

LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on
23 October 2019

(Present) **Councillor Banks (Chairman)**
Councillors Bell, J Jackson, P Jackson, Jones, T Long,
O’Keefe, Osundeko, Pearl, Pritchard and Tasker

(Not Present) **Councillors Cunliffe, Grunewald, McQuade and Uddin**

30 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Cunliffe, McQuade and Uddin.

31 MINUTES

* **Resolved that the minutes of the meeting held on 25 September 2019 be approved.**

32 DECLARATIONS OF INTEREST FROM MEMBERS

No Declarations of Interest from Members were made.

33 ‘KNOW YOUR RIDE’ CAMPAIGN

A report was provided to introduce the ‘Know Your Ride’ campaign to the Committee and provide rationale for its introduction.

The Committee was aware of the ongoing issues Licensing Authorities have experienced with cross border hiring since the introduction of the Deregulation Act in 2015.

It was reported that in St Helens there had undoubtedly been an impact on the local licensed community as operators with multiple licences had flooded the area with licensed vehicles and drivers.

The effect of this had been to eat into the revenue streams of St Helens locally licensed drivers. As no minimum standards currently existed in law for the granting of a taxi driver or vehicle licence, the Licensing Authority could not say with any certainty that the checks which these drivers had undergone would meet the high standards set in St Helens.

The impact of this could not be underestimated, but the most significant factor the Licensing Authority needed to consider was the safety of the travelling public. The public were understandably confused when they called for a taxi from a local operator and a vehicle plated from somewhere else in the country arrived to collect them.

For the more vulnerable members of society this was perhaps even more problematic as they may not feel able to address issues such as this.

The Committee was advised that when the Act was introduced it was not the intention of the Government that Licensing Authorities would compete for ‘trade’ as licensing exists solely to protect the public.

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However, the Licensing Department were now aware of a number of drivers who lived and worked in St Helens but were not licensed here.

Most notably, the Licensing Authority had observed significant numbers of drivers and vehicles who had been licensed in neighbouring authorities, and even further afield, operating in St Helens.

It may be queried why a person who lived and worked in St Helens may choose to be licensed by another neighbouring council. It was extremely frustrating when this occurred not least because this Licensing Authority had no powers to carry out any enforcement action against them.

It was difficult to understand how Licensing Authorities who as a statutory service exist to ensure the safety of the public could fulfil this role when they are met with such challenges.

In an attempt to manage this area, the Council had been looking at what could be done to raise public awareness of this issue and ensure that the public travel as safely as possible and recognise the value of the local licensed community in St Helens.

One of the solutions is the 'Know Your Ride' Campaign. This would be a promotional campaign to address these issues and had been developed by the Council's Marketing Section.

The main objectives and theme of the campaign were outlined in the report.

It was reported that feedback from trade consultative groups had been positive and the campaign would run from mid-November 2019 through to the end of January 2020.

The Committee was advised that social media would feature heavily as part of the promotion, and licensed premises would be targeted to ensure that promotional materials were appropriately displayed. The campaign would be evaluated as to its effectiveness and to help the Licensing Section plan for future promotions in this area.

* **Resolved that:**

- (1) the report be noted; and**
- (2) the campaign be endorsed.**

34 REVIEW OF HACKNEY CARRIAGE RANKS

A report was provided to authorise the Licensing Manager to carry out a review of all existing and future positions of hackney carriage ranks.

The report contained the background to the positioning of the existing ranks.

The Committee was advised that aside from a temporary rank currently being tested in the town centre, there had been no significant changes to the taxi ranks for a number of years.

As the Borough had evolved the ranks had remained in their original places, which in effect had caused some to be unusable.

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This, coupled with a low number of hackney plate holders, had resulted in just two of the 14 ranks regularly being occupied.

It was reported that there was a need to change the positions to allow the public easier access to this form of transport.

The Committee was informed of the key focus of the consultation exercise, with the Licensing Section seeking to engage the travelling public as well as the licensed community in the discussions.

In addition, it was reported that account would need to be taken of any future work to town centres and the development of other areas such as Earlestown and Rainhill.

It was anticipated that the review would require a minimum of six months to complete, and a report would be presented to this Committee following completion of the review.

* **Resolved that:**

- (1) the report be noted; and**
- (2) the Licensing Manager be authorised to carry out a review of all existing and future proposed positions of hackney carriage ranks.**

35 UPDATE ON THE WORK UNDERTAKEN UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE PERIOD APRIL 2019 TO SEPTEMBER 2019

A report was provided to update the Committee on the work carried out by the Licensing Section under the provisions of the Licensing Act 2003, for the period April 2019 to September 2019.

The report detailed background context in respect of the Legislation Act 2003, legislation which included the principal aim/licensing objectives/ licensable activities, the different types of authorisations on permissions and applicable processes/applications received.

In addition, the report detailed the handling of complaints and the typical procedure that was followed. The report also detailed statistical information for the types of complaints and enquiries received in relation to licensed premises for the reporting period.

Members welcomed the update report and thanked the Licensing Manager and staff in the Licensing team for their work.

* **Resolved that the report be noted.**

36 EXCLUSION OF THE PUBLIC

* **Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:**

<u>Minute</u>	<u>Reason (under Local Government Act 1972)</u>
37	Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para 3 of schedule 12a.

37 **APPLICATION FOR A NEW HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF: CAP)**

A report was presented to the Committee in relation to a review of existing Hackney/Private Hire Driver's Licence (Ref: CAP).

In making their application on 6 February 2019, the Applicant declared two convictions on the relevant section of the application.

A Disclosure and Barring Service (DBS) certificate was presented to the Licensing Section on 20 August 2019, which detailed six undisclosed convictions from 2007 to 2015.

The Committee was advised of the Council's policy on such offences and it was stated that an applicant would generally be refused a licence for a period of at least five years.

The Committee was also advised that the Council's policy clearly set out that failure to disclose all convictions may lead to an application being refused.

The Applicant was in attendance to present their case to Members and answer questions and was then given every opportunity to present their case to the Committee and answer questions before being invited to sum up their case.

The Applicant and Licensing Officers then left the meeting whilst the Committee deliberated in private with the Council's Solicitor.

All parties then returned to the meeting and were informed of the Committee's decision.

- * **Resolved that on the balance of probabilities the Application for Hackney Carriage/Private Hire Driver's Licence (Ref: CAP) be refused as the Committee was not satisfied that the applicant was a "fit and proper person" to hold a driver's licence pursuant to Section 51 and 59 of the Local Government (Miscellaneous Provisions Act) 1976 and the Council's Policy.**