

# LICENSING COMMITTEE

## MINUTES OF THE MEETING HELD ON 7 DECEMBER 2004

**Councillors:** Geoff Findlay (*Chairman*) (P), Peter Argyle (P), Billy Drummond (P),  
John Farrin (*Vice-Chairman*) (P), Manohar Gopal (P), Roger Hunneman (P), Owen Jeffery (P),  
Tony Linden (AP), Mrs Irene Neill (AP), Mike Rodger (P), Andrew Rowles (P)

### PART I

#### 13. APOLOGIES.

Apologies for inability to attend the meeting were received on behalf of Councillors Tony Linden and Irene Neill.

#### 14. MINUTES.

The Minutes of the meeting held on 1 June 2004 and the Special Meeting held on 13 September 2004 were approved as true and correct records and signed by the Chairman.

#### 15. DECLARATIONS OF INTEREST.

There were no declarations of interest received.

#### 16. TAXIS – ACCESS BY THE DISABLED.

The Committee considered a report (Agenda Item 4) concerning the need to consider recent legal developments and to propose new actions supporting access to taxis by disabled people. The report was concerned only with licensed hackney carriages as licensed private hire vehicles operated under different rules.

The Committee was informed that from a report received previously a set of options were proposed to introduce a series of measures to improve access to taxis for disabled people. Members subsequently decided to change the conditions linked to taxi plates by requiring taxis first licensed after April 2001 to provide either an approved swivel seat for the front passenger or to provide a complete vehicle that was fully wheelchair accessible.

Members noted that the existing taxi fleet fell into three categories:

- “Older” taxis first licensed before April 2001 that were exempt from earlier changes;
- “Adapted” taxis first licensed after April 2001 that were equipped with a swivel seat or provided access to wheelchairs;
- “Unadapted” taxis first licensed after April 2001, which should have, but were not being equipped with either a swivel seat or provide access to wheelchairs.

In addition, as a consequence of the moratorium imposed in September 2004 there were taxis that were yet to be licensed.

Mrs Judy Beale, Chair of the Taxi Association, whilst addressing the Committee made the following comments:

- The taxi trade did not like the swivel seats because they were uncomfortable and people often hit their heads getting into the vehicle. The trade did however recognise that they were good for the elderly;
- The taxi trade did not want to go down the route of having all vehicles fully wheelchair accessible if it could be helped;

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- Fitting of swivel seats cost around £1,000 and the taxi trade felt that there should be a balance between how many vehicles were fitted with these seats and how many were not and that it should not be imposed on all eligible taxis;
- An electric swivel seat, which was expected to be more comfortable, was due to go on sale shortly but it would be even more expensive;
- The taxi trade wanted to try and keep normal saloon cars especially for longer trips eg to the airports for reasons of comfort;
- There was not the volume of trade for disabled access taxis in the Newbury area to warrant changes being made to all vehicles.

The Committee was informed that out of the 184 Hackney Carriages registered 48 were eligible to be disabled access compliant and of these:

- 6 vehicles were fully wheelchair accessible;
- 12 vehicles had swivel seats installed;
- 16 were MPVs that had factory fitted swivel seats that met the criteria; and
- 14 vehicles were not compliant.

Mick Hutchins, Chairman West Berkshire Disabled Alliance, whilst addressing the Committee made the following comments:

- He had undertaken trials on the swivel seats and agreed that they were not always the answer and were only suitable for a small number of disabled;
- There was a problem getting suitable taxis particularly during school run times;
- There was a need for more taxis with wheelchair access but agreed that more work was needed to look at the size of particular wheelchairs;
- Disability awareness training should be introduced as part of obtaining a new licence;
- There was a need to undertake further research with other disabled groups.

During discussion of the issues raised by Mr Hutchins Members felt that there was a need to learn more about the problem and take account of people's views. It was therefore agreed to form a Task Group of four Members and Officers to look into the matter in greater depth and to interview representatives from the taxi trade and disabled groups and other parties with an interest in this subject.

In relation to the temporary moratorium imposed upon the granting of new licences, which had been resolved at the Licensing Committee meeting on 13 September 2004, it was agreed that this should remain in place until 31 March 2005. This would enable the Committee to take full evidence from interested parties whilst ensuring that the matter was not further complicated by the issue of new licences.

### **RESOLVED that:**

- (1) The current moratorium regarding new proprietors' licences for Hackney Carriages to remain in place until 31 March 2005 or earlier if so resolved by the Licensing Committee;
- (2) No taxi proprietor may enter into arrangements with another person to share an interest in a taxi plate in circumstances intended to avoid any condition providing facilities for the disabled;
- (3) That the Licensing Committee establish a Task Group consisting of four Members and Officers to further explore the question of access to taxis by the elderly, the infirm and disabled people. The Task Group would aim to recommend to the Licensing Committee a set of conditions on this subject at its March 2005 meeting.

## 17. LOCAL LICENSING POLICY POST CONSULTATION.

The Committee considered a report (Agenda Item 5) concerning the Local Licensing Policy which the Council was legally obliged to have approved, publicised and operational in time for the start of the transition process between the old and new licensing regimes which would begin officially on 7 February 2005.

Members noted that, following recent publication of the draft regulations dealing with licensing applications, applicants would now need to notify the statutory agencies directly with copies of their application form and associated documentation but there would still be a need for Licensing Officers to check that the procedure was being followed correctly. This was particularly important because if statutory agencies eg fire and police were not informed by the applicant they would be unable to make representations if required.

The draft regulations had also highlighted the fact that other bodies eg Parish and Town Councils would not be notified by the Licensing Authority that a particular application had been received and would have to rely on seeing statutory notices. Members were informed that it was proposed that a system would be put in place whereby another responsible body eg Environment Health would send an e-mail to Parish/Town Councils pointing them to the statutory notice.

Members acknowledged that the Licensing Policy had to be reviewed every 3 years and agreed that the Licensing Working Party, who had worked on formulating the Policy, should actually review it in a year's time.

During discussion of the Licensing Policy (Appendix 5(b)) the following amendments were put forward and agreed:

- Paragraphs 4.10.1, 4.10.2 and 4.10.3 should be amalgamated to read:
- “4.10.1 If the applicant then returns the application package correctly made any timescale will begin then and the application will not be prioritised as if it had been received at the earlier time.”
- Paragraph 12.1, second sentence – “Licenses” to be amended to read “Licences”.
- Annex B – the list of Responsible Authorities was not yet complete and also some of the contact details still needed to be incorporated. The Licensing Committee therefore delegated authority to Officers to complete Annex B.

### **RESOLVED that:**

- (1) the Local Licensing Policy (as set out in Appendix 5(b)) be recommended to Council for formal adoption subject to amendments put forward at the meeting;
- (2) the Licensing Policy to be reviewed by the Licensing Working Party in a year's time.

## 18. CHANGES TO THE CONSTITUTION.

The Committee considered a report (Agenda Item 6) concerning proposed changes to the Council's Constitution relating to dealing with Licensing Applications and the Code of Conduct for Licensing particularly the need to articulate the procedure for dealing with Licensing Applications at Licensing Sub-Committee meetings. The Constitution Task Group, at its meeting on 15<sup>th</sup> November 2004, delegated authority to the Licensing Committee to propose revisions to the Council's Constitution resulting from changes brought about by the Licensing Act 2003.

During discussions on the timing of Licensing Sub-Committee meetings Members noted that the Licensing Trade had strongly indicated their wish for hearings to be held during the day but felt this would exclude those Members who worked during the day. It was therefore proposed, in accordance with the Licensing Policy and to provide as much flexibility as possible, that hearings would be at times convenient to applicants and witnesses, as far as reasonably practicable.

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Given the proposal that four Members should be called to sit on every Licensing Sub-Committee meeting it was agreed to ask Council, at its meeting on 14<sup>th</sup> December 2004, to give consideration to increasing the composition of the Licensing Committee from 12 Members to 14 Members.

**RESOLVED that:**

- (1) the changes to the Council's Constitution (as set out in Appendices 6(a) and 6(b)) be recommended to Council for formal approval;
- (2) hearings would be at times convenient to applicants and witnesses, as far as reasonably practicable;
- (3) four Members would be called to sit on every Licensing Sub-Committee meeting;
- (4) Council be asked to formally approve that the composition of the Licensing Committee be increased from 12 Members to 14 Members.

*(The meeting commenced at 6.30 p.m. and closed at 7.35 p.m.)*

**CHAIRMAN** .....

**Date of Signature:** .....