

LICENSING AND REGULATORY COMMITTEE

**MEETING HELD AT THE TOWN HALL, SOUTHPORT
ON 30 JULY 2012**

PRESENT: Councillor Kerrigan (in the Chair)

Councillors Robinson, Ball, Blackburn, Bradshaw,
Carr, Dorgan, Keith, Kermode, Mahon, Rimmer,
Robertson and Roche

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gustafson and Preece.

12. DECLARATIONS OF INTEREST

1. The following declaration of disclosable pecuniary interest was made and the Member concerned left the room during the consideration of the item:

Member	Minute No.	Nature of Interest
Councillor Carr	14 - Reforming the Law of Taxi and Private Hire Services – A consultation paper	He is employed as a taxi driver / owner in the Borough of Knowsley

2. In accordance with Paragraph 7 of the Council's Code of Conduct, the following declarations of personal interest were made and the Members concerned remained in the room, but took no part in consideration of the item(s) and did not vote thereon:

Member	Minute No.	Nature of Interest
Councillor Carr	15 – Changes to the Hackney Carriage and Private Hire and Omnibus Licensing Scheme Handbook	He is employed as a taxi driver / owner in the Borough of Knowsley
Councillor Robinson	14 - Reforming the Law of Taxi and Private Hire Services – A consultation paper	His son is employed as a taxi driver in Sefton

Councillor Robinson	15 – Changes to the Hackney Carriage and Private Hire and Omnibus Licensing Scheme Handbook	His son is employed as a taxi driver in Sefton
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13. MINUTES

RESOLVED:

That the Minutes of the meeting held on 28 May 2012, be confirmed as a correct record.

14. REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES - A CONSULTATION PAPER

The Committee considered a petition submitted in accordance with Rule No. 26 of the Council Committee and Procedure Rules, presented by Mr R Jarman, on behalf of Hackney carriage drivers. The petition, which had been published as a supplementary agenda item, detailed objections to the Trading Standards and Licensing Manager's proposed response to the Law Commission consultation paper.

Mr Jarman's presentation focused on specific differences between the Hackney carriage and private hire trades (Proposals 19, 21, 23, 26, 38, 41, and 49) and concerns about enforcement (Proposals 64, 66, 67, 69 and 70-73). Following his presentation, Mr Jarman answered questions raised by Members.

In response to the comments and concerns raised by Mr Jarman, the Trading Standards and Licensing Manager explained that Sefton Council's draft response to the consultation (attached as Annex 1 to the report) had incorporated the opinions of a number of stakeholders, including licensing and trading standards officers, as well as members of the Hackney carriage and private hire trade via the Hackney Carriage and Private Hire Trade Working Group, which had considered the Law Commission report at its meeting held on 26 June 2012.

He indicated that although the views of the trades had been taken on board, they could not be incorporated with the degree of emphasis that individual drivers / sections of the trade might wish, because Sefton Council's response had to take a wider view.

He advised however, that the Law Commission actively welcomed and encouraged responses from individual representatives / drivers from both the Hackney carriage and private hire trades and that there was still plenty of time for individuals to respond to the consultation by the close date of 10 September 2012.

Notwithstanding this, he acknowledged that a number of comments made in the petition were helpful and he suggested a further meeting with Mr Jarman, to discuss which of these concerns could be incorporated into the Sefton response.

The Committee then considered the report of the Director of Built Environment which advised of the Law Commission Consultation Paper No. 203 'Reforming the Law of Taxi and Private hire Services'.

The report indicated that the Law Commission Consultation Paper was a 232 page document that focused on the following key areas:

- a) The Licensing Framework
- b) Definitions and Scope
- c) Driver, Vehicle and Operator Licensing
- d) Enforcement
- e) Hearings and Appeals
- f) Regulation and the One or Two Tier Debate
- g) Problems with the Law and the Case For Reform
- h) Quantity Restrictions
- i) Cross Border Issues
- j) Equality and Taxis in the Community
- k) Technology
- l) Overview of Provisional Reform Proposals
- m) Reform of Definitions and Scope
- n) A Reformed Regulatory Framework
- o) Reform of Driver, Vehicle and Operator Licensing
- p) Reforming Quality Controls
- q) Taxi and Private Hire Reform and Equality
- r) Reforming Enforcement
- s) Reform of Hearings and Appeals

The final section of the consultation document was an appendix detailing 73 questions and proposals.

As indicated above, the report concluded that the Trading Standards and Licensing Manager had consulted with both the Hackney Carriage and Private Hire Trades at the Joint Trades Meeting on 26 June 2012 and had drafted a response to the consultation which was attached as Annex 1 to the Report.

RESOLVED: That

- (1) the petition submitted on behalf of hackney carriage drivers objecting to the Trading Standards and Licensing Manager's proposed response to the Law Commission consultation paper be noted;
- (2) Mr Jarman be thanked for submitting and presenting the petition;
- (3) the Report of the Director of Built Environment advising Members

of the Law Commission Consultation Paper No 203, "Reforming the Law of Taxi and Private Hire Services", be noted;

- (4) the Trading Standards and Licensing Manager's response to the consultation be endorsed, subject to his meeting separately with the petition representative, Mr Jarman, to consider the potential incorporation of issues raised in the petition; and
- (5) subject to (4) above, the Chair and Vice Chair, be authorised to endorse the Trading Standards and Licensing Manager's final response to the Law Commission Consultation paper, on behalf of the Committee.

15. CHANGES TO THE HACKNEY CARRIAGE, PRIVATE HIRE AND OMNIBUS LICENSING SCHEME HANDBOOK

Further to Minute No. 26 of 27 October 2008, the Committee considered the report of the Director of Built Environment which advised of the proposed changes to the Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook.

The report indicated that the Handbook had been adopted with effect from 1 December 2008, but that since then the following changes had been requested via the Hackney Carriage and Private Hire Joint Trades Working Group:

- Internal lights/plates for taxis (as detailed in paragraph 5.6 of the report);
- location of door signage for private hire vehicles (detailed in paragraph 4.2 of the report);
- length of knowledge test 'expiry' date (detailed in paragraph 3.3 of the report); and
- roof signs for non metropolitan type vehicles (detailed in paragraph 6.6 of the report).

The Trading Standards and Licensing Manager presented the report, indicating that a letter had been sent to all non metropolitan hackney type vehicle owners requesting feedback on the proposed roof sign changes by 12 July 2012 and that the feedback responses were attached as Annex 1 to the report.

He indicated that subject to Committee approval, it was proposed that the changes detailed in paragraphs 3.3, 4.2 and 5.6 of the report would be adopted immediately following the meeting; and the changes detailed in paragraph 6.6 relating to new roof signage, would also be adopted immediately following the meeting, except for vehicles with existing signage, which would be given until 1 April 2013, to enable gradual replacement.

Following his presentation, the Trading Standards and Licensing Manager responded to questions from Members.

The Trading Standards and Licensing Manager concluded by stating his intention to submit the revised handbook for consideration at the Licensing and Regulatory Committee Spokespersons with Representatives of the Hackney Carriage and Private Hire Trades Meeting on 22 January 2013; and finally, for consideration and adoption by the Licensing and Regulatory Committee on 11 March 2013.

RESOLVED: That

- (1) the report be noted;
- (2) the Trading Standards and Licensing Manager be thanked for his presentation;
- (3) the changes detailed in paragraphs 3.3, 4.2 and 5.6 of the report be approved for adoption immediately following the meeting;
- (4) the changes detailed in paragraph 6.6 relating to any new roof signage, be approved for adoption immediately following the meeting; otherwise, by 1 April 2013 for vehicles with existing signage, to allow the gradual replacement of existing signage;
- (5) the Director of Built Environment be requested to submit the revised Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook to the Licensing and Regulatory Committee Spokespersons with Representatives of the Hackney Carriage and Private Hire Trades Meeting on 22 January 2013; and finally, for adoption by the Licensing and Regulatory Committee on 11 March 2013.

16. DETERMINATIONS MADE UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005: PERIOD COVERING 5 MAY 2012 TO 6 JULY 2012

The Committee considered the report of the Director of Built Environment updating on applications made under the Licensing Act, 2003 and the Gambling Act 2005, which had been determined by Licensing Officers.

The report indicated that Sefton Council's Statement of Licensing Policy (issued under the Licensing Act 2003) and the Statement of Gambling Policy (issued under the Gambling Act 2005), both followed the recommended delegation of functions contained within the Guidance issued under Section 182 of the Licensing Act 2003 and the Guidance issued under Section 25 of the Gambling Act 2005 and that where there were no relevant representations to applications, then these matters would be dealt with by Officers in order to speed matters through the system. The Guidance also recommended that where powers had been delegated,

LICENSING AND REGULATORY COMMITTEE- MONDAY 30TH JULY,
2012

the Committee would receive regular reports on decisions made by Officers in order to maintain an overview of the general licensing situation.

The report indicated that during the period 4 May 2012 to 6 July 2012, the Director of Built Environment had received and determined the following numbers of applications:

Under the Licensing Act 2003:

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| • Premises Licences | 48 |
| • Personal Licences | 13 |
| • Temporary Event Notices | 89 |
| • Notification of Late Temporary Event Notices | 19 |

Under the Gambling Act 2005:

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| • Gambling Premises Licences | 2 |
| • Licensed Premises Automatic Gaming | 2 |

Details of the determinations were indicated in Annexes 1 and 2 of the report.

RESOLVED:

That the report and the fact that further update reports would be submitted as necessary be noted.