

**LICENSING COMMITTEE
THURSDAY 4TH FEBRUARY 2010**

PRESENT – *Councillor Konrad Tapp (in the Chair), Councillors Davies, Entwistle, Graham, Hussain I, Khan Z, Pearson, Rehman, Smith Ji and Wright.*

APOLOGIES – *Apologies were received from Councillors Ali S and Williams J.*

RESOLUTIONS

29 Minutes of the Meeting held on 26th November 2009

RESOLVED – That the minutes of the meeting of the Committee held on 26th November 2009 be confirmed and signed as a correct record.

Matters arising

Item 25 - (Review of Hackney Carriage Vehicle Standards), Councillor Konrad Tapp, referred to the Executive Member Decision that had been published on 24th December 2009, called in on 25th January 2010 and rescinded by the Executive Member for Regeneration and Environment on 25th January 2010, with the request that this matter be taken back to the full Licensing Committee for consideration, as soon as possible.

Councillor Tapp also informed the Committee, that due to the above, the special call in meeting of the Regeneration and Technical Overview and Scrutiny Committee, scheduled for the 1st February 2010, to review the decision, had been cancelled. Councillor Tapp suggested that a meeting of the full Licensing Committee be scheduled for Tuesday, 16th February 2010 for Members to consider the issue.

RESOLVED – That a meeting of the full Licensing Committee be scheduled for 16th February 2010 at 6pm to reconsider the issue.

Item 25 - (Review of Hackney Carriage Vehicle Standards), Councillor John Wright referred to the meeting of the full Licensing Committee scheduled for 16th February 2010, and requested that further information be made available to the Committee in relation to:

- 1) If the Council was expecting to increase the Hackney Carriage fleet.
- 2) A forecast for the next three years, in relation to facts and figures relating to the new shopping centre.

30 Minutes of the meetings of the Licensing Act 2003 Sub Committee

RESOLVED – That the minutes of the meeting of the Licensing Act 2003 Sub Committee held on 19th January 2010, be confirmed by Members present who had served at that meeting and were signed as a correct record.

31 Declarations of interest

There were no declarations of interest.

32 Review of Hackney Carriage and Private Hire Licence Fees

A report was submitted to inform Members of a proposed increase in private hire and hackney carriage licence fees.

It was reported that the licence fees had last been increased on 1st April 2009, and that the proposed fees would be submitted to a meeting of the Executive Board, subject to consultation by the Licensing Committee and advertising in accordance with section 70(3) of the Local Government Act 1976.

Members were informed that fees and charges were reviewed on an annual basis, and that a statutory consultation process had commenced in January 2010, in order that the revised fees could be in place for April 2010. The proposed fees had been advertised in the Lancashire Telegraph on 13th January 2010. A copy of the advertisement was attached to the report at appendix 1. It was reported that a copy of the notice would also be available for a period of 28 days from the date of publication, at the offices of the Council, and would be available at all reasonable hours to be open for public inspection without payment. A letter with a copy of the proposed fees had been circulated to all operators, and a meeting had been held with the trade on 11th January 2010.

It was further reported that the proposal reflected an increase in across all Hackney Carriage and Private Hire fees, and that the increase should meet the budget proposal currently being considered by the Council for 2010/11 revenue budget. The proposal reflected an increase in the fee payable to the Council of an average of 2.5%.

Members were informed that the review of fees was a policy matter, and should therefore be considered by the Executive Member for Regeneration and Environment. The Executive Member would consider any objections received as a result of the consultation process. The revised fees would come into effect from 1st April 2010.

It was recommended that the Committee note the report and forward comments in respect of the revised fees to the Executive Member for Regeneration and Environment.

Mr Oakes, Chairman of the Hackney Drivers Association Ltd (Bolton, Bury, Burnley, Preston, Chorley, Hackney Association, (incorporating Preston Hackney Carriage Association and Burnley Hackney Owners Association) spoke on behalf of the Association.

A discussion took place around the issue in which it was suggested that the Committee should recommend to the Executive Member for Regeneration and Environment, that the fees in relation to the fees of both hackney carriage and private hire licence fees, be frozen for 12 months (one year).

RESOLVED -

1. That Members note the report.
2. That the Licensing Committee recommends to the Executive Member for Regeneration and Environment for consideration, the following:

That fee increases in relation to private hire and hackney carriage licences be frozen for a period of twelve months (1 year).

33 Street Collections

A report by the Director of Regeneration and Environment was submitted regarding the allocation of Street Collection Permits for 2010. Attached to the report at appendix 1, was a schedule of allocations for Street Collection Permits in 2010 that had been allocated so far.

It was reported that a low volume of applications had been received, and that this was because charities were looking at alternate ways of fundraising such as direct debit pledges, or inside premises, as opposed to street collections.

Members were reminded of the policy that had been adopted in recent years, that Street Collection Permits had been granted on alternate Saturdays and that midweek street collections had not normally been granted, except for sponsored events when the organisers wished to collect en route. These could be authorised by the Strategic Director of Regeneration and Environment (Public Protection Service Manager) in consultation with the Chair, unless there were special circumstances which would warrant the application being considered by the Committee.

RESOLVED –

1. That Members note the Street Collections as allocated.

34 Update/Briefing – Policing and Crime Act 2009 – The impact on the Licensing Act 2003

A presentation was submitted to inform Members of the Policing and Crime Act 2009 and the impact on the Licensing Act. Members of the

Committee also received an updated version (January 2010) of the Lacor's Guidance: The role of Elected Members in relation to Licensing Committee hearings under the Licensing Act 2003, and full details of the mandatory drinks code, laid before Parliament that had been published on 1st February 2010.

35 Exclusion of the Press and Public

It was resolved that the press and public be excluded from the meeting during consideration of the following items by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

36 Minutes of the General Licensing Sub Committees

RESOLVED – That the minutes of the meetings of the General Licensing Sub Committees held on 8th December 2009, 12th January 2010 and 19th January 2010 were confirmed by Members present who had served at those meetings and were signed as a correct record.

37 Non attendance of Licence holders at meetings of the General Licensing Sub Committee

Councillor John Wright referred to several recent meetings of the General Licensing Sub Committee in which Licence holders had failed to attend reviews of licences.

Members were informed that at a recent General Licensing Sub Committee meeting, that the Committee had instructed that Licence holders who had failed to attend, be informed by the Public Protection Service, that if they failed to attend future review meetings, that the Sub Committee may be minded to suspend their Licence subject to agreement.

It was suggested, that for future meetings, when Licence holders fail to attend review meetings, that they should be informed that if they failed to attend future review meetings, that the Sub Committee may be minded to suspend their Licence, subject to agreement.

RESOLVED – That when Licence holders fail to attend review meetings, that the Public Protection Service will inform them, that failure to attend future meetings may result in their Licence being suspended, subject to agreement.

Signed.....
Chair of the meeting at which the Minutes were signed

Date.....