

Minutes of Licensing Committee

Meeting Date: Tuesday, 15 September 2015, starting at 6.30pm
Present: Councillor J Alcock (Chairman)

Councillors:

S Atkinson	R Hargreaves
I Brown	S Hirst
S Brunskill	J Holgate
P Elms	G Scott
M Fenton	J White
G Geldard	

In attendance: Solicitor.

282 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors R Bennett, S Hind and S Knox and Det Insp Baxter who is now due to give a presentation on safeguarding and child sexual exploitation at the next meeting.

283 MINUTES

The minutes of the meeting held on 23 June 2015 were approved as a correct record and signed by the Chairman.

284 MINUTES OF LICENSING SUB-COMMITTEE DATED 26 JUNE 2015

Committee received the minutes of the Licensing Sub-Committee in respect of Forum at Whalley held on 26 June 2015.

285 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

286 PUBLIC PARTICIPATION

There was no public participation.

287 RECOMMENDATIONS ON RESPONSE TO CONSULTATION OF THE INSTITUTE OF LICENSING ON DRAFT LICENSING CONDITIONS

The Chief Executive submitted a report, seeking Committee's approval of draft responses prepared to a consultation by the Institute of Licensing on possible revision of their guidance on the appropriate drafting of specimen conditions to be attached to premises licences. The Institute of Licensing, the professional body for licensing practitioners, was seeking to establish a consistent approach to the imposition of licensing conditions and to avoid the adoption of unenforceable and inappropriate conditions.

RESOLVED: That Committee authorise the Head of Democratic and Legal Services to submit the response to survey to the Institute of Licensing.

288 RECOMMENDATIONS FOR TESTING REQUIREMENTS FOR PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS

The Chief Executive submitted a report following the consultation with licence holders regarding Committee's recommendation on 23 June 2015 for the removal of the requirement for drivers to pass the "Steering to Success" course before grant of a licence from 1 April 2016, and the introduction of a requirement for all applicants for a private hire or hackney carriage driver's licence to pass the DVSA taxi driving test before granting a licence and to pass the EdEXCEL, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted.

Five of seven responses supported the recommendations of the working group. One respondent had expressed concern about the cost and "red tape" required to acquire a new licence. It was reported that the overall cost of between £214 and £225 would be spread over a period of time, and the requirements contemplated were consistent with the various surrounding licencing authorities.

RESOLVED: That Committee

1. approve the removal of the requirement for applicants for a private hire or hackney carriage drivers licence to pass the Steering to Success course before a licence is granted from 1 April 2016; and
2. approve the introduction from 1 April 2016 of a requirement that all applicants for a private hire or hackney carriage drivers' licence pass the DVSA taxi driving test before a licence is granted and that they must pass the EdEXCEL, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) within 12 months of the licence being granted.

289 AMENDMENT OF COUNCIL CONDITIONS OF LICENCE FOR PRIVATE HIRE VEHICLES

The Chief Executive submitted a report following consultation with licence holders regarding Committee's recommendation on 23 June 2015 for amendment of the Standard Condition 20 of the Licence for Private Hire Vehicles and consequential amendments to the Council's infringement point scheme. This related to the wording of signs displayed on the vehicle, and the dimensions of the lettering on such signs. The purpose of the amendment was to ensure that the signs, which should be permanently displayed on a private hire vehicle, gave clear and legible information to the public.

RESOLVED: That Committee

1. approve amendment of condition 20 of the Council's standing conditions of private hire licence to read

“a private hire vehicle must:

- (a) not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;
- (b) not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;
- (c) not display the words “Taxi”, “Taxi Cab” or “Cab”;
- (d) display door signs upon its rear doors stating “Private Hire vehicle”, “Advanced bookings only” and “Not insured unless pre-booked” only and the lettering within those signs must be in bold black type and not less than 15mm in height. These signs must be displayed on private hire vehicles AT ALL TIMES (including when the vehicle is not in use);
- (e) display door signs upon its front doors which shall only include the name of the private hire operator and its telephone number. If the words “Taxi”, “Taxi Cab” or “Cab” or “For Hire” form part of the operators name, these must be omitted from signs;
- (f) display a sign stating “No Smoking” with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirers/passengers”; and

2. approve consequential amendment of the Council’s Infringement of Points Scheme.

290

REVISION OF STATEMENT OF LICENSING POLICY – LICENSING ACT 2003

The Chief Executive submitted a report outlining the responsibility for each local authority to formulate and publish a Statement of Licensing Policy every five years. The current statement was operative until 6 January 2016, and the statement had therefore been reviewed and a revised policy had been drafted. The Licensing Act 2003 required consultation to take place before determination of the policy, and this was proposed to take place in time for the responses to be brought to the next meeting of Committee for consideration, and thereafter for referral to Full Council with a recommendation for approval, to be in place by January 2016.

RESOLVED: That Committee

1. approve the draft Statement of Licensing Policy; and
2. authorise the Head of Legal and Democratic Services to consult upon the draft Statement of Licensing Policy.

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REVISION OF STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

The Chief Executive submitted a report outlining the requirements for Councils to review and publish their Statement of Principles – Gambling Act 2005. The current statement had been considered by Committee on 27 November 2012, and approved by Full Council on 23 April 2013. A draft revised policy was put before Committee for approval, with a view to consultation taking place in accordance with statutory requirements enabling responses to consultation to be sought before referral to Full Council with a recommendation for approval.

*** RESOLVED: That Committee approve the statement for consultation and reference to Full Council. ***

292

DEREGULATION ACT 2015 – LICENCE DURATION, FEES AND SUB-CONTRACTING

The Chief Executive submitted a report on the impact of Sections 10 and 11 of the Deregulation Act 2015, effective from 1 October 2015, respectively

- a) removing the Council's discretion to impose a licence duration and replacing this with a standard duration of 3 years for drivers and 5 years for operators (subject to discretion to grant a licence for a lesser period as the Council think appropriate in all the circumstances of the case), and
- b) introducing provisions to allow operators to sub-contract bookings to certain specified individuals including another operator within a different authority's area.

The Council's current policy is to issue its licences for 12 months and its fees have been set on that basis.

Committee considered the circumstances where a licence might be issued for a period of less than 3 years for a driver and 5 years for an operator. They also considered arrangements to set fees to reflect the changed duration for drivers licences pending determination of the fees after a full report to the November meeting.

Committee was advised of possible difficulties in enforcement where a booking had been sub-contracted, in establishing the identity of the operator, driver and vehicle carrying out the work. It was recommended that appropriate amendments be made to the Council's Standard Conditions for Private Hire Operators to require production of the records of sub-contracted bookings and to reflect a new right of an operator to sub-contract work, consulting on the proposed amendments where necessary.

RESOLVED: That Committee approve

1. the circumstances in which the Council may issue a drivers licence for less than 3 years or an operator's licence for less than 5 years shall include:

- where a driver/operator is due to retire or cease working within the next 12 months or wishes to be licenced for a lesser period for other reasons;
 - where a driver is newly licenced and is required to pass the EdEXCEL, Level 2 NVQ in Road Passenger Vehicle Driving (Taxi and Private Hire) (“NVQ”);
 - the 3 yearly Disclosure and Barring Service (DBS) criminal records check is out of sync with the licence and needs bringing into line;
 - where a driver/operator has been referred to a sub-committee within the last 12 months or is due to be referred to sub-committee with regard to events which have occurred within the preceding 12 months;
 - where a doctor has indicated on the applicant’s medical certificate that they should be subject to a further medical examination within 1 year or they are required to do so for any other reason; and/or
 - such other cases as officers consider appropriate to issue a licence for a lesser period.
2. the proposal that the annual fee remain in place and that a 3 years drivers licence be charged at 3 times the current annual fee but that should the fee be lower when it is set in November 2015, the difference be refunded to the driver at that point;
 3. the amendments to the Council’s conditions of licence so that operators are required to keep and if requested, produce records of any sub-contracted booking as will allow the Council to reasonably investigate any booking as if it had not been sub-contracted; the requirement for operators to use drivers and vehicles licensed by Ribble Valley is removed where a booking is sub-contracted to an operator outside of Ribble Valley, and to authorise the Head of Legal and Democratic Services to consult upon the proposed amendments where necessary.

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TAXI ENFORCEMENT OPERATION

The Chief Executive reported on the results of an inspection of licensed private hire and hackney carriage vehicles carried out on 17 July 2015 in conjunction with the Police and the Vehicle and Operators Services Agency. Of 12 vehicles tested, 9 were of the required standard and 3 were served with Advisory Notices for work to be carried out within 7 days. This work had been completed as required.

RESOLVED: That the report be noted.

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RIBBLE VALLEY SAFETY ADVISORY GROUP

Committee received the minutes from the meeting of the Ribble Valley Safety Advisory Group dated 27 August 2015.

The meeting closed at 7.03pm.

If you have any queries on these minutes please contact Diane Rice (414418).