

LICENSING COMMITTEE AGENDA



Wednesday 15th February 2006

at 11.00 am

in Committee Room B

*****PLEASE NOTE CHANGE OF TIME*****

MEMBERS: LICENSING COMMITTEE:

Councillors Cook, Griffin, Hall, Jackson, Kaiser, Morris, Rayner, Rogan, Tumilty

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the Licensing Committee meeting held on 7th December 2005 and the Joint Licensing and Licensing Act Committee held on 25th January 2006.
4. **ITEMS FOR INFORMATION**
 - 4.1 Meeting with Hackney Carriage/Private Hire Vehicle Owners Working Group
(*Head of Public Protection and Housing*)
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985”.

6. ITEMS REQUIRING DECISION

- 6.1 Hackney Carriage Drivers Licence GTA - *Head of Public Protection and Housing (Para 7)*
- 6.2 Hackney Carriage Drivers Licence DGB- *Head of Public Protection and Housing (Para 7)*
- 6.3 Hackney Carriage Drivers Licence IH – Head of Public Protection and Housing
- 6.4 Hackney Carriage Drivers Licence TT - *Head of Public Protection and Housing (Para 7)*
- 6.5 Hackney Carriage and Private Hire Drivers Licence DCT - *Head of Public Protection and Housing (Para 7)*
- 6.6 Hackney Carriage Drivers Licence RW – *Head of Public Protection and Housing (Para 7)*

7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

LICENSING COMMITTEE

MINUTES AND DECISION RECORD

7th December 2005

Present:

Councillor Morris (In the Chair)

Councillors: Cook, Hall, Rogan and Tumilty

Officers: Ralph Harrison, Head of Public Protection & Housing
Tony MacNab, Solicitor
Angela Hunter, Principal Democratic Services Officer

31. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Griffin, Kaiser and Rayner.

32. Declarations of Interest by Members

None.

33. Confirmation of the minutes of the meeting held on 19th October 2005

Confirmed

34. Matters Arising

The Head of Public Protection and Housing gave an update on the recommendations regarding Best Practice for Taxi Licensing Authorities as detailed in minute 26 of the Licensing Committee, 19th October 2005. He indicated that discussions about the recommendations would be taking place with the Owners Working Group and that Smoke Free North East had been contacted regarding the suggested no-smoking signage in cabs. Cleveland

Police had been written to regarding the u-turns and parking situation in Avenue Road and the Traffic Liaison Group were also examining this.

35. Licensing of Stretched Limousines (*Head of Public Protection and Housing*)

Purpose of report

To consider the licensing of stretched limousines as private hire vehicles.

Issue(s) considered by the Committee

The Head of Public Protection and Housing reported that there had been a marked increase in the number of stretched limousines being imported into the country, which were being made available for use as private hire vehicles. The increased availability and use of stretched limousines has led to the Council assessing its position with regard to the licensing of private hire vehicles. The Council's current taxi licensing policy effectively prevents most stretched limousines from being licensed due to the fact that they are mostly left-hand drive and, due to the high cost were often second hand and more than three years old.

To assist members, the report outlined the law relating to private hire vehicles as set out in the Local Government (Miscellaneous Provisions) Act 1976. Although there was little information available from road safety regulators and enforcers relating to the licensing of stretched limousines, the manufacturers of the original vehicles had introduced their own assessment and control systems on approved converts. Details of which were included within the report. However, the Vehicle and Operator Services Agency (VOSA) do operate a Single Vehicle Approval Scheme (SVAS) to ensure that through pre-registration inspection, vehicles had been designed and constructed to suitable safety standards before they can be used on public roads. Cleveland Police, VOSA and the National Limousine Association have indicated that they would be supportive of the introduction of a licensing regime in Hartlepool and VOSA would be willing to inspect any vehicle to produce a report confirming compliance with the SVAS.

The Department for Transport had issued a consultation document on best practice for taxi licensing authorities and this guidance had promoted the licensing of stretched limousines. It was proposed that should stretched limousines be licensed, they be required to undergo a mechanical inspection every 4 months due to the unusual nature of the vehicle and its non-standard construction. The cost of mechanical inspections would be included in the annual licence fee of £300 with the first review to be in 2007.

Attached by way of appendix III were suggested amendments to the current licensing policy to address the issues raised in the report.

Members agreed that the safety of the public was imperative and that the 4-monthly mechanical inspections and annual inspections would be an appropriate way of ensuring this. The Head of Public Protection and Housing confirmed that the Council's Lynn Street garage had the capacity to carry out these inspections. It was noted that the report referred to 8-seater limousines or less. The Head of Public Protection and Housing indicated that the vast majority of limousines were 8-seater or less and that anything above this level would be classed as a public service vehicle and governed by separate legislation.

Decision

- i) That Members agreed to licence stretched limousines as Private Hire vehicles.
- ii) That Members agreed to amend the current policy to incorporate stretched limousines as detailed in Appendix III of the report.

36. Local Government (Access to Information) Act 1985

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985.

Minute 37 – Hackney Carriage and Private Hire Drivers' Licence (LA) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 38 – Private Hire Drivers' Licence (DBB) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 39 – Hackney Carriage Driver (JMcK) – (Para 7 – Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 40 - Hackney Carriage Drivers' Licence (PR) - (Para 7 - Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 41 - Private Hire Drivers' Licence (MJS) - (Para 7 - Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 42 - Hackney Carriage and Private Hire Drivers' Licence (DCT) - (Para 7 Information relating to the financial or business affairs of a particular person (other than the Council)).

Minute 43 - Private Hire Driver (FCW) - (Para 7 - Information relating to the financial or business affairs of a particular person (other than the Council)).

37. Hackney Carriage and Private Hire Drivers' Licence (LA) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider an application for a Hackney Carriage and Private Hire Drivers Licence.

Decision

That the application be granted and the applicant was reminded of their duty to the public.

38. Private Hire Drivers' Licence (DBB) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider an application for a Private Hire Drivers' Licence.

Decision

That the application be granted and the applicant was reminded of their duty to the public.

39. Hackney Carriage Driver (JMCK) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider whether a Hackney Carriage Drivers' licence should be revoked.

Decision

That the licence be revoked for the reasons set out in the confidential section of the minutes.

40. Hackney Carriage Drivers Licence (PR) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider an application for a Hackney Carriage Drivers Licence.

Decision

That the application be refused for the reasons set out in the confidential section of the minutes.

41. Private Hire Drivers Licence (MJS) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider an application for a Private Hire Drivers' Licence.

Decision

That the application be granted and that the applicant was reminded of their duty to the public.

42. Hackney Carriage and Private Hire Drivers Licence (DCT) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider an application for a Private Hire Drivers' Licence.

Decision

That the decision be deferred until the next meeting of the Licensing Committee on 15th February 2006 to enable the applicant to attend.

43. Private Hire Driver (FCW) – Head of Public Protection and Housing

Purpose of Report

Members were asked to consider what action, if any, should be taken against a licensed Private Hire Driver.

Decision

That no action be taken against FCW but they were reminded of their duty to the public.

GEORGE MORRIS

CHAIRMAN

JOINT LICENSING AND LICENSING ACT COMMITTEE

MINUTES AND DECISION RECORD

25th January, 2006

Present:

Councillor Dr George Morris (In the Chair)

Councillors: Rob Cook, Sheila Griffin, Gerard Hall, Carl Richardson, and Victor Tumilty,

Officers: Ian Harrison, Principal Licensing Officer
Ralph Harrison, Head of Public Protection and Housing
Tony MacNab, Solicitor
Pat Watson, Democratic Services Officer
Angela Hunter, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Cambridge, Cook, Kaiser, Lilley, Rayner, Rogan and Worthy.

2. Declarations of interest by Members

None

3. Proposed Consolidation of Licensing Committees *(Head of Public Protection and Housing)*

Purpose of report

To provide Members with an opportunity to discuss the potential to consolidate the Licensing Committee and the Licensing Act Committee into one new Committee.

Issue(s) considered by the Committee

Background information was provided and Members were reminded that Council had resolved that a review of the operation of the new Licensing Act Committee should be undertaken. Members were advised that a report had been prepared for the Constitution Committee detailing the issues concerned with consolidating the Licensing Committee and Licensing Act Committee into one Committee. A copy of the report to Constitution Committee was circulated as an appendix. Members were asked to give their views on the potential consolidation of the two Committees and the membership numbers of the new Committee and sub-committees.

Decision

The Joint Committee agreed the following::

- (a) That the Constitution Committee be recommended to consolidate the Licensing Act Committee and the Licensing Committee into one Committee that would be referred to as the Licensing Committee.
- (b) Subject to approval of (a) above, that:
 - (i) the new Licensing Committee shall consist of fifteen Members;
 - (ii) the remit and functions of the new Committee shall be as detailed in Appendix I of the report to Constitution Committee on 31st January 2006 – with the exception of Functions 2, 3, 5, 6, 7 and 8 (which should not be part of the new Committee's remit).
 - (iii) Licensing Act 2003 applications be considered by three person sub-committees;
 - (iv) Hackney Carriage / Private Hire licence applications to be considered by five person sub-committees (with quorum of 3).

GEORGE MORRIS

CHAIRMAN

Report of: Head of Public Protection and Housing

Subject: MEETING WITH HACKNEY CARRIAGE/PRIVATE
HIRE VEHICLE OWNERS WORKING GROUP

1. PURPOSE OF REPORT

- 1.1 To advise Members of a meeting arranged with members of the Hackney Carriage/Private Hire Vehicle Owners Working Group.

2. BACKGROUND

- 2.1 Following a discussion of issues raised by the Department for Transport's draft best practice guidance for taxi licensing authorities, Licensing Committee Members resolved that a meeting should be arranged between the Licensing Committee and members of the Hackney Carriage/Private Hire Vehicle Owners Working Group.
- 2.2 This Group consists of members elected by the taxi/private hire trade and meets regularly with officers from the Council's Licensing Team to discuss matters of interest and assist the Council in the exercise of its licensing functions.
- 2.3 Members of the Hackney Carriage/Private Hire Vehicle Owners Working Group have been invited to this meeting and have been advised of some of the issues that Members may wish to discuss.

3. ISSUES

- 3.1 Issues previously identified by Members for possible discussion include: -
- Driver qualifications in customer care
 - Smoking in taxis
 - Dress code
 - Driver courtesy

4. RECOMMENDATIONS

- 4.1 None

LICENSING COMMITTEE

Procedure For Contentious Matters Relating To Hackney Carriage/Private Hire Licensing

The hearing will be in private and not open to the press or members of the public. The applicant/appellant will be entitled to be represented by a solicitor or other person.

In advance of the commencement of the meeting (or consideration of an individual case) the Democratic Services Officer shall establish the identity of those present, who they represent and who intends, or wishes, to speak. The officer should also if possible, outline the procedure to the representatives before the meeting commences.

1. Chairman's opening comments.
2. The Democratic Services Officer representative will indicate which parties are present at the meeting and will briefly outline the procedure (if not already done).
3. The Head of Public Protection and Housing (or his representative) will outline the facts, adding any additional information as is necessary.
4. Members of the Committee will have an opportunity to ask any questions of the officer.
5. The Head of Public Protection and Housing (or his nominated representative) will call any further witnesses or persons (including a Police Officer) to comment. Members will again have the opportunity to ask questions.
6. The applicant/appellant (or representative) will then put his/her case.
7. Members of the Committee will have an opportunity to ask any questions of the applicant/appellant.
8. The applicant/appellant (or nominated representative) may call further witnesses or persons to comment. Members will again have the opportunity to ask questions.
9. All persons other than Committee members will then withdraw whilst the matter is considered and a decision reached.
10. Should members require further information at stage, all parties are to be invited to return.
11. All parties will be recalled to hear the decision of the members.

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12. Should the decision go against the applicant/appellant, he/she will be informed verbally of the right of appeal to the Magistrates Court.
13. The decision will then be communicated to the applicant/appellant in writing as soon as practicable together with details of the right of appeal to the Magistrates Court within 21 days.

NOTES

Members of the Committee should ask only specific relevant questions and avoid debating the issue until all parties have withdrawn.

Only members present during the whole of the hearing should be involved in the decision making process.

An application for adjournment should be granted by the Chairperson at any time during the proceedings, if it is felt that the applicant/appellant is not receiving a fair hearing.

NO CROSS EXAMINATION IS TO TAKE PLACE AT THE MEETING.

Each party is to be allowed to make representation to the Members without interruption.

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