

Minutes of Licensing Committee

Meeting Date: Tuesday, 18 June 2013, starting at 6.30pm
Present: Councillor J Alcock (Chairman)

Councillors:

P Ainsworth	S Knox
I Brown	C Ross
P Dowson	G Scott
R Hargreaves	R Swarbrick
J Holgate	M Thomas
K Hind	

In attendance: Solicitor.

119 APOLOGIES

An apology for absence from the meeting was submitted on behalf of Councillor S Brunskill.

120 MINUTES

The minutes of the meeting held on 19 March 2013 were approved as a correct record and signed by the Chairman.

121 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

122 PUBLIC PARTICIPATION

There was no public participation.

123 REVISED HACKNEY CARRIAGE CONDITIONS AND INFRINGEMENT SCHEME

Committee received a report on the review which had been carried out of the standard conditions of licence and infringement scheme for hackney carriage, drivers and vehicles and to seek Committee's approval of the revised standard conditions and infringement scheme.

The Head of Legal and Democratic Services had consulted licence holders on various proposed changes to the standard conditions which had been previously discussed at Committee. As a result of that consultation a complete review of the standard conditions and corresponding infringement scheme had been carried out with the revised versions of each being appended to the report.

The revised versions incorporated all changes which had previously been agreed by Committee and provided an update of the legislation referred to within the conditions. They also simplified and clarified the drafting and would ensure that all the conditions were included in the infringement scheme and vice versa.

Members commented in particular about condition 2 of the driver's licence and felt that a failure to provide a suitable medical certificate should incur a greater penalty of 6 points rather than the three recommended.

RESOLVED: That Committee approve the revised standard conditions and infringement scheme for hackney carriages, drivers and vehicles as now amended in particular in relation to the penalty points for drivers failing to provide a medical certificate.

123A GP MEDICAL REPORTS

Committee were asked for their opinion on the current arrangements for medical reports in respect of private hire and hackney carriage drivers. It was reported that currently both private hire and hackney carriage drivers' conditions required applicants to have a medical carried out by their own doctor.

The system had been in place for some time without issue but recently an applicant had contacted the Council stating that his own doctor had informed him that he was no longer carrying out such assessments. In light of the above Committee was therefore asked to consider whether the current arrangements were sufficient or whether the conditions should be extended so that an applicant could be referred to an independent practice selected by the Council in circumstances where an applicant's own doctor or indeed any other GP within that practice was unwilling to carry out a medical assessment. Members then discussed this matter.

RESOLVED: That Committee is content to retain the current arrangements in relation to GP medical reports and that no changes be made.

124 PROPOSED INTRODUCTION OF INTENDED USE POLICY

Members considered a report on the proposed introduction of an Intended Use Policy across Lancashire. The Solicitor explained that following recent decisions in the High Court the current legal position was as follows:

A hackney carriage which was licensed in one area could be used to carry out pre-booked private hire work on behalf of an operator licenced by a different local authority. In other words they would be able to work anywhere in the country.

She commented that there had over recent years been an increasing problem with certain areas of Lancashire of hackney carriages being licenced as hackney carriages by Rossendale Borough Council but exclusively carrying out private hire work in another area. At a recent meeting of the Lancashire Licensing Officers' Group this issue was discussed and the Licensing Officer from Preston City Council confirmed that it had recently introduced an Intended Use Policy. It was suggested that if all Councils within Lancashire were to do the same collectively, this would eradicate the problem. A copy of the Intended Use Policy adopted by Preston City Council was circulated at the meeting.

An Intended Use Policy would introduce an additional element to the application process so that the Council would assess the intended use of a vehicle at the point of application for a new licence, renewal of a licence, transfer of ownership and/or a change of vehicle. It could also include a presumption that a licence holder would be referred to Committee if they were found to be using the vehicle contrary to its previously stated use. A consultation and consideration of the

results of that consideration would need to be carried out with hackney carriage licence holders.

RESOLVED: That Committee

1. receive the report from the Council's Solicitor; and
2. ask the Council's Solicitor to draft a policy after consideration of those adopted by other authorities and a report to be brought back to a future meeting of this Committee.

125 SCRAP METAL DEALERS ACT 2013

Committee received a report informing them of impending changes to the regulatory regime for scrap metal to be implemented through the Provisions of the Scrap Metal Dealers Act 2013 and the increased duties and powers which this gave to the Council.

The Solicitor informed Members that from the 3 December 2012 the Government had introduced some changes to this regime through Sections 145 to 147 of the Legal Aid Sentencing and Punishment of Offenders Act 2012. In particular it increased the penalties for the existing offences contained in the 1964 Act and introduced new offence of buying scrap metal for cash. The main aim of the 2013 Act was to raise standards within the scrap metal industry by replacing the overlapping regimes for vehicle salvage and scrap metal and one regulatory regime and by giving Council's the responsibility for the licensing and enforcement of the Act in conjunction with the Police.

RESOLVED: That the report be noted.

126 MINUTES OF THE RIBBLE VALLEY SAFETY ADVISORY GROUPS

Committee received, for information, the minutes of the most recent meeting of the Ribble Valley Safety Advisory Group held on Thursday, 23 May 2013.

RESOLVED: That the report be noted.

127 EXCLUSION OF PRESS AND PUBLIC

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

128 COMMUNITY ALCOHOL NETWORK VOLUNTEER

Committee were informed that the Police intended to carry out work in off-licence premises within the Ribble Valley area. A Community Alcohol Network (CAN) volunteer would be working in the Ribble Valley.

RESOLVED: That Committee note the initiative being carried out by the Community Alcohol Network volunteer.

The meeting closed at 7.10pm.

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