

LICENSING AND SAFETY COMMITTEE

Wednesday, 16th April, 2014 at 6.00 p.m.

In a Conference Room at the Council House, Walsall

Present

Councillor Sears (Chairman)
Councillor Clarke (Vice-Chairman)
Councillor Douglas-Maul
Councillor S. Fitzpatrick
Councillor Murray
Councillor Rochelle

1571/14(a) **Apologies**

Apologies for non-attendance were submitted on behalf of Councillors Anson, C. Bott, Cook and Harrison.

1572/14(a) **Minutes**

Resolved

That the minutes of the meeting held on 26th February, 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

1573/14(a) **Declarations of Interest**

There were no declarations of interest.

1574/14(a) **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

That the public be excluded from the meeting during consideration of the items set out in the private agenda for the reason as set out therein and Section 100A of the Local Government Act, 1972.

1575/14(a) **Taxi Licensing – Exceptional circumstances applications**

The report of the Head of Communities and Public Protection was submitted:-

(see annexed)

The Principal Licensing Officer (Mr. Knapper) stated the report had been produced following a request at the Licensing and Safety meeting of 26th February, 2014 to provide details as to how many private hire/hackney carriage licences for both vehicles and drivers had been granted, following submission of an application to the Committee under the exceptional circumstances criteria.

Mr. Knapper enlarged upon the report for the benefit of the Committee and drew Members attention to the salient points contained therein.

Councillor Clarke referred to Paragraph 3.2 of the report regarding the number of applications referred to the Committee under the exceptional circumstances criteria. He was concerned that the number of applications requesting exceptional circumstances had increased. Mr. Knapper confirmed that 17 applications had been referred to the Committee under the exceptional circumstances criteria between 1st January 2013 and 28th February 2014 and he highlighted the reasons given by the applicants.

Councillor Douglas-Maul referred to Paragraph 3.5 of the report and stated that he felt the bullet points highlighting the reasons given by the applicants under the exceptional circumstances criteria were very weak and he gave the example 'purchased vehicle outside age policy limits'.

Councillor Murray replied that only strong exceptional cases should be allowed by the Committee.

The Legal representative (Miss Kerrigan) stated that it was important that Committee did not fetter their ability to make their decisions and therefore there was no blanket policy and procedure in place.

Mr. Knapper reported that in 2009, the Licensing and Safety Committee resolved that approval be given to the amendment to the private hire and hackney carriage conditions of license that each case is looked at on a case by case basis and only in exceptional circumstances the Committee may resolve to set aside or amend the private hire and hackney carriage standard conditions where it is appropriate to do so.

Resolved

That the report be noted.

1576/14 (a) **Amendment to Private Hire Licensing Conditions**

The letter of Walsall Private Hire Association was submitted:-

(see annexed)

The Chair welcomed Mr. Ali the representative from Walsall Private Hire Association, Mr. Hussain and a number of private hire drivers.

Mr. Ali addressed the Committee and gave a brief history of the proposals that the Walsall Private Hire Association had submitted since 3rd October 2012, and he stated that no further action had been forthcoming due to the pending Law Commission review. He reported that the Law Commission had since rescheduled its review date from December 2013 to April 2014 in order to produce a Draft Bill, this Bill would then remain in draft until at least May 2015, to allow Government 12 months for consideration, by which time the Private Hire Associations request would have been waiting over 2 years since the application was originally proposed.

Mr. Ali reported that the Walsall Private Hire Association had two proposals for consideration by the Licensing and Safety Committee, which would enable its licensing conditions to mirror those of the hackney carriages, as Walsall Private Hire Association did not feel the amendments would be discussed in the pending Law Commission report. Mr. Ali proposed the following amendments to the private hire vehicle age policy;

- to increase the upper age limit of all private hire vehicles to 15 years from the date of first registration;
- that any vehicle of newer age than the licensed vehicle it is replacing, be approved for licensing.

Mr. Ali stated that the Walsall Private Hire Association was requesting parity to reflect the conditions imposed on hackney carriage vehicles, which in some cases were the same type of vehicles. He referred to the current legislation whereby a private hire driver's vehicle cannot be over 10 years old, while a black cab driver's hackney carriage can be up to 15 years old and if a private hire driver had to replace a car when it has reached the end of its working life, the new vehicle cannot be more than 5 years old whilst competitors can use a replacement vehicle of a similar age to the one taken off the road.

The Legal representative (Miss Kerrigan) informed Committee that Mr. Ali had been advised he could send the letter to Committee for information but that in order to make changes, a report with recommendations would have to be produced to inform Committee through the correct process and given the lateness of the letter, a report had not been able to be produced for Committee for consideration.

Mr. Knapper confirmed that officers had not had time to prepare a report for the meeting due to timescales as the letter had not been received until 28th March, 2014.

After further discussion it was **moved** by Councillor Sears and **seconded** by Councillor Clarke:-

That a report be produced for the next Licensing and Safety Committee with relevant recommendations in relation to Age Policies for Private Hire Vehicles.

Resolved

That a report be produced for the next Licensing and Safety Committee with relevant recommendations in relation to Age Policies for Private Hire Vehicles.

Private Session

Exclusion of public

Resolved

That during consideration of the remaining items on the agenda, the Committee considers that the items for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act, 1972 and accordingly resolves to consider those items in private.

Summary of items considered in private session

1577/14(a) **Application for a private hire vehicle licence – exceptional circumstances request**

The Committee considered the request and made a recommendation thereon.

Councillor Douglas-Maul left at this juncture of the meeting and did not return.

Mr Knapper requested a change in the running order of the agenda as the applicants for the last two items were in attendance whereas the applicant for agenda item number 8 had not yet arrived.

The Chair was in agreement to the change in the order of the agenda items.

Mr. Knapper then reported that the two applications had been submitted by partners within the same company and asked the Chair if they could be heard together.

The Chair was in agreement.

1578/14(a) **Item 9 - Application for discrete licensing identification on private hire vehicle – Mr. C.S. and Item 10 – Application for discrete licensing identification on private hire vehicle – Mr. S.Q.**

The Committee considered the applications and made recommendations thereon.

(Exempt information under Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act, 1972) (as amended).

1579/14(a) **Item 8 – Application for discrete licensing identification on private hire vehicle**

The report was deferred.

Termination of meeting

There being no further business, the meeting terminated at 7.45 p.m.