

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday 18th September 2013 at 6.00 pm at the Business Development Centre, Stafford Park, Telford, TF3 3BA

PRESENT

Councillors: C Mason (Chair), A Mackenzie, J Seymour, R Scammell, R Sloan, J Thompson and C Turley

Officers in attendance: J. Eatough – Assistant Director: Law, Democracy and Public Protection, J. Revell - Service Delivery Manager: Public Protection, T. Street – Solicitor, S. Fisher – Public Protection Team Leader, C. Phillips – Licensing Technical Officer and P. Smith - Democratic Services Team Leader

LC - 05 MINUTES

RESOLVED – that the minutes of the Licensing Committee meeting held on 26th June 2013 be confirmed and signed by the Chair.

LC - 06 APOLOGIES FOR ABSENCE

Councillor M Smith.

LC - 07 DECLARATIONS OF INTEREST

None.

LC – 08 REVIEW OF THE COUNCIL’S HACKNEY CARRIAGE AND PRIVATE HIRE CONDITIONS AND POLICIES

The Licensing Technical Officer presented the report of the Service Delivery Manager – Public Protection which outlined proposed amendments to licensing policies and a revised set of conditions for consultation with the taxi trade. An amendment was made to recommendation 2.1 in the report by deleting the word “adverse” and substituting with the word “material”.

A comprehensive review of the Council’s conditions of licence for Private Hire and Hackney Carriages had been undertaken as a result of a significant number of local operators and drivers now being licensed by other Councils, and the consequent loss of income to the Council. Meetings had been held with the trade to try and reach a consensus on what matters needed to be reviewed. Taking account of the opinions expressed, a revised set of conditions and amendment to policies had been formulated. The proposed changes to the current Licensing Policy and the Criminal Convictions Policy were of a minor administrative nature in order to reflect recent changes agreed by the Committee and changes in the Criminal Records Bureau. The opportunity had also been taken to make the licensing policies and conditions less wordy and easier to understand. All the proposed amendments to the policies and conditions of licence were highlighted in the appendices to the report.

In terms of the conditions of licence, the main issues for consultation were:

Hackney Carriage Conditions

- Condition 2.6 To increase the age limit for Hackney Carriages to 12 years.
- To amend the condition in respect of the 'exceptional condition criteria' and allow drivers one opportunity to rectify a major fault. If however, after a further compliance check the Hackney Carriage fails, then the vehicle will not be licensed any further.

Private Hire Vehicle Conditions

- Condition 3.5 To remove the current age entry limit of five years.
- Condition 8.1 To amend the current condition and to allow Private Hire Vehicles to advertise details of their operator, which will include business name, address & telephone number.
- Condition 3.3 To create a new set of conditions applicable to limousines.

Dual Driver Conditions

- Condition 4.1 To amend this condition to state that the Licence holder shall notify the Council in writing of any conviction, caution or charge recorded against him/her by any authority within 7 days of such a conviction, caution or charge being imposed

It was stressed that the main consideration of the Licensing Service had been to ensure that public safety remained paramount. It was considered that the issues being put forward for consultation would not compromise the safety of the public.

During the ensuing debate, clarification and reassurance was sought in relation to relaxation of the age limits for vehicles and to changes in the system of compliance/MOT checks/tests. In terms of age limits, the Public Protection Team Leader advised that it had reached the stage where most 10 year old vehicles were equipped with up-to-date safety features. Rigorous compliance checks also made the age of vehicles less of an issue. It was confirmed that the compliance/MOT tests would still be carried out by TWS. There was an issue that if licensees required a separate MOT certificate, TWS charged an extra £12 because the administration involved a different system. At present, it was a decision licensees had to make, but the Council had informed the local police that some licensed vehicles, while compliant, would not be recorded on the national MOT database.

Members expressed concern at the number of taxis operating in the Borough over which the Council had little control in terms of licensing and enforcement. The Chair advised that the Cabinet Member for Public Protection would be writing to the relevant Government minister to highlight the situation. The Committee recognised

the need to attract local operators and drivers to be licensed by Telford and Wrekin Council, subject to safeguards and effective monitoring.

RESOLVED -

- (a) that a revised set of conditions for hackney carriages, private hire operators, private hire vehicles and dual drivers be approved for an eight week consultation exercise;
- (b) that authority be delegated to the Principal Licensing Officer, in consultation with the Chair, to consider and determine the results of the consultation, but that the Committee receive a further report in the event of any material comments arising from the consultation;
- (c) that the amendments to the current Licensing Policy, as shown at Appendix B of the report, be approved;
- (d) that the minor amendments to the current Criminal Convictions Policy, as detailed in Appendix C of the report, be approved.

LC-09 DELEGATIONS IN RESPECT TO COMPLAINTS COMPENSATION PAYMENTS

The Assistant Director: Law, Democracy & Public Protection presented a report which sought delegation from the Committee to Assistant Directors for the authorisation of complaints compensation payments up to £5,000.

The Council could make payments to service users following upheld/partly upheld complaints made to the Council, Local Government Ombudsman (LGO) or under statutory complaints procedures in recognition of poor service, loss or inconvenience. In these cases, maladministration had not been ruled against the Council but it had been recognised that services could have been provided better or dealt with more efficiently. The recent re-examination of the terms of reference of the Committee concluded that they were not clear on these types of payments, and so retrospective approvals and future delegation was sought in order to regularise the position. Delegation was not being sought for any payments to be made where maladministration had been ruled against the Council.

Members requested that, if the delegation was granted, the Committee receive an annual information report detailing the compensation payments under £5,000 that have been made over the preceding 12 months.

RESOLVED –

- (a) that the complaints compensation payments already made be approved;
- (b) that authority be delegated to Assistant Directors to approve complaints compensation payments up to £5,000 from their service area budget.

The meeting closed at 7.00 pm.

Chairman:

Dated: