

## Minutes of Licensing Committee

Meeting Date: Tuesday, 4 April 2017, starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

S Atkinson	S Hind
I Brown	G Mirfin
S Brunskill	G Scott
P Elms	R Swarbrick
M Fenton	

In attendance: Head of Legal and Democratic Services.

Not in attendance: G Geldard and A Knox.

### 672 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors R Bennett, R Hargreaves and J White.

### 673 MINUTES

The minutes of the meeting held on 31 January 2017 were approved as a correct record and signed by the Chairman.

Committee received the minutes of the Licensing Sub-Committee held on 25 January 2017.

### 674 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

### 675 PUBLIC PARTICIPATION

There was no public participation.

### 676 TAXI LICENSING POLICY

The Chief Executive submitted a report seeking approval of the introduction of a Taxi Licensing Policy. Whereas previously the Council had not had an overarching Taxi Licensing Policy, it was considered good practice to have such a policy to set out for applicants and the public the Council's position on all aspects of taxi licensing.

A draft policy was produced for Committee's consideration, with changes or updates to current procedures in certain respects. The changes related to DBS Certificates; the disclosure of criminal investigations, arrests or charges; overseas criminal history; prohibition of dual plating of vehicles in the Ribble

Valley and in another borough; updating of production of vehicle documents to the Council; conditions for exempted executive vehicles; and provisions in relation to licensing stretch limousines and vehicles that have been insurance write-offs. Extensive consultation would be required.

There was considerable discussion on the content of the proposed policy, with Members drawing specific attention to a number of concerns.

Committee were advised that, whilst the Council have no experience of overseas criminal record checks, the information is accessible and will hopefully be of value in assessing applicants.

Clarification was given on the timing of the renewal process. It was considered that applications more than 4 weeks prior to renewal (in normal circumstances) would risk information being out of date by the time of renewal, and that the guarantee of renewal if an application were received between 2 and 4 weeks prior to renewal was realistic.

Members were advised that the requirement for a MOT Certificate for applicable vehicles was a general statutory requirement, checked on renewal of road fund vehicle tax, but that a condition for hackney carriages to be "sound and worthy" could be introduced as already appeared in the conditions for private hire vehicles.

There was discussion about setting levels of fares to be displayed in vehicles. It was explained that hackney carriage fares are set, and that these vary according to the time of day when the journey takes place. There would be difficulty in controlling private hire fares where each journey was a separate contract. Consideration could be given to a specific report being brought to Committee on the subject of charging.

A query was raised about whether more than one garage should test vehicles in the Ribble Valley. It was explained that the current system had been considered by Committee and that it ensured consistency of testing standards. Committee were informed that no complaints had been received relating to the set fee, which is £20.

Concern was raised as to whether information should be obtained from drivers about other boroughs in which they were licensed, as each borough has its own standards and sets of rules. Consideration was given as to the alternative methods to address this issue.

Consideration was given to whether Ribble Valley Borough Council should request applicants to register for the online update services for DBS checks. Whilst this would not enable the Council to access the information directly, it would expedite the process to request drivers and operators to access and provide their own data.

The Head of Legal and Democratic Services advised Committee of the extent of links with other authorities to share information, and that the key point to

establish which authority has jurisdiction in respect of a particular journey is the location at which the contract is made with the hackney carriage driver or private hire operator.

RESOLVED: That Committee:

1. approve in principle the introduction of the Taxi Licensing Policy; and
2. authorise the Head of Legal and Democratic Services to consult licence holders upon the proposed introduction of the Taxi Licensing Policy.

#### 677 REQUIREMENT FOR ELAP SEATS IN HACKNEY CARRIAGES

The Chief Executive submitted a report outlining the position in relation to hackney carriages with ELAP rotating seats to assist access to and exit from vehicles for disabled passengers of 52 licensed hackney carriages, 7 are currently required to have such a seat. A request had been received from a licence holder to replace his current ELAP seat with a cheaper swivel seat, which was carried in but not installed in the vehicle, and for the Council to consider a requirement for all hackney carriages to carry such a seat.

Committee's attention was drawn to the need to consult and there was discussion on the extent of such consultation. It was considered an important to receive input not only from licence holders, but also from groups representing disabled passengers, physiotherapists (from the health and safety aspect) and manufacturers on the options available.

RESOLVED: That Committee authorise the Head of Legal and Democratic Services to consult groups representing disabled passengers, on removal of the requirement for ELAP seats in specified hackney carriages and replacement by a requirement for swivel seats and, alternatively, introduction of a requirement for all hackney carriages to carry swivel seats.

#### 678 IMPLEMENTATION OF EQUALITY ACT 2010 (LIST OF ACCESSIBLE VEHICLES)

The Chief Executive submitted a report seeking approval of implementation of Sections 165 – 167 of the Equality Act 2010. This introduced a discretionary regime to compile a list of hackney carriages and private hire vehicles conforming to accessibility requirements and set out the duties imposed on drivers of such vehicles. Central Government guidance was to introduce such a list and scheme. This could be introduced with amendment of the Licensing Delegation Scheme (as appended to the report and with the omitted section being completed – officers in all cases) and the standard conditions of licence for hackney carriage and private hire drivers.

There was discussion about differences in conditions with regard to mobile phone use for hackney carriage and private hire drivers. This was explained by reference to the differing means of engaging hackney carriages for hire as opposed to private hire vehicle arrangements.

RESOLVED: That Committee

1. confirm that the Council should designate and maintain a list of wheelchair accessible hackney carriage and private hire vehicles pursuant to Section 167 of the Equality Act 2010;
2. approve the amendments to the Licensing Delegation Scheme relevant to this issue, as set out in Appendix 1 to the report;
3. approve the amendments to hackney carriage and private hire drivers' standard conditions of licence as set out in Appendix 2 to the report;
4. authorise the Head of Legal and Democratic Services make any consequential amendments to the Council's Infringement Scheme; and
5. authorise the Head of Legal and Democratic Services to produce and implement the procedure to assess applications for and to grant exemptions pursuant to Section 166 of the Equality Act.

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#### IMPLEMENTATION OF AMENDMENTS TO THE LICENSING ACT 2003

The Chief Executive submitted a report on the introduction of provisions of the Police and Crime Act 2017 (and its related regulations) which amend various sections of the Licensing Act 2003. These provisions included the definition of alcohol; introduction of interim steps relating to summary review of premises licences; powers in relation to suspension or revocation of personal licences; additional relevant offences in relation to personal licences; and the removal of the requirement for parliamentary approval for the issue of updated guidance on the discharge of functions under the Licensing Act 2003.

RESOLVED: That Committee

1. note the contents of the report;
2. Delegate the power to suspend or revoke personal licences to Officers as set out in the Licensing Delegation Scheme at Appendix 2 of the report.

The meeting closed at 7.25pm.

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