

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE COUNCIL OFFICES, WIGSTON ON 13 OCTOBER 2008**

Present: Councillor Mrs H E Loydall - Chairman
Councillor R E R Morris - Vice Chairman

Councillors: L A Bentley, G A Boulter, K M A Brown, Mrs E M Connell, Mrs J M Gore, P A Hings, J Kaufman and K J Loydall (10).

Officers Present: Ms K Garcha, G J Waterfield, M Taylor and D Allen.

Apologies for absence were received from Councillors Mrs L M Broadley, M Charlesworth and Mrs S Z Haq.

4. MINUTES

RESOLVED: That the Minutes of the meeting of the Committee held on 7 July 2008, as shown in report pages 19-20, be taken as read, confirmed and signed.

5. REPORTS OF CHIEF EXECUTIVE

The Committee considered Reports of the Chief Executive, as set out in report pages 21-45, which should be read together with these minutes as a composite document.

a) Review of Hackney Carriage and Private Hire Licensing

Following introductions to the report, the Chair led the Committee through the items raised in Appendix 1, referring to the comments received following the Consultation process and then dealt with each individual recommendation on the proposals 1 to 23 contained therein. In so doing, it was noted that only a small number of the original recommendations had undergone revision and these were presented to Committee in the subsequently amended wording.

Of the 23 proposals contained in the report the following items, along with the related recommendations, were accepted without further comment:-

Proposals 2, 3, 4, 7, 12, 13, 15, 16, 17, 19, 20, 21 and 22.

Points were raised in connection with the following proposals:-

PRIVATE HIRE OPERATORS LICENCE

- 1. Duration of Licence: Though a suggestion was tabled that the three year licence period be kept with an option to pay by yearly instalments, this could present difficulties, particularly in officer time, in collecting later instalments after having granted the longer licence. Therefore, the recommendation was accepted as drawn.

- 6. Add New Condition (booking records): The Committee heard of the measures available to the Council to be taken against operators in the event that licence conditions were not adhered to; these measures could range from warnings as to future conduct, suspension or revocation of the licence. Assurances were given that monitoring of compliance with licence conditions would continue. The recommendation as set out in the report was accepted.

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

- 8 Discount Fee for Disabled Adapted: This initiative was welcomed and Members heard that further discounts would be considered during the making of future licensing policies. The recommendation in the report was accepted.
- 9. Add New Condition (two-doored vehicles): Members heard that Officers would appreciate further time to consider the formulation of a satisfactory policy before making a firm proposal to the Committee at a future date. The recommendation in the report to defer was, therefore, accepted.
- 10, 11 and 14. Add New Conditions (signage/plates): In considering the recommendations for these proposals, differing views were expressed about the effectiveness of the signage being suggested by the Council to the trade, particularly in terms of easy recognition by customers and the differentiation between Private Hire Vehicles and Hackney Carriages. A sample of a double-sided, internal licence plate was displayed at the meeting. Concerns were expressed about the use of roof lights not only in terms of effect on fuel consumption on long journeys, but also in regard to illumination whilst travelling along motorways. In the debate, Members explored how best to protect the best interests of users while acknowledging the responses received from the trade during the consultation process.

Councillor J W Boyce entered the meeting at this point (7.24 pm).

Further discussion took place comparing the objectives that Members had previously wished to achieve with those now being recommended following the Consultation processes. Members were advised that once a Private Hire Vehicle was licensed as such it remained of that status beyond working hours. It was clarified that, under any circumstances, vehicles were already required to have plates displayed at the rear of the vehicle. A number of motions and amendments concerning the display of roof lights, lit roof lights and displays on door panels were proposed and seconded, with justifications given in each case. On being put to the vote, these motions met with equilibrium at five votes for to five against with the Chair using her second vote to defeat the amendments. On being put to the vote, the substantive motion to accept the recommendations at items 10, 11 and 14 contained in the report was carried by five votes for to three against.

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER LICENCE

- 18. Add New Condition (dashboard badge): The Committee heard that experience showed that dashboard badges were not always displayed as required. The Chair implored anyone to report knowledge of such instances for enforcement action. The Assistant Solicitor explained the legal requirements in this regard along the Council's enforcement practices to date. The Committee accepted the recommendation as presented in the report.
- 23. Introduce Offences Scale to apply to Drivers: The Chair commented how this proposal had been favourably received by operators. The Committee looked in more detail at the contents of Appendix 2 and the descriptions of each of the breaches. The Vice-chair made particular reference to Code-P4 at page 39, concerning smoking in vehicles. It was felt that there should be a distinction between smoking by passengers (where it was felt that two points should be incurred by drivers who allow smoking in vehicles) and, perhaps, a further separate condition concerning drivers drinking or eating without express permission of the hirer whilst on duty.

Continuing the discussion about breach of conditions, queries were raised about the wording of some of the listed breaches, particularly in regard to the carrying of a pet animal other than an assistance dog which, perhaps, could be rephrased to say "failure to carry a pet animal other than an assistance dog" (code P13). Further comment was made about Code-P26 – the sounding of vehicle horns or using audible to attract customers attention day or night.

At this point and in order to be fully effective, it was stressed that the trade members should be made fully aware of the Driver Penalty Awards System, along with the implementation of the remainder of the recommendations being adopted by the Council.

An example of an unacceptable vehicle was given, usually parking in Long Street, Wigston, with identification plates clearly in an unsatisfactory state.

A discussion ensued about the appeal procedures following the imposition of penalty points. The Assistant Solicitor explained the processes involved, incorporating a full investigation of each case, taking account of mitigation prior to action being instigated by the Head of Legal and Licensing under the auspices of the Constitution. It was confirmed that appeals could be made to and heard by the Magistrates Court but the Council would prefer to utilise fully the "totting-up" procedure, as now recommended to the Committee, in order to present a more persuasive case to the Court that any action taken by the Council by way of suspension or revocation was justifiable and warranted.

Returning to the Chief Executive's covering report, the Chair put the two recommendations contained therein to the vote. Prior to going to the vote, it was suggested that the outcome of the penalty point scheme be the subject of quarterly reports to the Committee. The

Senior Legal and Licensing Officer explained the extent to which the Council's proposals had been publicised, through use of the full consultee's lists, the Council's web site and a press release. It was confirmed that points gained under the penalty points scheme expired after a period of two years.

Upon being put to the vote, the Chair's motion was carried by 10 votes for to 0 against.

RESOLVED: That

- (1) Having taken into account the results of the consultation process, the Council's existing Hackney Carriage and Private Hire Licensing arrangements be amended by effecting the recommendations set out at Proposals 1 to 23 contained in the Appendix 1 to the report, along with the associated Appendix 2; and
- (2) **COUNCIL BE RECOMMENDED TO DELEGATE TO THE HEAD OF LEGAL AND LICENSING POWERS TO DETERMINE APPROPRIATE COURSES OF ACTION TO BE TAKEN AGAINST THOSE LICENSED DRIVERS WHO RECEIVE A MINIMUM OF 12 PENALTY POINTS IN ANY TWO YEAR PERIOD.**

b) Review of Scale of Charges – 2009/10

In the presentation of the report, Members heard that, apart from the Statutory-based Fees, any changes were shown to have been increased in line with the rate of inflation as advised by the Council's accountancy staff. Officers would, in future, look to presenting the report in a fashion which differentiated more clearly between those items controlled under Statutory measures with those levied under the Council's discretion.

RESOLVED: That the fees and charges shown in the Schedule to the report be adopted for the financial year commencing 1 April 2009.

c) Application for House to House Collection Permit – Orphan and Community Aid Charity

Members were advised that this item had been withdrawn from the Agenda.

The meeting closed at 8.05 pm.