DECISIONS MADE BY LICENSING COMMITTEE OF 15TH NOVEMBER 2016 (REPORT B1)**

- 6.1 Clarification was requested regarding the items under Judicial Review and whether they would be voted on. The Legal Services Manager clarified that the items were in the report for members to determine, however no enforcement would take place on tinted windows and the Council would not implement the mandatory CCTV and reduction of entry age of vehicles until the outcome of the Judicial Review was known.

- 6.2 The Licensing Manager introduced the report which provided an update of actions taken in respect of the evidence based decisions made by the Committee at its meeting on 15<sup>th</sup> November 2016 and ratified on 7<sup>th</sup> February 2017.

The Licensing Manager took members through the report and noted key points in appendices 1-4. He asked members to note the actions taken and approve the proposed documents/specifications as outlined. He noted that the sections subject to Judicial Review would be held in abeyance pending the outcome of proceedings.

- 6.3 Mr David Lawrie spoke on the item and answered questions for clarification from members.

- 6.4 Following Mr Lawrie's representations and questions and members the Licensing Manager provided clarification as summarised below:

- Clarification was provided regarding the colour of vehicles and door stickers. White had been proposed in the draft policy but the colour had not yet been decided as it was for members to determine. Different colours of door stickers were currently being considered, but they would be dependent on the colour that was decided for the vehicles.
- Clarification was provided regarding the dress code. It did not specify that sandals could not be worn; it specified that footwear must be secured around the heel of both feet. Clothing would be neat and tidy in appearance and hoodies were not considered acceptable for safety reasons.

- 6.5 Discussion took place on the item and the Licensing Manager provided clarification where required as summarised below:

- Would the colour of vehicles be determined this evening?
- It was confirmed that a colour would be determined at the meeting.

Councillor Haworth moved and Councillor Shipley seconded that the colour be yellow.

Members discussed the proposal and the Licensing Manager provided clarification where required:

- Had the taxi trade put a recommendation in regarding the colour or not?
- It was confirmed that the trade had received ample time to propose a colour, however as they were opposed to the proposals, they had not informed of a preferred colour.
- Yellow would be easily identifiable, however there would be a cost issue as there were not as many yellow vehicles available. Yellow door signs could be used as a compromise instead of a yellow vehicle.
- Colour was previously mentioned by a taxi company who already had a colour, which was silver/grey.
- Whatever colour was decided, it needed to be practical and look smart bearing in mind the Rossendale weather.
- White could be bleary.
- Yellow vehicles would be an unnecessary expense.
- Any colour vehicle would look good as long as it was well maintained and cleaned.
- Would not want to bring the taxi trade an unnecessary cost with yellow.
- Would not want to impose a strange colour.

Councillor Eaton moved a proposal to defer the decision on colour to the next meeting to allow the taxi trade to propose a colour and costs for optional colours.

Councillor Hughes, confirmed that a proposal had already been moved and seconded and would need to be determined before another proposal could be considered.

Members voted on the colour yellow becoming the livery colour of vehicles as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
2	6	2

The motion was lost.

Councillor Eaton moved and Councillor Shipley seconded to defer the decision on colour to allow the taxi trade a 2 week period in which to suggest a colour.

Members discussed the amendment as follows:

- Web site poll to determine colour options.
- White or black would be the cheaper options.
- Unnecessarily prolonging the decision.
- A web poll would be susceptible to non-taxi trade preferences.
- Indecision was not helpful to the taxi trade.
- Cost of white vehicles was not known.
- Giving a bit of time to come back with a colour.
- White was not as visible as other colours.

Members voted on the deferral of the decision on colour, to allow the taxi trade a 2 week period in which to suggest a colour as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
2	7	1

The motion was lost.

Members continued to discuss the main report:

- Black was more distinctive and would be cheaper than white.
- Clarification on cost.

Councillor Neal moved the colour black becoming the livery colour of vehicles. The proposal was not seconded.

Members returned to the recommendations of the report.

Councillor Haworth moved and Councillor Hughes seconded the recommendation at 1.1 of the report, with a proposal that the colour white become the livery colour of vehicles.

**Resolved:**

1. The Licensing Committee considered the report and associated appendices and noted the actions taken, and approved the proposed documents/specifications as outlined. (Those sections subject to Judicial Review would be held in abeyance pending the outcome of proceedings).
2. That the colour white be agreed as the livery colour of vehicles.

<b>For</b>	<b>Against</b>	<b>Abstain</b>
7	1	2

**7. DRAFT REVISED POLICY IN RELATION TO HACKNEY VEHICLES AND DRIVERS AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS (REPORT B2)**

- 7.1 The Licensing Manager introduced the report and noted that the updated draft Taxi Licensing Policy reflected the evidence based decisions made by the Committee at the meeting on 15<sup>th</sup> November 2016, and ratified on 7<sup>th</sup> February 2017.

The Licensing Manager took members through the reports, appendices and the responses that had been received.

- 7.2 Mr David Lawrie spoke on the item and answered questions for clarification from members.

- 7.3 Members discussed the item and the Licensing Manager provided clarification where required as follows:

- Basic skills test and people who find it difficult to read English.
- It was clarified that it did not mean that people could not take the test if they could not read English. A verbal alternative was available for people who did not read English and there was also provision for people with dyslexia.
- Would there be a wait to take the basic skills test?
- It was clarified that the current basic skills test was for new applicants only. The tests were held on a Monday and a Friday and there was a waiting list till July for these. There would be different arrangements put in place for renewals and the tender process would close this week. The new test would be in place from June onwards.
- Would the test just be for new applicants?
- The new test would be for renewals and new applicants.
- Would the skills test be seen as discriminatory if applied to only where there was a justified allegation against a driver that was having to come before the sub-committee as suggested by the taxi trade, instead of applying it to all renewals?
- It was clarified that this would possibly be seen to be discriminatory and perceived as a punishment as it would not be applied to all renewal applications equally.

**Resolved:**

The Licensing Committee considered the report and associated appendices and approved the revised Taxi Licencing Policy with no amendments. (Those sections subject to Judicial Review would be held in abeyance pending the outcome of proceedings).

<b>For</b>	<b>Against</b>	<b>Abstain</b>
8	0	2

## **8. REVIEW OF PRIVATE HIRE CONDITIONS AND ENFORCEMENT POLICY (REPORT B3)**

- 8.1 The Licensing Manager introduced the report which provided the Committee with a set of draft licence conditions relating to private hire for consideration, and requested the Committee consider whether a review of the taxi licensing Enforcement Policy was appropriate. The review would take into account case law, legislative changes and current practice.
- 8.2 The Licensing Manager took members through the reports and appendices, and informed of the proposal to undertake a 6 week consultation.
- 8.3 Mr David Lawrie spoke on the item and answered questions for clarification from members.
- 8.4 Discussion took place on the item as follows:
- Safety was one of the reasons why the policy was under review.
  - It was about public safety as well as taxi driver safety and it was councillors' responsibility to help protect everyone.
  - Recent incident was reported in South Ribble.
  - Consultation was a good thing.
  - Increase in applications for Private Hire.
  - Getting opinion before reaching a decision.
  - Protecting the public.
  - Could the consultation be for 8 weeks?

Councillor Neal moved and Councillor Hughes seconded to undertake an 8 week consultation rather than 6 weeks.

Members voted on an 8 week consultation as follows:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
10	0	0

Members voted on the recommendations of the report at 1.1 and 1.2 with the amended wording to reflect an 8 week consultation.

### **Resolved:**

1. The Licensing Committee requested officers to review the current taxi licensing enforcement policy at Appendix 1. The review would include legal updates including recent case law. The revised draft document would be subject to an 8 week consultation with taxi trade representatives.
2. The Licensing Committee considered the proposals regarding revised private hire licensing conditions and agreed an 8 week consultation exercise be conducted with representatives of the private hire trade, local authorities and

other interested parties in respect of the Licensing Conditions proposed at Appendices 2,3, and 4.

<b>For</b>	<b>Against</b>	<b>Abstain</b>
9	0	1

**The meeting commenced at 6.30pm and closed at 7.50pm**

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