



LICENSING COMMITTEE AGENDA

Date: Thursday, 6 July 2017

Time: 6.30 pm

Venue: The Cafe, Pavilion Gardens, Buxton

28 June 2017

PART 1

1. Apologies for absence
2. To receive Disclosures of Interest on any matters before the Committee
 - i) Disclosable Pecuniary Interests
 - ii) Other Interests
3. To approve the Minutes of the previous meeting (**Pages 3 - 6**)
4. Licensing Enforcement Activity January - June 2017 (**Pages 7 - 10**)
5. Update on Implementation of the Hackney Carriage Decals (**Pages 11 - 14**)
6. Update on Approved Garages for Taxi Testing (**Pages 15 - 18**)
7. Exclusion of Press and Public

To resolve that the press and public be excluded from the meeting during consideration of the following item of business as there may be disclosure of exempt information as set out in Part I of Schedule 12A of the Local Government Act 1972

PART 2

8. Implementation of Personnel Checks (**Pages 19 - 32**)
(Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

**SIMON BAKER
CHIEF EXECUTIVE**

Membership of Licensing Committee

Councillor J Perkins (Chair)

Councillor L Dowson

Councillor P Jenner

Councillor D Kerr

Councillor R McKeown (Vice-Chair)

Councillor I Huddleston

Councillor C Johnson

Councillor K Sizeland

Councillor M Stone
Councillor G Wharmby

Councillor J Walton
Councillor S Young



LICENSING COMMITTEE

Meeting: Thursday, 2 March 2017 at 6.30 pm in The Committee Room, Municipal Buildings, Glossop

Present: Councillor J Perkins (Chair)

Councillors I Huddleston, P Jenner, D Kerr, A McKeown (substitute for L Dowson), R McKeown, K Sizeland, M Stone, G Wharmby and S Young

Councillor T Kemp was also in attendance

Apologies for absence were received from Councillors L Dowson and C Johnson

17/8 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING
(Agenda Item 3)

RESOLVED:

That the minutes of the meeting held 5 October 2016 be approved as a correct record.

17/9 LICENSING ENFORCEMENT ACTIVITY OCTOBER 2016 - JANUARY 2017
(Agenda Item 4)

Consideration was given to enforcement actions by the Licensing Service in the period October to January 2017. It was reported that a number of Executive Hire Operator Licences, not operating locally, had been surrendered.

RESOLVED:

That the contents of the report be noted.

17/10 PROPOSED CHANGES TO THE TABLE OF METERED FARES
(Agenda Item 5)

Consideration was given to the request from the Buxton Operators and Drivers Association to increase the metered fares of the Council's licensed Hackney Carriages. The request had been amended to include increasing 1 Fares for distance: b) For each subsequent 1/10th thereafter (Appendix 2 - Proposed Table of Metered Fares refers) from 26p to 30p daytime and 36p tp 40p night.

Charges in neighbouring authorities, the needs of residents, regular users not necessarily being charged standard rates, one off users being a different market, all Hackney Carriage Licences having been allocated, request for increase across the Borough just from Buxton Drivers and Operators, six years since the last tariff increase, drivers' costs, the Authority's duty to consider requests and the 14 day consultation period were discussed.



RESOLVED:

1. That approval be given to the proposed variation of the Table of metered fares charged by Hackney Carriages as amended (updated Appendix 2 to the report).
2. That the Operations Manager be authorised to advertise the proposed fee increases in line with the procedure set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. An advertisement to be placed in the Local Paper and a copy displayed at the Council Offices.
3. That, after the 14 day consultation period, if no objections are received the updated Table of Fares be recommended to Full Council for approval. If objections are received authority be delegated to the Chairman and Vice-Chairman to decide whether consideration at an additional Licensing Committee is required, before Full Council.

17/11 PROPOSED HACKNEY CARRIAGE DECALS AND PLATES - IMPLEMENTATION OF POLICY
(Agenda Item 6)

The report introduced the proposed Hackney Carriage Decals as required by the Hackney Carriage and Private Hire Licensing Policy. The change of colour of the current Hackney Carriage Plates was due to poor visibility and Trade representations. Publicising the changes and examples of various sizes, layout, background and colours were considered. It was reported that quotes would be sought to fit all the decals and as required in the future.

RESOLVED:

1. That the following decals be approved:
Bonnet: Clear and oval, unless black vehicle then a white background until vehicle changed.
Door Panel: small example to include Borough Council logo.
2. That red plates be approved.

17/12 UPDATE ON PROPOSED FEES AND CHARGES AND TAXI TESTING (WATER SWALLOWS)
(Agenda Item 7)

The report updated the Committee on the proposed Fees and Charges for Private Hire and Hackney Carriage licences. It was also reported the vehicle testing facility at Water Swallows Garage would not be available after 1 April 2017. The project underway to have a list of approved garages in the Borough was expected to take between 4 – 6 months to complete the planned actions.

Discussion took place on changes to the fees, ANSA discussions and maintenance, monitoring and inspection audit trails leading to garages being rated as either green, amber or red for MOT testing.



RESOLVED:

1. That approval be given to the proposed Taxi Licences – Hackney Carriage and Private Hire Vehicles fees and charges (Appendix A to the report).
2. That approval be given to the project and actions outlined in section 3.4 of the report, to draw up a list of MOT Testing approved garages, preferably with green or amber status if necessary.
3. That the report be noted.

17/13 THE GRANT OF ADDITIONAL HACKNEY CARRIAGE LICENCE
(Agenda Item 8)

Consideration was given to the application for an additional Hackney Carriage Licence to be granted to operate a Horse-Drawn Landau Carriage that will accommodate 6 passengers and provide a scenic tour of Castleton.

It was reported that the Council currently limits the number of Hackney Carriage Licences to 136 in the Borough, although it can at any time remove the limit on the amount of available licences. Removal or extension to the existing limit may be seen as unreasonable by the existing Hackney Carriage Trade.

Enforcement, conditions, independent monitoring and delegation to the Operation Manager (Regulatory Services) were discussed.

RESOLVED:

1. That having considered all the information from the Sub-Committee report and Decision Notice dated 24 February 2017, approval be given to the application made by Yorkshire Carriage Company.

That having considered all the information approval be given to an additional increase in the number of hackney carriages of up to 5 in the Borough, to be reserved for horse drawn vehicles only, and that the delegation and issue of these five licences be granted to the Operations Manager.

The meeting concluded at 7.28 pm

CHAIRMAN

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HIGH PEAK BOROUGH COUNCIL

Licensing Committee

6th July 2017

TITLE:	Licensing Enforcement Activity, January 2017 – June 2017
PORTFOLIO:	Councillor Kemp – Executive Councillor for Tourism, Regeneration and Licensing
OFFICER:	Alicia Patterson - Operations Manager (Regulatory Services)
WARD:	Non specific

Appendices Attached - None

1 Recommendations

- 1.1 That the Committee notes the content of the report.

2 Executive Summary

- 2.1 In the period October to January 2017 the Licensing service has engaged in a number of enforcement actions. These activities have involved reactive responses to complaints and intelligence received from the public and partner agencies as well as proactive compliance checks.
- 2.2 Officers seek to encourage licence holders to conduct their activity in a safe manner, maintain good standards and to comply with the law. Officers have to exercise considerable discretion when approaching individual licence holders. Licensees are often anxious to comply with the law and for such cases the officer's role will be to provide guidance and advice. However, in carrying out their functions officers are authorised with a wide range of powers and may, for example, require entry at all reasonable times or require the production of certain documents.
- 2.3 If on enquiry officers find evidence that the law is being broken and enforcement is required, they can respond in various ways. They may

instruct or warn by letter; revoke or suspend a licence; and, where the circumstances warrant it, they may formally caution or prosecute without prior warnings and without recourse to alternative sanctions. Officers will have due regard to the relevant Enforcement Policies when determining the most appropriate course of action.

2.4 Below is a summary of enforcement activity carried out during this period:

Frequency	Enforcement Activity
50	Letters/Emails to Taxi Drivers regarding the Safeguarding Courses and the BTEC course requirements.
1	Attendance at VAL meeting in Buxton, discussions regarding the future of Intoxicated and initiatives with schools.
2	Operator Visits to establish compliance with the Hackney Carriage and Private Hire Policy regarding the day to day operator's base and associated records of journeys.
2	Driver suspensions
133	Temporary Event Notices Issued with Alcohol
23	Late Temporary Event Notices issued with Alcohol
10	Temporary Event Notices issued without Alcohol
1	Street Trading Investigation Ongoing
12	Street Trading Permits
13	House to House Collection Permits Issued
71	Street Collection Permits Issued

2.5 The primary focus of enforcement work to date has been on ensuring that the law in relation to all relevant licensing legislation and guidance is properly observed. In considering the focus of this activity the Licensing service has had reference to:

- Those premises/vehicles against which complaints have been received.
- Those premises which do not hold a licence but where intelligence suggests licensable activity is taking place.

2.6 A variety of breaches were identified in the course of these activities, but were addressed by a voluntary change of behaviour on the part of the licence holder or via specific action by the Licensing Service and partners. In none of the cases was further legal action or the application of criminal sanction necessary.

2.7 During this period no complaints have been received relating to smoking on licensed premises, specifically:

- As part of the Health Act 2006 and associated Regulations, premises have to comply with signage requirements. All premises visited are now compliant with displaying the required signage.
- No fixed penalty tickets in relation to offences of witnessed or reported smoking in premises have been issued.

3 Options

There are no options to consider.

4 Implications

4.1 Community Safety - (Crime and Disorder Act 1998)

The appropriate enforcement of licensing Legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.

4.2 Workforce

None arise directly from this report.

4.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

4.4 Financial Considerations

The discharge of inspection and enforcement functions have been included within previous budget calculations for the services.

4.5 Legal

The requirements of the various licensing legislation places a duty on licence holders under the criminal law. In enforcing the conditions relating to this legislation the Licensing service has powers to undertake prosecutions relevant to the offences identified.

4.6 Sustainability

None arise directly from this report.

4.7 Internal and External Consultation

As detailed in the report.

4.8 Risk Assessment

As detailed in the report.

Mark Trillo
Executive Director (People) and Monitoring Officer

Background Papers

Location

Contact

N/A

Licensing Office, High Peak
Borough Council

Alicia Patterson
Operations Manager

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HIGH PEAK BOROUGH COUNCIL

Report to Licensing Committee

6th July 2017

TITLE:	Update on Implementation of the Hackney Carriage Decals
PORTFOLIO:	Councillor Kemp – Executive Councillor for Tourism, Regeneration & Licensing
OFFICER:	Alicia Patterson - Operations Manager (Regulatory Services)
WARDS:	Non-Specific

1. Reason for the Report:

- 1.1 The report is to update the Committee on the progress and revised timetable for the implementation of the Hackney Carriage Decals.

2. Recommendation

- 2.1 That the Committee notes the contents of the report.

3. Executive Summary

- 3.1 The procurement process is underway and a local supplier situated in Buxton is able to supply and fit the decals to the Hackney Carriage Vehicles in the Borough. Using a local supplier to Buxton will allow replacements to be obtained without any delay.
- 3.2 All Hackney Carriage vehicle owners will be required to attend the workshop to have the decals professionally fitted to their vehicles. It is anticipated that all vehicles will be completed by the end September 2017.
- 3.3 The Authority agreed to fund the 1st set of decals as per the Hackney Carriage and Private Hire Policy 2016, any additional decals will be re-charged to the vehicle owner.

4. **Background**

- 4.1 The Hackney Carriage and Private Hire Policy 2016 (Appendix B) section 8.3.2 introduced a requirement for all Hackney Carriage Vehicles to display a decal on the bonnet of the vehicle and the doors clearly stating “**HIGH PEAK BOROUGH COUNCIL LICENSED HACKNEY CARRIAGE**”. The Operations Manager will provide the Decals of the local supplier at the meeting.

5. **Options and Analysis**

- 5.1 To agree the timetable for implementation of the Decals as detailed in the Hackney Carriage and Private Hire Licensing Policy. (Recommended)
- 5.2 To decline the proposed timetable. (Not recommended)

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The Hackney Carriage and Private Hire Licensing Policy should have a positive impact on community safety and assist in the reduction of crime.

6.2 Workforce

None.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

6.4 Financial Considerations

The failure of the Authority to review, consult and publish the Taxi Licensing Policy on a regular basis may result in judicial review proceedings being brought against the Council.

6.5 Legal

Decisions in relation to a licence application are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.

Should parts of the industry believe the authority's Taxi Licensing Policy is not sound it would be open to them to undertake judicial

review proceedings.

6.6 Sustainability

The aim of the Hackney Carriage and Private Hire Licensing policy is to improve the economic, environmental and social well being of the area. The Hackney Carriage and Private Hire Licensing policy has been introduced and written with due regard to the requirements to achieve sustainability in the environmental, economic and social life of the Borough.

6.7 Internal and External Consultation

The proposed amendments arise from consultation with the licenced trade.

6.8 Risk Assessment

The Council's Policy will be monitored during the five year period and can be reviewed at any time if considered necessary and appropriate.

Mark Trillo
Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Location

Contact details

Regulatory Services
Town Hall Market Place
Buxton SK17 6EL

Alicia Patterson
Operations Manager

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HIGH PEAK BOROUGH COUNCIL

Report to Licensing Committee

6th July 2017

TITLE:	Update on Approved Garages for Taxi Testing
PORTFOLIO:	Councillor Kemp – Executive Councillor for Tourism, Regeneration & Licensing
OFFICER:	Alicia Patterson - Operations Manager (Regulatory Services)
WARDS:	Non-Specific

Appendices attached - None

1. Reason for the Report:

1.1 The report is to update the Committee on the progress and revised timetable to implement a preferred garage Taxi Testing regime for Private Hire and Hackney Carriage licences.

2. Recommendations

2.1 That the Committee notes the contents of the report.

3. Executive Summary

3.1 A project is underway to have a list of approved garages within the Borough for delivery of the Council's required taxi testing regime. This will have a number of benefits to the trade and will give greater choice for Taxi Operators as to where they can take their vehicles for the required testing.

3.4 The project is likely to take 6 months to complete and will follow the following actions:-

- Request information from the Driver and Vehicle Standards Agency. **July-August.**

- Carry out a physical check of the garages which have responded to make sure they are suitable and provide a briefing as to the Council's requirements in addition to the MOT (such as Meters for the Hackney Carriages, signage, cleanliness etc) **(September-October)**.
- Consult all Vehicle licence holders regarding the proposed garages and their locations **(6 Week Consultation November/December 2017)**.
- Bring the proposed garages to Committee for agreement, and make any required minor changes to the policy **(February 2018)**.
- Update the Council's website with the preferred garage list which will mean that all vehicles will have to be tested at one of the approved garages, including executive hire vehicles, limousines etc. **(Implementation from 1st April 2018)**.

4. Options and Analysis

- 4.1 It is recommended that the Committee agrees the proposed project and notes the revised timetable.

5. Implications

5.1 Community Safety - (Crime and Disorder Act 1998)

The appropriate enforcement of licensing legislation in partnership with relevant agencies is a key tool in assuring the maintenance of community safety.

5.2 Workforce

None.

5.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations

There are no financial considerations to consider, all costs will be met by the Vehicle Operators.

5.5 Legal

As considered in the report.

5.6 Sustainability

The introduction of the approved garage list will ensure that the

Council is consistent in its approach to MOT Testing.

Mark Trillo
Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Location

Contact details

Regulatory Services
Town Hall
Market Place
Buxton
SK17 6EL

Alicia Patterson
Operations Manager

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