

MINUTES of the meeting of Licensing Committee held on 12 July 2006 at 7.00 p.m.

Present: Councillors Woods (Chair), Maney (Vice-Chair), Gledhill, Harris, Mrs. Jones and Liddiard (from 7.20 p.m.)

Apologies: Councillor Rockcliffe

In attendance: P. Easteal – Environmental Health Team Leader
S. Jones – Principal Democratic Services Officer
S. Toye – Legal Services
L. Eccles – Halcrow Group Limited

1. MINUTES

The Minutes of the former Licensing and Appeals Committee, held on 20 April 2006, were approved as a correct record.

2. ITEMS OF URGENT BUSINESS

The Chair advised the Committee that She had not agreed to the consideration of any items of urgent business.

3. DECLARATIONS OF INTEREST

Councillor Woods, Maney and Gledhill advised the Committee that, whilst not declaring an interest in Agenda Item 6, they wished it to be known that they knew Mrs. Sharon Ponder, who manages a local taxi firm.

4. TERMS OF REFERENCE

The Head of Legal and Democratic Services submitted a report, which requested the Committee to consider an amendment to the Terms of Reference for the Licensing Sub-Committee, together with a procedure for licensing hearings.

Members were informed that decisions in respect of hackney carriage and private hire vehicle licence applications were currently delegated to the Head of Strategy, Environment and Development Services. In the normal course of events, applicants who fulfilled the suitability criteria would receive automatic approval by Licensing Officers and only those who failed in some respect, and who refused to withdraw their applications, had their applications referred for determination by way of a licensing hearing.

It was reported that decisions on hackney carriage and private hire driver's licence applications tended not to be technical or legal arguments and usually came down to an assessment of a person's character. As such, it was felt that such matters were best dealt with as Member decisions, rather than those of Officers.

Members were advised that it was considered that the full Committee, with 7 members, would be too large to sit as a panel for determining any such licence applications, where some degree of informality was advantageous and where it was important that applicants did not feel intimidated by the process.

Accordingly, Members were therefore recommended to amend the terms of reference for the Licensing Sub-Committee to allow three Members to consider applications for any licence, registration, certificate, consent, permit, approval or permission, where such a decision had been referred for consideration by the Head of Strategy, Environment and Development Services.

It was noted that in practice, the Licensing Sub-Committee would operate in much the same way as Licensing Act 2003 Sub-Committees when convened for the purpose of hearing applications. As such, a copy of a suggested procedure for any such hearings was attached at Appendix C to the report for Members' consideration.

RESOLVED:

- 1. That Members the Terms of Reference for the Licensing Sub-Committee be amended to read:**

“To hear appeals on matters delegated to the Licensing Committee and to grant, approve, review, refuse, suspend, revoke, renew, transfer or vary any licence, registration, certificate, consent, permit, approval or permission that the Licensing Committee may determine, except where the function has been delegated to an Officer unless the Officer refers the matter to the Committee for a decision.”

- 2. That the procedure for hearings, as set out in Appendix C to the report, be approved.**
- 3. That the delegations to the Head of Strategy, Environment and Development Services be amended so that taxi and private hire licences may only be issued where the applicant meets all of the Authority's criteria.**

5. CONTROLS ON NUMBERS OF HACKNEY CARRIAGES

The Environmental Health Team Leader presented a report, which requested the Committee to consider the Council's future policies on controlling the number of hackney carriages it licensed to operate in the borough.

Prior to consideration of the report, an illustrated presentation was given by Liz Eccles of the Halcrow Group Limited in respect of their Hackney Carriage Unmet Demand Study that had been carried out for Thurrock Council.

A copy of the Hackney Carriage Unmet Demand Study, produced by Halcrow Group Limited, was circulated with the Agenda for Members' consideration and copies of the full report (containing all appendices) were available at the meeting.

It was reported that the last unmet demand survey that had been produced by Halcrow Group Limited for Thurrock was conducted in 2003 and this identified that there was no unmet demand at the time, as did the survey that was carried out in 2000.

The Committee were informed that the report was clear on the matter of 'unmet demand' and found that there was no evidence of significant unmet demand for hackney carriage services in Thurrock and therefore, on the basis of Thurrock's present quantity control policy, there would be no justification in recommending an increase in licences required to eliminate any significant unmet demand.

It was reported that whilst a change in policy would fall within the remit of Cabinet as a 'key decision' of the executive, both the Portfolio Holder for Environment and Officers would appreciate the views of the Committee on this subject before taking the matter further.

In considering this matter, Members acknowledged that, at the present time, there was no 'unmet demand' that would merit an increase in the maximum number of hackney carriage licences granted by the Council under its existing 'quantity control' policy.

The Committee were informed that the Department of Transport were keen for Councils to remove unwarranted limitations on the number of Hackney Carriages as soon as possible. It was reported that in order to '*encourage*' the Council to comply with this objective, the Government had indicated that it will scrutinise the approach taken by each licensing authority and that individual authority's would have to specify the particular circumstances why they believed the status quo should remain and keep this situation under review at some cost to itself to continually support its view.

Members were informed that representatives of the Thurrock Licensed Drivers Association met with the independent consultants during the period of the study and their views were reflected in the contents of

Halcrow's final report. It was reported that solicitors acting on behalf of the Association had since written to the Regulation Department to ask that they be given a further opportunity to make representations on the subject of delimitation following sight of the consultants report.

The Committee were advised that it would be sensible to receive and consider any comments from the Association, and other interested parties who presented written representations during the study, on the proposal to abandon the present policy on 'quantity control'. It was reported that these views could then be taken into account before any final decision was made and published in accordance with Government instructions. For this reason it was recommended that the decision be delayed until the next meeting of the committee when this issue could be further debated.

Members indicated their agreement to this suggested course of action and, in view of the next meeting of the Committee being scheduled to take place on 30 January 2007, requested that a meeting of the Committee be arranged so as to take place at 7.00 p.m. on Wednesday 27th September 2006 to consider this matter further.

RESOLVED:

- 1. That the presentation and report on the Hackney Carriage Unmet Demand Study be noted.**
- 2. That it be acknowledged that, at the present time, there is no 'unmet demand' that would merit an increase in the maximum number of hackney carriage licences granted by the Council under its existing 'quantity control' policy.**
- 3. That the Head of Strategy, Environment and Development Services be instructed to submit a report to the next meeting of the Committee a report to consider ending the Council's policy of controlling the number of hackney carriage licences it issues ('Taxi Delimitation').**
- 4. That a meeting of the Licensing Committee be arranged so as to take place at 7.00 p.m. on Wednesday 27th September 2006, to consider the report of the Head of Strategy, Environment and Development Services with regard to ending the Council's policy of controlling the number of hackney carriage licences it issues.**
- 5. That thanks be given to Liz Eccles of the Halcrow Group Limited for an interesting and informative presentation.**

The meeting finished at 7.55 p.m.

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Steve Jones, telephone (01375) 652205,
or alternatively e-mail Sjones@thurrock.gov.uk**