

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing and Regulatory Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 25 June 2013 commencing at 6.30 pm.

Present: Councillor Jessie Milne (Chairman - In the Chair)
Councillor Owen Bierley (Vice-Chairman)

Councillor David Cotton
Councillor Paul Howitt-Cowan
Councillor Irmgard Parrott
Councillor William Parry
Councillor Lewis Strange

In Attendance:

Chris Allen Head of Public Protection Services
Phil Hinch Licensing Team Manager
Lesley Beevers Environmental Protection Team Leader
Katie Coughlan Governance and Civic Officer

Apologies : Councillor Richard Doran
Councillor Roger Patterson
Councillor Judy Rainsforth

Membership : Councillor William Parry substituting for Councillor Roger Patterson

6 PUBLIC PARTICIPATION PERIOD

There was no public participation.

7 MINUTES FOR APPROVAL

(a) Licensing and Regulatory Committee – 2 October 2012 (LR.01 13/14)

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 2 October 2012 be confirmed and signed as a correct record.

(b) Licensing and Regulatory Committee – 20 May 2013 (LR.02 13/14)

RESOLVED that the minutes of the Meeting of the Licensing and Regulatory Committee held on 20 May 2013 be confirmed and signed as a correct record.

8 MINUTES FOR NOTING

- (a) Meeting of the Licensing Sub-Committee Committee held on 18 March 2013 (LR.03 13/14)

RESOLVED that the minutes of the Meeting of the Licensing Sub-Committee held on 18 March 2013 be noted.

- (b) Meeting of the Taxi and General Licensing Sub-Committee held on 19 December 2012 (LR.04 13/14)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 19 December 2012 be noted.

- (c) Meeting of the Taxi and General Licensing Sub-Committee held on 19 February 2013 (LR.05 13/14)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 19 February 2013 be noted.

- (d) Meeting of the Taxi and General Licensing Sub-Committee held on 22 May 2013 (LR.06 13/14)

RESOLVED that the minutes of the Meeting of the Taxi and General Licensing Sub-Committee held on 22 May 2013 be noted.

9 MATTERS ARISING SCHEDULE SETTING OUT CURRENT POSITION OF PREVIOUSLY AGREED ACTIONS AS AT 17 JUNE (LR.07 13/14)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 17 June 2013.

RESOLVED that progress on the Matters Arising Schedule, as set out in report LR.07 13/14, be received and noted.

10 MEMBERS' DECLARATIONS OF INTEREST.

There were no declarations of interest made.

11 REVIEW OF THE TAXI LICENSING POLICY (LR.08 13/14)

Members gave consideration to a report which detailed proposals to adopt a specific Policy in relation to the intended use of Hackney Carriage Proprietor Licences and to introduce a knowledge test for Private Hire/Hackney Carriage driver applicants.

In presenting the report, the Licensing Team Manager outlined at length the current issues the Council was facing and how some of these emerging issues had the potential to comprise the Council's primary aim regarding taxi licensing, namely to ensure the health and safety of the travelling public.

Reference was also made to a recent High Court decision known as the "Berwick Case", the circumstances surrounding the case and the findings of which were summarised to Members.

It was stressed that the suggested amendments to the Policy were a way the Council could ensure that applications for the grant of hackney carriage licences were determined in accordance with the guidance given by the High Court.

Members congratulated the Licensing Team Manager on his thorough, clear and informative report, making particular reference to the completed EIA, which Members wished to see more of in the future.

Members asked a number of questions and in response thereto the following points were noted:-

- The intended implementation date of 1 September 2013 had been suggested in order not to penalise those persons whom had been waiting in the list for up to 6 months;
- Officers did not have concerns that in the interim there would be a deluge of applications, as all new applicants were being informed of the likely amendments to the Policy and were only being invited to proceed if they believed they could meet the new criteria;
- The suggested fee had been set on a cost recovery basis and this had been deliberately separated out from the other fees payable, as in the event of an application being refused, the application fee was refundable, as defined by statute, and therefore this arrangement would make the operational side more simplified;
- Existing drivers, were not been expected to sit the knowledge test on renewal (so long as renewal was made in a timely manner) as there was a view such persons had already been deemed fit and proper persons, and had been carrying out the function in an appropriate manner.

In response to Members' suggestions that Central Government should be lobbied on the issues raised through the report, the Licensing Team Manager made reference to a recent consultation document, which he had hoped would address

some of the loop holes in the current legislation. However, having reviewed the interim findings, he was not hopeful that this would be the case and thus the need for the Policy to be amended remained.

Members welcomed the tightening up of the Policy, and its equality and fairness and on that basis it was **RESOLVED** that:

- (a) having considered the revised process in relation to Taxi Proprietors and Drivers, it be **RECOMMENDED** to the Prosperous Communities Committee that Appendices 1 and 2 of report LR.08 13/14 be adopted;
- (b) having considered the suggested fee to be charged for Driver Knowledge Tests it be **RECOMMENDED** to full Council that this be set at £15.00; and
- (c) Council be **RECOMMENDED** to grant delegated authority to the Head of Public Protection, to refuse applications when the Knowledge Test has not been passed by applicants.

12 FOOD HEALTH AND SAFETY SERVICE PLAN (LR.09 13/14)

Members gave consideration to a report which presented the 2013/2014 Food, Health and Safety Service Plan for approval.

In response to Members' questions, the Environmental Protection Team Leader gave assurances that all high and medium risks inspections would be undertaken in accordance with the plan. Furthermore, it was noted that any complaints received would be followed up with an inspection

At the request of the Chairman, the Environmental Protection Team Leader commented on a recent press article, published in the Gainsborough Standard, explaining at length the scoring mechanism food inspectors are duty bound to use and how these inform the star ratings awarded.

RESOLVED that the Food, Health and Safety Service Plan be received, noted and approved.

13 THANKS

The Committee wished to place on record their thanks to the Licensing Team Manager, the Environmental Protection Team Leader and their teams for the work they undertake on behalf of the Authority.

The meeting concluded at 7.35 pm

Chairman