

Licensing Committee

Tuesday, 15th January, 2013

PRESENT: Councillor G Hyde in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, B Gettings, T Hanley, G Hussain,
A Khan, B Selby and G Wilkinson

63 Apologies for Absence

Apologies for absence were received from Councillor Armitage, the Chair of the Committee; and from Councillors Charlwood, P Latty and Townsley

64 Election of the Chair

Having noted the apologies received from Councillor Armitage, the Clerk sought a nominee to Chair the meeting. Councillor G Hyde was nominated and received the support of the Committee

RESOLVED – That Councillor G Hyde be elected as Chair of the meeting

65 Late Items

No formal late items of business were added to the agenda. It was however noted that one late representation from a member of the Hackney Carriage trade had been submitted via email to the Committee the previous evening although not all Members had seen the representation. The Committee resolved to consider the submission, including the request to speak, at the appropriate time (minute 68 refers)

66 Declaration of Disclosable Pecuniary and other Interests

There were no declarations of interest.

67 Minutes

RESOLVED – That the minutes of the meeting held 16th October 2012 be agreed as a correct record

68 Taxi & Private Hire Licensing Policy review - Results of Public Consultation for the Private Hire vehicle conditions (including wheelchair accessible vehicles, vehicle age criteria, livery signs and markings); Hackney Carriage vehicle conditions, Plying for Hire Policy and Executive Private Hire Conditions

The Head of Licensing and Registration submitted a report in response to an earlier request by the Licensing Committee for officers to undertake a review of all existing Hackney Carriage (HC) and Private Hire (PH) licensing policies. The review had been broken down into three distinct groups as follows: -
Group 1: included policies and conditions relating to the application process, medical exemptions; stretched limousines (driver, operator & vehicle) and PH driver conditions. Group 1 was considered by Committee in October 2012

Group 2 : presented to this meeting included policies and conditions relating to PH vehicles (including wheelchair accessible vehicles, vehicle age criteria, livery signs and markings); HC vehicles; plying for hire policy; and Executive Private Hire.

A further report on Group 3 would be considered in due course to cover policies and conditions in respect of PH operators and vehicle proprietors (including rental companies); and convictions.

The results of two public and trade consultations undertaken as part of the Group 2 review were included within the report. The Head of Licensing and Registration attended the meeting and highlighted the following key issues arising from the consultation responses and the subsequent officer proposals for the Committee to consider as follows:

Private Hire (PH) Vehicle Conditions:

- That an additional condition be included to require a minimum width of 16 inches was provided for each seated passenger to ensure a reasonable level of comfort whilst travelling and to ensure the vehicle is suitable to carry a given number of passengers
- That a further period of vehicle profiling be carried out with the results intended to inform a review of the vehicle age criteria in 2016, noting that a review of the entire vehicle fleet would take 3 years
- A 3 month consultation was proposed on the draft guidance on the use of immediate suspension powers.
- That there be no other changes to the existing PH vehicle conditions. The conditions will be reviewed again in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

Hackney Carriage (HC) Vehicle Conditions

- That there be no change to the existing HC vehicle conditions. The conditions will be reviewed again in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

Plying for Hire Policy

- That there be no change to the existing plying for hire policy. The policy will next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.

Executive Private Hire (EPH) Conditions

- That there be no change to the existing EPH vehicle conditions. The conditions will be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
- Members were referred to the comments received from the trade seeking a reduction to the minimum value set (£45k) for a vehicle to be classed as an "executive vehicle"

The Committee noted the responses to the consultation as detailed in Appendices B to E of the submitted report and discussed the following matters arising:

National legislation which stipulates that a vehicle licensed for private hire may not be used for personal use, thus requiring drivers/operators to have a separate “family” car and the impact this had in the present economic climate. It was noted that this matter had been highlighted by the Law Commission as a matter to be reformed. Members also noted the suggestion that they should raise their individual concerns on this issue directly with the Local Government Association and highlighted in writing to local MP’s

Age criteria policy the requirement that a full service history should normally be produced in order to prove the validity of a claim that a vehicle was well maintained to manufacturer’s standard and of exceptional condition in order to meet the policy requirement and maintain the safety of the fleet. Members noted the policy wording which ensured that the proprietor was responsible for the maintenance of vehicles, not TPHL Section. Members noted comment regarding drivers purchasing second hand vehicles and difficulties in obtaining service history in such circumstances and the response by officers regarding TPHL inspections of vehicles at the time of renewal of licences

Executive PH vehicle models which could be regarded as “exclusive” for that purpose and the number of vehicles below the £45k threshold which could be considered exclusive. The need to maintain the distinction between EH/PH trade/vehicles was noted

At this point, Members considered whether to accept the late submission from Mr Abid, Hackney Carriage representative and to allow his request to address the Committee. It was noted that this would set a precedent although it was acknowledged that historically, trade representatives had been invited to make comment. Under current legislation there is no role for trade representatives to be co-opted and therefore participate in the decision making process. Members further noted that the consultation had been publicised and it, together with the Trade Forums hosted by the Taxi & Private Licensing Section, were the appropriate forum for comment or discussions. On this occasion however Members agreed to permit the request.

Mr Abid addressed the Committee on issues in respect of plying for hire, data systems and ways in which these can be circumnavigated by drivers, satellite parking, HC vehicle models and the costs of conversions by approved suppliers; and the current vehicle age criteria policy.

Members noted that not all the issues raised were appropriate for the Group 2 review but would be included within the Group 3 policy review consultation or were planning matters.

Members then considered each recommendation in turn and noted a motion to further reconsider the proposals in respect of the Executive Hire vehicle threshold. Committee supported the motion to look again at executive vehicle specification, rather than the monetary threshold, and to have regard to the conditions which distinguished executive vehicles from private hire vehicles

RESOLVED – That the following be agreed:

1. That an additional condition be included in the private hire vehicle conditions that a minimum width of 16 inches be provided for each seated passenger to ensure a reasonable level of comfort whilst travelling in a vehicle and ensure it is suitable to carry a number of passengers.
2. That a further period of vehicle profiling be carried out and the results of this profiling are used to inform a review of the vehicle age criteria in 2016.
3. That, except as detailed at 1 and 2 above, that there be no change to the existing private hire vehicle conditions and that the next time the conditions are reviewed will be in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
4. That there be no change to the existing hackney carriage vehicle conditions and they next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
5. That there be no change to the existing plying for hire policy and the policy next be reviewed in 2018 and every 5 years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date.
6. That recommendation 6 in respect of Executive Private Hire vehicle conditions be deferred to allow time for a Working Group to convene and discuss the EH policy in respect of vehicle specification with a view to a report being presented back to the Committee in three months time. Councillors Hyde, Hanley, Buckley and Khan agreed to form the Working Group

69 Early Morning Restriction Orders (EMRO's)

The Head of Licensing and Registration presented a report on Early Morning Restriction Orders (EMRO's), the legislative process for making an EMRO and the information that the licensing authority could require.

The Committee discussed the existing measures in place to deal with problematic individual premises

RESOLVED -

- a) That approval be given to the minimum level of evidence that will be considered to support an early morning restriction order application, as proposed in paragraphs 3.5 and 3.6 of the report.
- b) That approval be given to the process described in the submitted report and illustrated at appendix 1 as the Council's process for EMROs should a request to consider one be made.

70 Home Office Consultation - Government Alcohol Strategy

The Head of Licensing and Registration submitted a report on the Government's consultation on delivering policies to cut alcohol fuelled crime and anti-social behaviour. A copy of the full Consultation document had been despatched to the Committee in December 2012 when the consultation commenced and Members' views were sought in order to inform the Councils' response.

Members highlighted the following points they would wish to see included in the consultation response:

Deregulation of ban of alcohol sales on motorway – Members were not supportive of any moves to allow the sale of alcohol from premises located on motorways, including hotels.

Multi buy promotions – one Member advocated the return to local conditions which had prevented alcohol being purchased within grocery shopping at supermarkets, thus requiring the retailer to create a separate off-licence facility within the supermarket – rather than seeking to ban multi buy promotions

Newspapers – Members were generally not supportive of any moves to lift the requirement for applications to be advertised in newspapers

Personal licences – Members supported in principle the suggestion that renewal of personal licences after 10 years be retained and be administered by Local Authorities

Members also noted that it would not be possible for the final consultation response to be presented to the Committee for approval due to the short timescales and agreed that a draft response be circulated to Members for comment prior to submission to the Home Office.

RESOLVED –

- a) That the contents of the report and the comments made by Members be noted.
- b) That the comments made by Members be incorporated into the Councils' response to the consultation and
- c) To note the arrangements for the submission of the final response to the Home Office by 6 February 2013.

71 Licensing Work Programme

RESOLVED – That the contents of the Licensing Work Programme, with the additions made at this meeting, be noted

72 Date and Time of Next Meeting

RESOLVED – To note the following meeting dates

- a) Friday 25th January 2013 – additional meeting
- b) Tuesday 12th February 2013 – scheduled meeting