

## **LICENSING COMMITTEE**

### **Minutes of a meeting of the Licensing Committee held on Wednesday, 30th June 2010 at 6.00 pm in the Reception Suite, Civic Offices, Telford**

**PRESENT:** R.Aveley (Chairman), R.T.Kiernan (Vice-Chairman), R.G.Chaplin, J.A.Francis, Y.C.Hicks, G.P.Hossell, C.N.Mason, C.P.R.Mollett, C.F.Smith and A.G.P.Williams.

#### **LC-6 MINUTES**

**RESOLVED** – that the minutes of the meeting of the Licensing Committee held on the 16th June 2010 be confirmed and signed by the Chairman.

#### **LC-7 APOLOGIES FOR ABSENCE**

Councillors R.E.Groom, T.J.Hope, A.A.Mackenzie and H.Rhodes.

#### **LC-8 DECLARATIONS OF INTEREST**

None

#### **LC-9 COMMUNITY GOVERNANCE REVIEW – HADLEY & LEEGOMERY PARISH WARD OF THE PARISH OF HADLEY & LEEGOMERY – APPROVAL OF DRAFT PROPOSALS**

The report of the Head of Governance was received which sought Members approval for the publication of the Draft Proposals document for this Review. The document incorporated the draft proposals that the Council was making in this Review and invited comments on these proposals.

Members were reminded that at the Committee meeting held on 1st September 2009, it was reported that a letter from Hadley and Leegomery Parish Council requesting that a review be held of the Hadley and Leegomery Parish Ward of their council was considered. The Committee resolved that a Community Governance Review should be commenced by the preparation for the Committee's consideration of a Terms of Reference document. Members were reminded that the Terms of Reference document was published by the Committee at its meeting held on the 9th November 2009. The Committee was advised that the only submission that had been received by the deadline date of 11th January 2010 was from Hadley and Leegomery Parish Council, which had been considered and balanced against the policies that the Committee laid out in the Terms of Reference.

It was recommended that the Committee should adopt and publish the Draft Proposals document as attached to the report. The proposals were that the present Hadley and Leegomery Parish Ward should be divided into three parish wards – the Hadley Castle, Hadley Manor and Leegomery parish wards – for the purposes of elections to the parish council; that the ward boundaries be as outlined on the map in Annex 2 Map 3 to the document; that there should be four councillors for each of the new parish wards, and that the commencement for these new arrangements would be the next ordinary elections of parish councillors in the Borough. Finally, the Draft

Proposals document covered the commencement of any new arrangements. It was considered to be preferable for any new arrangements to take effect at the next ordinary elections to the parish council scheduled for May 2011. This would involve a lead-in time which would commence on 1st December 2010 when a revised register of electors would be published which would give effect to the new warding arrangements.

The Committee were finally advised that publication of the Draft Proposals document would launch the next stage in the Review, and would open a suggested six-week period for comments, which would extend until 13th August 2010. Any comments received would assist in the preparation of the Final Proposals for the future of community governance in the affected area.

Following a discussion; it was,

**RESOLVED** – that the Committee adopts and publishes the Draft Proposals document.

#### **LC-10      HACKNEY CARRIAGE TARIFFS**

Members received the report of the Service Delivery Manager – Public Protection which requested Members should determine whether a surcharge could be put in place for bookings made in advance to a Hackney Carriage Proprietor. It was reported that the Licensing Operations Manager had received a request from the Telford Hackney Carriage Association for an additional surcharge for when bookings were made in advance.

The Committee was reminded that the Council may fix fares within the district under section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and that the current fare scale had existed since 2005, when an increase in fares requested by the Hackney Carriage Association was agreed by the Council. It was an offence under the Town Police Clauses Act 1847, s58 for a Hackney Carriage Driver to charge more than the fare shown on the meter plus any legitimate charges displayed on the fare card.

It was pointed out that an increased number of Hackney Carriage proprietors were lawfully acting as Private Hire Vehicles, i.e. taking advance bookings. The mileage from the taxi rank to the Pick up Point for a booking was not presently covered by the fare card and Hackney Carriage Drivers were unable to charge the customer for this mileage. A booking fee was, therefore, lawful provided it was approved by the Local Authority.

The Telford Hackney Carriage Association's request for a surcharge to cover a booking fee, proposed that this should be calculated in 2-mile radii taken from Telford Central Railway station and calculated at £2.00 per mile, to a maximum of £14.00. The Committee were reminded of the requirement that such a booking must be levied on all pre-booked fares.

Any proposed increase or change to a fare card must be advertised in a local newspaper and a period for objections allowed. If objections were received in the specified period, the objections must be considered prior to the new fares coming into force. It was suggested that consideration of the objections should be delegated

to the Licensing Operations Manager, following consultation with the Chair and Vice-Chair of the Council's Licensing Committee and if considered necessary, the matter would be brought back before the Licensing Committee.

A number of members expressed concern at the maximum amount of £14 that could be charged as stated within the report and also commented on the chosen point within the Borough being the starting point from which the advanced booking fee could be charged. Members did question as to whether a fixed stated advanced booking fee would be fairer in the circumstances. By way of response the Licensing Operations Manager stated that the proposal for the charging regime had been requested by the Telford Hackney Carriage Association but, if the principle was agreed by the Committee then the proposal would be subjected to a period of open consultation where it was possible that alternative charging proposals could be forthcoming that would also receive consideration.

### **RESOLVED –**

- (a) that the proposed consultation in relation to the addition of a surcharge for advanced bookings as based on the details contained within Appendix A of the report along with an alternative proposal of a flat rate fee be approved; and,**
- (b) that delegated authority be granted to the Licensing Operations Manager following consultation with the Chairman and Vice-Chairman of the Committee to consider any objections received and that if considered appropriate that the matter should be referred back to the Licensing Committee.**

### **LC-11      LICENSING SUB-COMMITTEES**

The report of the Head of Governance was received which sought consideration of the Committee to review the present working arrangements of the Committee in connection with hackney carriage and private hire related applications, renewals and reviews.

Members were advised that during the previous Council Year the Licensing Committee had sat on 21 occasions to hear 46 hackney carriage and private hire related applications, renewals and reviews, which had been a significant increase in the number of private hearings. The Committee was also referred to Appendix B that was attached to the report which indicated the period of time taken to deal with these particular matters. It was indicated that this particular situation gave rise to human rights considerations in relation to Protocol 1 Article 1 the right to property i.e. the licence and Article 6 the right to a fair hearing i.e. a hearing within a reasonable period of time.

It was further reported that there had been considerable difficulties encountered with the arrangement of these frequent meetings for a Committee of 14 together with officers at short notice and at a suitable venue and this had lead to hearing delays. Furthermore, difficulties had been encountered with vulnerable witnesses giving evidence to a large forum. It was considered that a smaller tribunal would provide a more appropriate environment and would be in keeping with the Licensing Sub-Committees which were used for Licensing Act and Gambling Act matters.

It was proposed that a Licensing Sub-Committee of 5 Members (drawn from the panel of 14 Members of the Licensing Committee) with a quorum of 3 would reduce the time spent in Committee (whilst not adversely impacting and probably increasing the right of an individual to a fair hearing) for each matter thus enabling the Committee to deal with more matters and reducing the time between application, renewal or review and determination. It would also increase the quality of this service by reducing waiting times for those attending hearings. It was also proposed and in order to further reduce the time between application, renewal or review and determination the Licensing Sub-Committee could be chaired by the Chairman or the Vice-Chairman of Licensing Committee or in their absence a chair elected on the day of the hearing.

A number of members felt that there was some benefit in the creation of Licensing Sub-Committees in order to proceed with such business and that it would be more effective in the transaction of such business. However other members felt there were issues in the safety of members, that the overall Committee provided the best opportunity of guaranteeing safety and also enabled all members to be involved in the hearings and that this aspect would provide a greater chance of ensuring a fair hearing.

Following a further discussion; it was,

**RESOLVED** – that the proposal to introduce Licensing Sub-Committees in order to deal with Hackney Carriage and Private Hire Vehicle related applications, renewals and reviews be refused.

**LC-12      TAXI & PHV FORUM – CONFIRMATION OF MEMBERS APPOINTED FROM TELFORD & WREKIN COUNCIL**

The Committee received the verbal report of the Head of Governance in connection with the Taxi & Private Hire Vehicle Forum. The Committee were advised that following the recent meeting of Annual Council, Councillor V.A.Fletcher had relinquished her position as Chairman of the Licensing Committee and Councillor K.L.Tomlinson was no longer a member of the Committee and a replacement substitute was required. Accordingly there was a requirement to amend the Telford & Wrekin Members to the Taxi & PHV Forum. The Committee was requested to approve/confirm the following appointments of the full members and named substitutes to the Forum

<u>Member</u>	<u>Substitute</u>
Councillor R.Aveley	Councillor R.G.Chaplin
Councillor C.N.Mason	Councillor H.Rhodes
Councillor R.E.Groom	Councillor G.P.Hossell
Councillor A.G.P.Williams	Councillor J.A.Francis

**RESOLVED –**

- (a) that Councillors R.Aveley, C.N.Mason, R.E.Groom and A.G.P.Williams be formally confirmed as the Council’s representatives to the Taxi & Private Hire Forum, and;**
- (b) that Councillors R.G.Chaplin, H.Rhodes, G.P.Hossell and J.A.Francis be formally confirmed as the Council’s nominated substitutes to the Taxi & Private Hire Forum to ensure that the Council’s representation was maintained.**

The meeting ended at 7.20 pm.

**Chairman:**

**Date:**