

**MINUTES OF A MEETING OF THE
TAXI AND OTHER LICENSING COMMITTEE
HELD AT THE TOWN HALL, NELSON
ON 13TH NOVEMBER 2014**

PRESENT -

The Worshipful the Mayor - Councillor G. Roach

Councillor D. Clegg (Vice Chairman – in the chair)

Councillors

*J. Cooney
M. Iqbal
Y. Iqbal (substitute for M. Arshad)
C. Jowett
K. Shore*

In attendance

Councillor Nadeem Ahmed

Officers in attendance

<i>Howard Culshaw</i>	<i>Solicitor</i>
<i>Jackie Allen</i>	<i>Taxi Licencing Manager</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

(Apologies were received from Councillors N. Butterworth and M. Arshad)

◆◆◆◆

The following persons attended the meeting and spoke on the following items –

<i>Mr Ahmed</i>	<i>Results of Spot Checks</i>	<i>Minute No. 7</i>
<i>Mr. Saeed</i>		

<i>Mr Ahmed</i>	<i>Plying for Hire</i>	<i>Minute No. 9</i>
<i>Mr Oakes</i>		
<i>Mr. S. Ahmed</i>		

4. DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the Declaration of Interests.

5. PUBLIC QUESTION TIME

(1) Mr Saeed asked what was happening to the request for the layout of the lay by in Nelson Town Centre to be altered.

The Taxi Licensing Manager explained that the request was referred to Lancashire County Council and they would not support the alterations.

(2) Mr Saeed made reference to the appointment system and he felt it was not working for the trade as they were losing time during the day trying to keep to their appointment. Mr Akram added that the staff working in the Taxi Licensing Office should serve drivers who just walk in without an appointment.

The Taxi Licensing Manager explained that the appointment system worked as drivers were able to get an appointment the same day they ring to make one. She explained that on certain days there would only be one member of staff in the office and it would be very difficult for that person to attend to drivers who just call in without an appointment.

(3) Mr S Ahmed requested that the Taxi Licensing Department should make an appointment with the operator if they wanted to inspect their records/ cars etc instead of just turning up.

The Taxi Licensing Manager said that they would make appointments, but they are within their right to turn up for inspections.

(4) Mr S Ahmed made reference to customer complaints and should they not be dealt with by the operator before being referred to the Taxi Licensing Office.

The Taxi Licensing Manager explained that residents are able to complain to whomever they see fit and generally the Taxi Licensing Office acts as the middle man between the operator/driver and the customer.

The Solicitor explained that the Council has regulatory powers to take up complaints.

6. MINUTES

RESOLVED

That the minutes of the proceedings of the Taxi Licensing Committee at meetings held on 11th and 18th September and the Taxi and Other Licensing committee meeting on 30th October 2014 be approved as a correct record and signed by the chairman.

7. RESULTS OF A SPOT CHECK

The Engineering and Special Projects Manager reported, for information, that a joint spot check on licensed vehicles was carried out on the evening of 26th September at Norfolk Street Garage, Nelson with the Police and Vehicle Operator Services Agency (VOSA). Fifteen vehicles were tested in total with six taken off the road for faults and six issued with defect notices.

8. PENALTY POINTS SCHEME

The Engineering and Special Projects Manager submitted, for information, a report regarding penalty points which had been imposed since the last meeting on 11th September 2014.

9. PLYING FOR HIRE

The Head of Central Services and Regeneration submitted a report which asked members to consider various actions to deal with the problem of plying for hire.

RESOLVED

- (1) That:
 - (a) The proposal to organise a day focusing on booking or private hire vehicles be approved and that discussions take place with the Police and with representatives of the private hire and hackney carriage trades to make the arrangements for this;
 - (b) That the Head of Central Services and Regeneration, in consultation with the Chairman of this Committee, be given delegated authority to finalise the arrangements for this event;
 - (c) That if any drivers are found to be plying for hire unlawfully on the relevant date (or failing to proceed with reasonable speed to a rank), that they are dealt with in accordance with the procedure set out (3) below.
 - (d) The Council immediately discontinues the six plying for hire and hackney byelaw prosecutions currently proceeding at Burnley Magistrates Court and proceeds to deal with the defendants under the new procedure set out (3) below.
- (2) That in all future cases of unlawful plying for hire or failure to proceed with reasonable speed to a rank:
 - (a) In the case of a first incident, the relevant drivers licence be suspended for a period of 4 weeks;
 - (b) Where a driver's licence has been suspended in accordance with 2(a) above, then where there is a subsequent similar allegation prosecution proceedings in the Magistrates Court will be commenced with the intention that those proceedings will proceed to a hearing in that court.
- (3) That the Council be recommended to amend its Scheme of Delegation to Officers to incorporate the following:
 - (a) Delegated authority be given to the Head of Central Services and Regeneration to suspend a driver's license for 4 weeks in respect of unlawful plying for hire or failure to proceed with reasonable speed to a rank;
 - (b) Any licensed operator is asked to appear in person before the next Taxi and Other Licensing Committee where 2 or more drivers employed by the relevant private hire firm have been found guilty of unlawful plying for hire under (2) (b) above in any 12 month period.

REASON

- (1) ***To address the problem of plying for hire in Pendle.***

10. EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That in pursuance of the power contained in Section 100 (A) (4) of the Local Government Act, 1972, as amended, the public and press be excluded from the meeting during consideration of the next item of business on the grounds that if a member of the public and press were present during consideration of the item, there would be disclosure to them of exempt information relating to the financial or business affairs of a particular person.

11.

INTERVIEWS

(1) Report on ZL

The Engineering and Special Projects Manager submitted a report in respect of ZL.

RESOLVED

That ZL be granted a private hire driver's licence for a period of 6 months. If during that period there are no issues regarding ZL's conduct as a private hire driver, then the licence be made permanent at the end of that period.

(2) Report on AD

The Engineering and Special Projects Manager submitted a report in respect of AB.

RESOLVED

That the application for a Private Hire Driver's Licence be refused due to the convictions recorded against AD.

(3) Report on MTK

The Engineering and Special Projects Manager submitted a report in respect of MTK

RESOLVED

That MTK's private hire driver's licence be granted.

(4) Report on ZA

The Engineering and Special Projects Manager submitted a report in respect of ZA.

RESOLVED

That ZA's private hire driver's licence be suspended with immediate effect until the final outcome of his pending trial.

Chairman: _____