

Minutes of Licensing Committee

Meeting Date: Tuesday, 20 October 2020 starting at 6.30pm
Present: Councillor G Mirfin (Chair)

Councillors:

Councillors J Alcock	D O'Rourke
R Bennett	S O'Rourke
D Berryman	S Rainford
R Elms	M Robinson
S Hore	G Scott
R Newmark	

In attendance: Head of Legal and Democratic Services and Solicitor

766 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors B Hilton, S Hirst and A Knox

767 MINUTES

The minutes of the meeting held on 28 January 2020 were approved as a correct record and signed by the Chairman.

768 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

769 PUBLIC PARTICIPATION

There was no public participation.

770 REVISION OF TAXI LICENSING POLICY AND PROCEDURES FOLLOWING PUBLICATION OF THE STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Chief Executive submitted a report informing Committee of the Statutory Taxi and Private Hire Vehicle Standards and seeking approval to amend the Council's policies and procedures.

The Head of Legal and Democratic Services reported that in July 2020 the Department for Transport had published its Statutory Taxi and Private Hire Vehicle Standards which were intended to reflect the significant changes in the industry and the lessons learned from experiences in local areas since the 2010 version of their Best Practice Guidance. The Standards set out a framework of policies which local authorities must have regard to when exercising their functions. The Department expects that the recommendations be implemented unless there is a compelling reason not to do so.

In light of the guidance, the Council had reviewed its current Taxi and Private Hire Licensing Policies and Procedures against the Standards, a review of which

was appended to the report. The Appendix outlined where action would be required and consulted upon.

Members were pleased to see a Complaints Procedure would be added and that Members would receive more training when necessary.

RESOLVED: That Committee approve in principle the action proposed in Appendix 2 to the report, and authorise the Head of Legal and Democratic Services to consult upon any material amendments to the Council's Taxi and Private Hire Licensing Policy.

771 REVISION OF STATEMENT OF LICENSING POLICY

The Chief Executive submitted a report seeking approval for the revision of the Council's Statement of Licensing Policy to form the basis for a consultation. The Licensing Act 2003 requires that the Council's Statement of Licensing Policy be reviewed every 5 years. The current Policy is in effect until 6 January 2021 and therefore must be reviewed so that the revised policy can come into force.

The factual amendments made to the Policy were shown as tracked changes for Committee's information. However, before determining the Policy, the Council was required to consult with parties specified in Section 5 of the Act. It was proposed to run the consultation from 21 October 2020 to 2 December 2020 and the results of the consultation would be brought to Full Council on 15 December 2020 for their approval.

Reference was made to the approval made in April 2019 for the Cumulative Impact Assessment in respect of Whalley and Painter Wood ward which would not need reviewing at this relatively early stage. Where appropriate, full consideration was being given to the CIA in determining relevant applications.

Members considered the draft changes suggested and were in favour of the CIA staying in place for the Whalley and Painter Wood ward. They also requested that the consultation list be updated as necessary and that the issues around the order in which planning and licensing applications can be submitted be placed on record.

RESOLVED: That Committee

1. approve the draft Statement of Licensing Policy as attached at Appendix 1 to the report; and
2. authorise the Head of Legal and Democratic Services to consult upon the draft Statement of Policy, and to report on the outcome of consultation and seek approval of the Licensing Policy by Full Council at its meeting on 15 December 2020.

772 AMENDMENT OF CONDITIONS FOR PRIVATE HIRE OPERATORS

The Chief Executive submitted a report seeking Committee's formal approval of amendment of the conditions applicable to Private Hire Operators.

Committee were reminded that at their meeting in January 2020 they had approved in principle that a further condition to be added to the conditions

applicable to Private Hire Operators relating to issues reported when Ribble Valley Private Hire Operators utilised the services of Hackney Carriages licensed by another authority as a Private Hire vehicle in the Ribble Valley and that it be duly consulted upon

Notice had also been given that breach of the proposed condition would result in the imposition of 3 penalty points under the Council's Infringement Points Scheme (Private Hire).

Following the consultation three responses had been received that were all in support of the proposed additional condition.

RESOLVED: That Committee

1. approve the amendment of the Council's Standard Conditions for Private Hire Operators licences by introduction of condition 25 as follows:
 25. Out of Borough Hackney Carriages Acting as Private Hire Vehicles in the Ribble Valley Borough Council Licensing District:
 - a) The Private Hire Operator shall notify Ribble Valley Borough Council's Administration Assistant (Licensing) in writing within 48 hours of each and every Hackney Carriage vehicle employed or used by the operator that is licenced by another licensing authority.
 - b) Where a private hire operator ceases to employ or use such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 48 hours, notify Ribble Valley Borough Council's Administration Assistant (Licensing) in writing.
 - c) The Private Hire Operator shall retain a copy of the Hackney Carriage Vehicle Licence granted by the other authority, along with a copy of the MOT Certificate, Certificate and Policy of Insurance and vehicle registration document and any applicable driver's licence document and badge and forward a copy of those documents to the Ribble Valley Borough Council's Administration Assistant (Licensing) within 48 hours.
 - d) Where a Hackney Carriage vehicle is licensed by another authority, such a Hackney Carriage driver or Hackney Carriage vehicle is prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Ribble Valley Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by Ribble Valley Borough Council.
 - e) The receipt of advanced bookings by the licensed Operator for Hackney Carriages which have been licenced by another authority or for any booking which is subsequently allocated to a Hackney Carriage vehicle which has been licenced by another authority, must be maintained in a completely separate register of bookings and in the same format as condition 10. If a computerised

booking system is in place, those booking records must be kept on a completely separate and distinct area of the system's hard drive to enable easy inspection by Ribble Valley Borough Council.

- f) In the event that a Ribble Valley licensed Private Hire Operator proposes to use a Hackney Carriage vehicle licenced by another authority on a pre-booked journey, the Operator shall notify the prospective customer at the time of booking of the following:

"The driver and vehicle which you are about to book are not licenced by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint, customers will have to deal with the other authority where they may be licenced."

- g) In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following, in the event that it is intended that Hackney Carriage vehicles licensed by another authority will be used for private hire purposes in the Ribble Valley:

"In certain circumstances, a vehicle which is booked may not be licensed by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take enforcement action against the driver and vehicle in the event of a complaint. In the event of a complaint in such circumstances, you will have to deal with the other authority with which the driver and vehicle are licensed".

2. approve consequential amendment of the Council's Infringement Points Scheme (Private Hire).

773 TEMPORARY PAVEMENT LICENCES

The Chief Executive submitted a report for Committee's information on the provisions put in place for the issue of temporary pavement licences pursuant to the Business and Planning Act 2020. The Act had come into force on 22 July 2020 and would remain in place until 3 September 2021.

RESOLVED: That the report be noted.

774 MINUTES OF LICENSING SUB-COMMITTEES

The minutes of the Licensing Sub-Committees dated 9 July 2020, 10 July 2020, 26 August 2020 and 6 October 2020 were submitted for Committee's information.

RESOLVED: That the minutes be noted.

The meeting closed at 7.16pm.

If you have any queries on these minutes please contact Mair Hill (414418).