



# LICENSING COMMITTEE

BURNLEY TOWN HALL

Thursday, 14th June, 2018 at 6.30 pm

## PRESENT

## MEMBERS

Councillors A Royle (Chair), I Carmichael, S Chaudhary, I Emo, A Kelly, A Khan, S Malik, P Reynolds, J Sumner and C White

## OFFICERS

Joanne Swift	– Head of Streetscene
Peter Henderson	– Principal Licensing Officer
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer

### 1. Apologies

Apologies for absence were received from Councillors, B Brindle, Hussain and Monk.

### 2. Minutes

The minutes of the meeting held on 22<sup>nd</sup> February 2018 were approved as a correct record and signed by the Chair.

### 3. Additional Items of Business

In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972 the Chair decided that the following items should be considered as item 9 and 10 on the agenda, the reasons being to keep the Committee up to date with policy and to receive information relating to the result of appeals against taxi and private hire drivers at Magistrates and Crown Court.

Item 9 Street Traders Policy

Item 10 – Appeals – this item to be taken in private due to the nature of the business to be transacted would be likely to reveal the identity of an individual.

#### **4. Introduction of new Taxi and Private Hire Policy required to enable compliance with the Equalities Act 2010**

Members considered the adoption of a new policy in relation to taxi and private hire drivers as required by the Equalities Act 2010. The proposed new policy was appended to the report.

The Equalities Act 2010 already protected owners of assistance dogs by making it unlawful for taxi and private hire drivers to refuse to convey them or charge them extra. The commencement of Sections 165 and 167 of the Act would provide similar protection for wheelchair users, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with adequate assistance or to charge them extra.

Drivers would be able to request an exemption certificate on medical grounds or where their physical condition made it impossible or unreasonably difficult for them to comply with the Act.

In order for the Council to be able to enforce these new provisions a policy was needed to deal with requests for medical exemptions.

Once the policy was approved a draft list of wheelchair accessible vehicles would be prepared and the owner of each vehicle would be informed and made aware of their responsibilities. Drivers could then apply for an exemption. On completion of the process the Council would publish the list on its website.

In discussion Members pointed out that not all people had access to computers and officers agreed that the list would also be displayed in the Council offices.

#### **RESOLVED**

That the policy attached at appendix A to the report be approved.

#### **5. Appointments to Licensing Sub Committees**

Consideration was given to the sub-delegation of functions to a Licensing Act 2003 Sub Committee for a final hearing procedure and to a Taxi Licensing Sub Committee for functions relating to taxi and private hire licences.

Members asked that the evening sessions of the Taxi Licensing Sub Committee start at 6.00 pm.

#### **RESOLVED**

1. That a Licensing Act 2003 Sub Committee be established for the sub delegation of functions under the Licensing Act 2003 for a final hearing;

2. That two Taxi Licensing Sub Committees be established for the sub delegation of functions vested in the Licensing Committee relating to taxi licensing functions as set out in Part 3 of the Council's Constitution; and
3. That members be appointed to the sub committees on a rotational basis subject to their availability.

## **6. Information item - street traders licences**

The Licensing Officer drew members attention to the Street Traders Policy which had been approved by Committee on 22<sup>nd</sup> February 2018 and informed them of a minor change which the Chief Operating Officer had made using delegated powers.

The minor amendment was in relation to street traders being required to sign up to a Disclosure and Barring Service (DBS) update service. Street traders were required to provide a basic DBS certificate and the update service was only available for enhanced DBS checks. The amendment required an applicant to sign up to an update service as and when such service became available in relation to DBS basic disclosures.

### **RESOLVED**

That the amendment be noted.

## **7. Exclusion of the Public**

That the public be excluded from the meeting before discussion takes place on the following item since in view of the nature of the business to be transacted, if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.

## **8. Update on results of appeals**

Members received for information a list of results of Magistrates and Crown Court appeals against taxi and private hire decision during the preceding 12 months.

### **RESOLVED**

That the information be noted.