

LICENSING COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 22nd February, 2018 at 6.30 pm

Present: Councillor Cathy Mason in the Chair;

Councillors Tony Brewer, David Griffiths,
Helen Hollis, Mick Murphy,
Christine Quinn-Wilcox and Mike Smith.

Apologies for Absence: Councillors Jim Aspinall, Paul Roberts and
Robert Sears-Piccavey.

Officers Present: Julian Alison, Lynn Cain, Joanne Lindley and
Kieran Stockley.

L.1 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

There were no declarations of interest made.

L.2 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 15th September,
2016, be received and approved as a correct record.

L.3 Licensing Authority Activity Report: 2017 Calendar Year

Committee were informed as to progress made by the Licencing Team in
relation to the carrying out of its licensing functions during the 2017 calendar
year.

Information was provided to Members in relation to the following:-

- an outline of Licensing Functions and the corresponding legislation;
- data regarding new licences/registration applications received and processed by the Authority;
- The Licensing Authority's current financial position;
- reasons for the upturn in applications and income;
- licenced premises mapping, risk assessments and compliance and enforcement data;
- number of enforcement actions taken in 2017 across the Licensing Function including snapshots of serious cases of concern;
- Licensing Sub Committee cases and outcomes;

- Officer Decision Records (ODR's) completed;
- Appeals made to the Licensing Authority;
- Notable Achievements;
- Future work programme for the Licensing Team.

Members took the opportunity to debate the duties undertaken by the Licensing Team during the 2017 calendar year and discussed various issues including:-

- utilising robust enforcement measures was sending out the right message that the Council expects high standards of vehicle safety;
- the methods adopted to encourage applications, improve income and provide a period of stability and reassurance for customers;
- concerns regarding the lack of wheelchair provision in taxis and private hire vehicles;
- licensing restrictions for mini cabs and their preferred areas for business (i.e. larger towns and cities);
- public awareness of the differences between mini cabs, private hire and hackney carriage vehicles and their differing restrictions on trade.

RESOLVED

that the progress report, as presented, be received and noted.

Reasons:

The report covers data on service volumes; details of licensing hearing decisions; decisions made under delegated powers; information on volumes of applications and enforcement activities.

The report also details the programmes of modernisation that have been put in to effect since December 2016, and the future workings of the Authority, in order for Members to provide feedback to the Licensing Team Leader.

L.4 Hackney Carriage and Private Hire Licensing Policy

Committee were asked to consider the modernisation of conditions attached to the granting of licences issued to drivers, proprietors and operators of Hackney Carriage and Private Hire Vehicles in order to promote a professional and customer focused licensed trade. The report also sought to reduce the financial costs incurred by those seeking to provide licensed vehicles and to address the long term objective of reducing vehicle pollution across the District.

Committee were asked to consider some amendments to the Hackney Carriage and Private Hire (Dual) Driver Licence: Conditions, as detailed at Appendix One, which affected paragraphs 66 to 84 shown on pages 31 and 32 of the agenda.

RESOLVED that

a) the proposed conditions to be attached to the granting of Driver, Vehicle and Operator Licences, as outlined in the report, be approved subject to paragraphs 66 to 84 of the Hackney Carriage and Private Hire (Dual) Driver Licence: Conditions (shown at Appendix One) being replaced with the following:-

- 66.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle park on any taxi rank whether within or outside of the Ashfield District Council area.
- 67.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle park on any taxi rank outside of the Ashfield District Council area.
- 68.** The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares (whether that be the Hackney Carriage Statement of Fares & Charges as issued by Ashfield District Council, or the Table of Fares as issued by the Private Hire Operator) is displayed in a clearly visible position in the vehicle, provide an explanation of the table of fares if so requested by the passenger, and made available upon request to any Authorised Officer.
- 69.** The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
- 70.** The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
- 71.** The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 72 hours of the incident occurring.
- 72.** The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address, details of the vehicle insurance, and the licence number and registration number of the vehicle to any injured party or Authorised Officer.
- 73.** The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.

- 74.** The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
 - 75.** The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.
 - 76.** The Driver shall when driving a Hackney Carriage not park on a rank in the Ashfield District for any purpose other than for standing for hire.
 - 77.** The Driver of a Hackney Carriage when hailed by a customer within the Ashfield District Council area or when approached whilst waiting on an Ashfield District Council taxi rank, must, unless he or she has reasonable excuse, accept any hiring within the Ashfield District boundary if the destination is also within the Ashfield District boundary. The fare for such a journey, will be calculated by the taxi meter, and the scale of charges applicable to journeys within the Ashfield District Council area shall apply.
 - 78.** The Driver of a Hackney Carriage when hailed by a customer within the Ashfield District Council area or when approached whilst waiting on an Ashfield District Council taxi rank, does not have to accept journeys that end outside of the Ashfield District boundary; the fare or rate of fare must be by agreement between the hirer and Driver before the journey commences. Where no such agreement exists, and the journey is undertaken, the scale of charges applicable to journeys within the Ashfield District Council area shall apply.
 - 79.** The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Hackney Carriage & Private Hire (Dual) Driver licence, and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
 - 80.** The Driver shall enrol with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of the licence;
- b) the revisions to the age limit criteria applicable to Hackney Carriage and Private Hire Vehicles, as outlined in the report, be approved;
 - c) the Licensing Team Leader be authorised to carry out a consultation on the proposals detailed within the report;

- d) delegated authority be granted to the Chairman of the Licensing Committee, in conjunction with the Interim Service Director for Place and Communities, to consider any responses to the consultation, make any relevant changes to the Driver, Vehicle and Operator Conditions and finalise the documentation accordingly.

Reasons:

The report seeks the implementation of conditions to be attached to drivers, vehicles and operators licensed by this Authority and reflect today's Hackney Carriage and Private Hire Trade.

The report also seeks amendments to the age limits currently adopted in relation to Hackney Carriage and Private Hire vehicles in order to reduce the financial costs faced by local businesses when purchasing vehicles to be used to provide transport services, whilst seeking to also promote a strategy to reduce vehicle pollution.

The meeting closed at 7.28 pm

Chairman.