

LICENSING COMMITTEE

Minutes of the meeting held on Wednesday, 14th June 2017 at Retford Town Hall

Present: Councillor J Potts (Chair)
Councillors J R Anderson, B A Bowles, G Clarkson, S Isard, G Jones, D Merryweather, D R Pressley, A Smith and K Sutton.

Officers in attendance: W Nuttall, B Pinkney, A Webster and S Wormald.

(Meeting opened at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. She also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, although the applicant was present, this was not taken up).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Brand and K M Greaves.

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor J R Anderson declared a non-pecuniary interest in Agenda Item No. 7(b).

(b) Officers

There were no Declarations of Interest by officers.

3. MINUTES OF THE MEETING HELD ON 19th APRIL 2017

RESOLVED that the Minutes of the meeting held on 19th April 2017 be approved.

4. MINUTES FOR ACTION

The Council Solicitor informed Members that the exemption in application 66a had been implemented.

RESOLVED that the Minutes for Action be received.

5. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

6. REPORT(S) OF THE COUNCIL SOLICITOR

(a) Equality Act 2010 wheelchair accessible vehicles

Members were advised that on the 6th April 2017 sections 165 and 167 of the act came into force.

Members were advised that section 165 places duties on the driver of a designated hackney carriage or private hire vehicle, making it an offence not to offer reasonable assistance, to charge extra for providing any assistance, or to refuse a fare from a disabled passenger altogether.

Section 167 gives Licensing Authorities the power to maintain a list of designated licensed vehicles which are wheelchair accessible, and should include the details only of vehicles which are capable of carrying a passenger in their wheelchair. The list should include the make and model of the vehicle, whether or not it is a hackney carriage or private hire, and the name of the proprietor or operator.

The licensing Authority is not required to maintain a list of designated vehicles, but if the licensing authority decides not to maintain such a list then section 165 does not have effect. This is because the vehicles would not be “designated” for the purpose of the Act.

Under section 166 of the Act, drivers are already able to apply for an exemption from their duties of assistance to passengers in wheelchairs, on medical or physical grounds. This exemption may be valid for a length of time that the Authority thinks is appropriate. .

RESOLVED to proceed with the publication of the list of designated vehicles in accordance with section 167 of the Equality Act 2010 and instruct officers to draft a policy governing the application process for an exemption certificate.

(b) Fees and charges for Licensing 2017/18 correction of fees for hackney carriage vehicle (Annual) and 6 monthly test for Hackney Carriage Vehicles (over 5 years of age).

Members were advised that the purpose of this report is to correct two errors in the fees and charges schedule for Licences for the financial year 2017/18. Those relate to the fee for a hackney carriage vehicle (annual) and the fee for the six-monthly fee for a hackney carriage vehicle (for vehicles over five years old).

The Licensing Committee has the power to set fees and charges for Licences. A review is undertaken by the committee, on an annual basis, in accordance with the Council’s policy. The committee set the fees and charges for Licenses meeting on 11th January 2017.

Members were advised that it is a legal requirement to publicly advertise in the local press any proposed increases in the fees for hackney carriage vehicles, private hire vehicles and private hire operators.

The first annual fee for hackney carriage vehicles was listed and approved as £232.00. This fee should be the same as the annual fee for a private hire vehicle, £244.00. Likewise, the fee for six-monthly test for a hackney carriage vehicle (for vehicles over five years old) was listed and approved as £104.00. This fee should also be the same as that for a private hire vehicle, £116.00.

In both cases, the difference in fees is £12. The £12 relates to an increase in fees relating to the vehicle inspection. This fee should have been applied to both hackney carriage and private hire vehicles; hence the relevant fees should be £244.00 and £116.00 respectively for both types of vehicle.

RESOLVED that the license fee for a hackney carriage vehicle (annual) is set at £244.00 and the fee for the six-monthly test for a hackney carriage vehicle (for vehicles over five years old) is set at £116.00 for the financial year 2017/18.

(c) House of Lords Select Committee Report Scrutiny of Licensing Act 2003

Members were advised that the purpose of this report is to provide members with a summary of the recommendations contained in the report of the House of Lords Select Committee on the post-legislative scrutiny of the Licensing Act 2003.

Members were advised that in 2015 the House of Lords Select Committee were asked to conduct post-legislative scrutiny of the Licensing Act 2003. The act came into force in 2005 and, having been in force for 10 years; it was felt that this was an appropriate time to conduct a review of the act's effectiveness. The Act had also been the subject of a number of amendments during that 10 year period. The Committee were asked to consider the following;

- To what extent has the Act met its objective of balancing rights and responsibilities?
- Are the four Licensing objectives underpinning the Act the right ones?
- Has the Act proved sufficiently flexible to address changing circumstances?
- What lessons can policy makers draw from the changes made to the licensing regime since its implementation in 2005?

Members were advised that the Select Committee has now concluded its review and published its report.

RESOLVED that the recommendations contained in the report of the House of Lords Select Committee on the post-legislative scrutiny of the Licensing Act 2003 be noted.

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 1, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 7(a) – Application for combined Hackney Carriage/Private Hire Driver's Licence – Paragraph 1.

Agenda Item No. 7(b) – Application for combined Hackney Carriage/Private Hire Drivers Licence – Paragraph 1.

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

None.

Other Decisions

8. REPORT(S) OF THE PRINCIPAL SOLICITOR (LICENSING AND REGULATORY)

(a) Application for combined Hackney Carriage/Private Hire Drivers licence

Members were asked to consider and determine the application for a 3 year combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present and answered member's questions in support of the request.

RESOLVED that the application be granted.

(b) Application for combined Hackney Carriage/Private Hire Drivers Licence

Members were asked to consider and determine the application for a 3 year combined Hackney Carriage/Private Hire Driver's Licence.

The applicant was present and answered member's questions in support of the request.

RESOLVED that the application be deferred to a future committee for further evidence from the applicant.

9. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT.

As there was no other urgent business to be discussed, the Chair closed the meeting.

(Meeting closed at 8.00pm.)