

## Minutes of Licensing Committee

Meeting Date: Tuesday, 23 November 2010, starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

R Adamson	C Punchard
P Ainsworth	C Ross
S Brunskill	M Sutcliffe
G Geldard	M Thomas
J Holgate	J Waddington
S Hore	N C Walsh

In attendance: Legal Services Manager.

### 513 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillor R Hargreaves.

### 514 MINUTES

The minutes of the meeting held on 31 August 2010 were approved as a correct record and signed by the Chairman.

### 515 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 516 PUBLIC PARTICIPATION

There was no public participation.

### 517 REFERENCES FROM OVERVIEW AND SCRUTINY COMMITTEE

There were no references from Overview and Scrutiny Committee.

### 518 CONDITIONS ATTACHED TO OPERATORS' LICENCE – REVIEW

The Legal Services Manager referred to her report which informed Committee about the recent decision in the case of Stockton-on-Tees Borough Council –v– Fidler (and others) relating to the extent to which a hackney carriage licence holder can carry out private hire work.

This matter was discussed by Committee at its August meeting (minute 228 refers). Problems had been identified by adjacent authorities arising from vehicles licensed by this Council working within the areas of other Councils.

The Stockton-on-Tees case established that a hackney vehicle can carry out private hire work for an operator anywhere in the country. It is acknowledged that this judgement may create difficulties for enforcement and Committee were asked to consider those issues.

The Council's current provision of enforcement manpower and the way in which it is reflected in the licence fees, was based on the premise that the only enforcement necessary would be:

- for journeys within the Council's area; or
- which started within the Council's area;
- for vehicles licensed by this Council; and
- for drivers licensed by this Council.

Depending on the action taken by adjacent boroughs, the Council could be in a position of having to deal with complainants and problems arising from vehicles licensed in adjacent areas. If licence holders from Ribble Valley were to work in other areas, the Council would have no realistic prospect of enforcing against such licence holders. At present the Council's Enforcement Officer was able to contact the operator and secure return of plates from the driver and/or contact the local Police to alert them of an unlicensed vehicle in circulation. This would not be possible if vehicles were in use countrywide. She pointed out the potential for misrepresentation to members of the public in that they would not be easily able to satisfy themselves as to whether or not a vehicle was properly licensed. There was also a potential disadvantage to drivers in that different authorities require different standards when licensing both drivers and vehicles. An additional issue which Committee should consider was that the Council currently restricted the number of hackney carriage vehicle licences. Committee was therefore asked to consider whether or not it would be appropriate to consult licence holders with a view to amending the current conditions attached to the following licences:

- private hire operator;
- hackney carriage vehicle; and
- hackney carriage driver.

The amendments proposed to the licences would be as follows:

(a) Private Hire Operator

A condition which required that all work for which the operator makes bookings would be carried out using vehicles and drivers who hold a current Ribble Valley Borough Council licence.

(b) Hackney Carriage Driver and Hackney Carriage Vehicle Licences

A condition would be required to the effect that the licence holder agreed to restrict private hire work based on reliance on a licence issued by this Council to work for a Ribble Valley Borough Council licensed operator.

(c) View of Licence Holders

In order to ensure that licence holders have a proper opportunity to respond the Licensing Officers would write to all operators and hackney carriage drivers informing them of the proposals requesting a response prior to a further report to this Committee in March.

In terms of timetable, private hire operator licences were renewed annually, with all licences falling due for renewal on the 1 February 2011. It was proposed that bearing in mind the position was only clarified in October and very few instances have been identified of Ribble Valley licence holders working outside the borough, no change be made to the licences for hackney carriage licence and drivers' licences until the results of the consultation exercise could be considered by Committee, but that operators' licences issued on the 1 February 2011 have the new condition applied with an assurance that it will be altered if so decided by Committee when consultation responses were known.

Members then discussed this matter in some detail.

RESOLVED: That Committee

1. authorise the Legal Services Manager to consult licence holders about amendments to the private hire operator, hackney carriage driver and hackney carriage vehicle licence conditions;
2. authorise the Legal Services Manager with effect from 1 February 2011 to amend the Conditions attached to an operators licence as set out above; and
3. request the Legal Services Manager to report to the next meeting of Committee about the responses received to the Council's proposed changes to licence conditions.

519 LICENSING DELEGATION SCHEME

The Legal Services Manager informed Committee about changes in responsibilities for licensing following the Council's recent restructure and to ensure that the necessary delegations are in place to maximise flexibility within the section.

When the Licensing Committee was created, Committee had responsibilities under the Licensing Act 2005. Subsequently, responsibility for taxi and private hire licensing were transferred to the Licensing Committee and the delegation scheme in respect of those responsibilities was approved by Committee in June 2006.

Once the Council's restructure has taken effect, the Legal Services Section will continue to provide the services covered by the two delegation schemes and in addition would take on responsibility for licensing, liquor and entertainment

enforcement. In effect there were two basic delegation schemes to which additions had been made since 2006 in relation to the Gambling Act.

It was proposed that the most appropriate course of action would be to merge these two schemes in order to ensure that all officers within the Legal Services Section who carry out licensing duties were fully authorised to deal with both aspects of the Council's responsibilities ie taxi and private hire and liquor and entertainment licences and to deal with applications and enforcement.

RESOLVED: That Committee approve the delegation scheme set out at Appendix 1 to this report to take effect from the 1 January 2011. This includes the following authorisation for the following officers to be authorized for the purposes of carrying out licensing and enforcement functions on behalf of the Committee (vehicle, operator, driver, Licensing Act and the Gambling Act). Those officers are:

- the Legal Services Manager;
- Council Solicitors
- Administration Assistant (Electoral and Licensing)
- Administration and Licensing (Alcohol and Entertainment) Officer
- Electoral and Licensing Officer
- Licensing Enforcement Officer
- Taxi Enforcement Officer
- Modern Apprentice
- Legal Assistant; and
- Corporate Property Officer and Legal Officer.

520 ELECTORAL AND LICENSING OFFICER

The Legal Services Manager reported that the Electoral and Licensing Officer had recently been taken seriously ill. Members of Committee expressed their concern about the impact this would have on the Section's workload, particularly in view of the forthcoming Borough and Parish Council Elections in May 2011.

RESOLVED: That the best wishes of this Committee be sent to the Electoral and Licensing Officer for a speedy recovery.

521 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the nature of the next item of business to be discussed being exempt information under Category 7 of Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

522 BEE MILL TEST CENTRE

Committee received a report from the Legal Services Manager about potential problems involving the Council's approved test centre. Committee were reminded that all vehicles licensed by the Council were tested regularly at the centre which was the only one approved by this Council, the test costs £20.00

and is similar to an MOT save that the emissions levels are not checked, and extra checks are carried out such as road testing and checks on the appearance of the vehicle.

Members were made aware of circumstances which had arisen resulting in the testing service being withdrawn from one particular operator.

RESOLVED: That the report be noted.

The meeting closed at 7.00pm.

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