

LICENSING AND REGULATION COMMITTEE

5 February 2008

Attendance:

Councillors:

Mather (Chairman) (P)

Baxter (P)
Bell (P)
Berry (P)
Cooper (P)
Howell (P)
Hammerton
Izard (P)

Jackson (P)
Love (P)
Sutton (P)
Read (P)
Wagner
Weston (P)
Wright (P)

Others in attendance who addressed the meeting:

Councillor Verney

1. **APOLOGIES**

Apologies were received from Councillor Wagner and his Standing Deputy, Councillor Pearce.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 11 December 2007 be approved and adopted.

3. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 17 DECEMBER 2007**
(Report [LR270](#) refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 17 December 2007 (attached as Appendix A to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 17 December 2007 be received and noted.

4. **PUBLIC PARTICIPATION**

Mr Steve Eckton, the Chairman of the Taxi and Private Hire Association for Winchester, requested that consideration be given to the request for an increase in taxi fares by 20p for the first mile. The last increase had been granted from January 2007. However, since that decision had been made, other costs had dramatically increased also, including fuel, medical checks and the maintenance of vehicles. He explained that he often had to work 12 hours days, six days a week and felt that the requested increase was reasonable in light of the other cost increases drivers faced.

5. **BYELAWS FOR BRAMDEAN COMMON**

(Oral Report)

Councillor Verney had requested that this item be placed on the agenda under Council Procedure Rule 36.

Councillor Verney explained to the Committee that the Common was enjoyed by many families throughout the year, but that recently there had been a number of people causing nuisances, spoiling this enjoyment. There was insufficient control within the current byelaws to deal with the main issue of quad bikes and those problems that were covered by byelaws (such as camping) were not currently enforced.

The Head of Legal Services explained that the Police might be able to take action under existing legislation over people riding quad bikes across the Common and not staying to the pathways, without the need to introduce new byelaws. This would be an expensive process, once the cost of advertising, consultation and officer time was taken into account. He suggested that, as it was the quad bikes that caused the most nuisance, discussions with the Police could take place to see if they felt updated byelaws were required or not. The issue could then be readdressed at a later date, should it be considered that the byelaws did need updating. If urgent action was required in the meantime, authority could be delegated to the Licensing Sub-Committee, as it would be easier to quickly convene a meeting involving three Members at short notice.

RESOLVED:

1. That the Head of Legal Services be instructed to discuss the need for updated byelaws for Bramdean Common with the Police, in the light of existing legislation already covering the Common.

2. That should the Police confirm the need for updated byelaws and their capacity to enforce them, delegated authority be given to the Licensing Sub-Committee to make updated byelaws in respect of Bramdean Common.

3. That the Head of Legal Services report back to the next meeting of the Committee on the progress of this issue.

6. **REVIEW OF FARES FOR HACKNEY CARRIAGES**

(Report [LR263](#) refers)

The Assistant Licensing and Registration Officer reported that there had been an error in Appendix 2 to the report and he provided Members with a corrected version. He explained that rising diesel costs was making it difficult for drivers to earn an economically viable wage and that the requested increase was minimal. Any more than the proposed 20p increase on the first mile could impact on trade. Nationally, fares were being reviewed and in some areas had risen twice in the last 12 months.

During discussion, it was suggested that the Winchester fares be reviewed again in six months' time, to assess the impact of the rise on trade and to discuss whether they needed to be further increased.

RESOLVED:

1. That, subject to the statutory requirements for advertising and dealing with objections, the fares which may be charged by Hackney Carriages in the area of Winchester City Council be varied with effect from 1 March 2008 as follows, which produces a fare of £3.80 for the first mile and £1.80 for each subsequent mile:

i) Distance

For the first 660 yards (603 metres) or part thereof, £2.40

For each succeeding 180 yards (183 metres) or part thereof, 20p

ii) Waiting Time

For each period of 1 minute, 25p

iii) Extra Charges

For each hiring which commences between 11pm and 6am or at any time on bank holidays and public holidays, or after 6.30pm on Christmas Eve and New Year's Eve 50% is added of the above rate of fare

Fouling charge, £40.00

2. That the fares for Hackney Carriages be reviewed again in September 2008.

7. **FEES AND CHARGES 2008/09**
(Report [LR264](#) refers)

The Head of Legal Services responded to questions from the Committee, explaining that, in order to cover the costs for increased enforcement, it was proposed to increase hackney carriage and private hire licence fees by 8%, rather than the 4% recommended for other fees and charges. He continued that various new charges were being introduced to deal with various situations which had developed, such as drivers booking appointments but failing to attend.

The Head of Legal Services reported that charges for the banner across the High Street had been omitted from Appendix 2 of the report and that it should read £26 for the existing fee 2007/08, increasing to £27 per week for the proposed fee 2008/09.

RESOLVED:

1. That the Head of Legal Services be authorised to give public notice of the proposed increases in hackney carriage/private hire vehicle and operators' licences, as set out in Appendix 1 to the report, to come into effect at the end of the objection period, if the Head of Legal Services considers that there are no material objections and in the event of objections being received the matter be brought back to the Committee.

2. That the Head of Legal Services be authorised to increase all licensing fees and charges with effect from 1 April 2008, (other than for hackney carriage/private hire vehicle and operators licences) by an average of 4% as set out in Appendices 1 and 2 to the report.

3. That the Head of Legal Services be authorised to increase fees for licences and permits under the Gambling Act, with effect from 1 April 2008, by an average of 4% as set out in Appendix 3 to the report.

8. **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES – POLICIES AND PROCEDURES**

(Report [LR265](#) refers)

The Licensing and Registration Manager outlined the report as set out, explaining that a new medical form had been introduced which required a higher level of visual acuity than before. This recommendation followed consultation with the drivers in Winchester and was also in line with Government guidance. The medical criteria used was the same as that for Group 2 licences (lorry drivers, bus drivers, etc) and, although not law, it was recommended by the Department of Transport that this be adopted as a standard for hackney carriage and private hire drivers.

Responding to questions from the Committee, the Licensing and Registration Manager stated that those drivers contracted for school runs were exempt from having to take the knowledge test, as they had a particular route every day and there was no need to have a detailed knowledge of the town and outlying areas. These drivers were contracted by Hampshire County Council, who had their own standards for driving. The Committee raised concerns that the current wording of the policy did not make this clear.

During discussion it was suggested that a greater period of time should elapse following a conviction for indecency, before a licence could be granted. The Licensing and Registration Manager informed the Committee that the human rights of the applicant had to be considered and that, if there were any concerns over an applicant, it would be referred to the Licensing Sub-Committee. He added that every applicant had to complete a Criminal Records Bureau (CRB) check at first application, with subsequent checks every five years. CRB checks from other employers were not accepted, the only exception being drivers who had been licensed by another Local Authority.

RESOLVED:

That the Committee adopts the policies and procedures for applications for Hackney Carriage and Private Hire Driver Licences as set out in Appendix 1 to the report, subject to the following changes (shown in bold type):

1. **Ability to Communicate in English**

Licence holders will need to be able to deal with passengers and must therefore be able to understand and converse in English to an adequate standard for this purpose. This will be assessed by means of the written knowledge test and interview with a licensing **officer**.

2. Driving Licence

Applicants must have held a full driving licence for at least 12 months, granted by a country which belongs to the European Union or is within the European Economic Area (Iceland, Liechtenstein, and Norway are not in the EU, but are members of the EEA). An applicant from any country outside of these will have to pass a U.K. driving test and hold a **full driving licence** for at least 12 months before re-applying.

6. Driving Standards

Exemptions

Contract drivers licensed for Schools and Disabled Contracts, **where the contracting authority carries out its own assessment of driving standards required.**

7. Knowledge Test

Exemptions

(a) Drivers from outside **and not operating within** this area are not required to take a private hire knowledge test, but it will be necessary if they transfer to a Winchester City operator

19. Indecency

As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any or the more serious sexual offences, will not normally be granted a licence until they can show a substantial period (**at least 5 years**) free of such offences. A strict warning of future conduct would always be given if a licence is granted.

The meeting commenced at 6.30pm and concluded at 8.30pm

Chairman