

**LICENSING COMMITTEE  
TUESDAY 20<sup>th</sup> SEPTEMBER 2011**

**PRESENT** – Councillor Hussain I (in the Chair), Councillors Gee, Khonat H, Oldfield, Pearson D, Tapp, Solkar, Tapp, Walsh and Wright.

**RESOLUTIONS**

**9 Welcome and Apologies**

The Chair welcomed everyone to the meeting and apologies were received from Councillors Roy Davies, Trevor Maxfield and Jim Smith

**10 Minutes of the Meeting held on 21<sup>st</sup> June 2011**

**RESOLVED** – That the minutes of the meeting of the Committee held on 21<sup>st</sup> June 2011 be approved as a correct record and signed.

**11 Minutes of the Licensing Act 2003 Sub Committee Meetings**

**RESOLVED** – That the minutes of the meetings of the Licensing Act 2003 Sub Committees held on 27<sup>th</sup> June 2011, 9<sup>th</sup> August 2011 and 31<sup>st</sup> August 2011 be confirmed by Members present who had served at those meetings and were signed as a correct record.

**12 Declarations of interest**

The Chair, Councillor Iftakhar Hussain declared a prejudicial interest in agenda item 5 (Annual review of Hackney Carriage Vehicles) and left the meeting prior to discussion and decision on the item.

At this point, Councillor John Wright took the Chair.

**13 Annual review of Hackney Carriage Vehicles.**

Prior to consideration of this item, Mr Charles Oakes raised objection to discussion as legal proceedings against the Council were currently ongoing. Mr Jide Martins, the Council's legal representative advised that as individual Hackney Carriage Vehicle Licence holders would not be referred to, the Committee was able to proceed.

A report was submitted to advise of the first annual review of the issuing of Hackney Carriage Vehicle Licences that had recently been undertaken.

It was reported that Blackburn with Darwen Council limits the number of Hackney Carriage Vehicles and that last year a full review of Hackney Carriage Vehicle and Standards had been carried out. A decision had

been made to suspend the issuing of any new hackney carriage vehicle licences for a period of five years, subject to an annual review. Details of consultees were outlined in the report. Background in relation to the decision was outlined in the report. A copy of the consultation letter that had been circulated to consultees was attached to the report at appendix 1.

Members were advised that in July and August 2011, three Hackney Carriage Vehicle Licences had been granted in principle, as the applications had been received prior to the Council's decision to freeze the issue of licences. To date, none of those licences had been issued. Results from the consultation were attached to the report at appendix 2.

It was reported that when a Council seeks to limit a hackney carriage fleet, an unmet demand survey should be carried out every three years. The last survey had been commissioned in Blackburn in 2005. The trade will have to pay for any survey, if a decision is made to have one.

Members were further advised that the Law Commission would be carrying out a nation wide consultation on taxi legislation. A discussion in relation to the issue took place, in which the Committee was advised of the following three options:

1. Retain the current suspension (reviewed annually)
2. Commission an unmet demand survey
3. Wait for the outcome of the Law Commission Government Consultation

**RESOLVED** - That the Licensing Committee recommend to the Executive Member for Regeneration, that the current suspension, in relation to Hackney Carriage Vehicles, be retained.

At this point, Councillor Iftakhar Hussain resumed the Chair.

#### **14 Discussion item – Use of Bus Lanes by Private Hire Vehicles**

A report was submitted to advise Members of a request, made by the private hire trade, to use bus lanes within the Borough of Blackburn with Darwen.

Members were advised that Hackney Carriage Vehicles had been granted permission, in principle, to use the bus lanes in the Borough, but Private Hire Vehicles had not. Both types of vehicles were undertaking the same role, in carrying fare paying passengers from one destination to another.

A discussion took place around the issue in which the Committee was advised that if a consultation was commissioned, the Public Protection Service would consult with the relevant agencies such as Highways, bus

companies, the Private Hire and Hackney Carriage trade and members of the public.

**RESOLVED** – That the Licensing Committee authorise the Public Protection Service, to consult the relevant agencies, in relation to the request by the private hire trade, to use bus lanes within the Borough of Blackburn with Darwen.

**15 Exclusion of the Press and Public**

**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.

**16 Minutes of the General Licensing Sub Committees**

**RESOLVED** – That the minutes of the meetings of the General Licensing Sub Committees held on 28<sup>th</sup> June 2011, 26<sup>th</sup> July 2011, 9<sup>th</sup> August 2011 and 6<sup>th</sup> September 2011 and the minutes of the Licensing Act 2003 Sub Committee meeting held on 26<sup>th</sup> July 2011 were confirmed by Members present who had served at those meetings and were signed as a correct record.

**17 The Police Reform and Social Responsibility Act 2011**

The Committee was advised of the forthcoming Police Reform and Social Responsibility Act 2011 which was intended to rebalance the law of licensing by widening the powers of licensing authorities both in dealing with applications and by intervening in the night time economy as a whole through imposing a late night levy and an early morning restriction order on alcohol providers. The changes were to 11 different areas of licensing law, and would in turn be supplemented by regulations and guidance in the months to come.

Signed.....

Chair of the meeting at which the Minutes were signed

Date.....