



Taxi & General Licensing Committee

Minutes of a meeting of the Taxi & General Licensing Committee held in The Jeffrey Room at The Guildhall on Tuesday 24 January 2023 at 6.00 pm.

Present:

Councillor Andrew Kilbride (Chair)
Councillor Mike Warren (Vice-Chair)
Councillor Sally Beardsworth
Councillor Alan Chantler
Councillor Imran Ahmed Chowdhury BEM
Councillor Gareth Eales
Councillor Cheryl Hawes
Councillor Keith Holland-Delamere
Councillor Mark Hughes
Councillor Brian Sargeant
Councillor Richard Solesbury-Timms
Councillor Winston Strachan

Apologies for Absence:

Councillor Maggie Clubley
Councillor Terry Gilford
Councillor Jake Roberts

Officers:

Nicholas Sutcliffe, Licensing and Business Support Manager
James Chadwick, Senior Licensing and Litigation Solicitor
Richard Woods, Democratic Services Officer

11. Declarations of Interest

There were no declarations of interest.

12. Minutes

The minutes of the meeting of the Committee held on 15 December 2022 were agreed as a correct record and signed by the Chair.

13. Chair's Announcements

There were no announcements from the Chair.

14. **Delegation of additional Hackney Carriage and Private Hire Vehicle licensing decision making powers from Committee to Officers**

The Committee considered a report from the Assistant Director – Regulatory Services which requested the Taxi and General Licensing Committee delegate additional decision making powers concerning Hackney Carriage and Private Hire Vehicle licensing matters from the Committee to Licensing Officers.

In introducing the report, the Licensing and Environmental Support Services Manager explained that under the present constitutional arrangements, in situations where an applicant for a Hackney Carriage or Private Hire Vehicle Licence had relevant convictions or cautions, and/or had reached the threshold of nine or more penalty points on their driver's licence, the matter would be referred to a meeting of the Taxi & General Licensing Sub-Committee for a decision on whether the applicant was deemed to be a 'fit and proper person' to hold a Hackney Carriage or Private Hire Vehicle Licence.

The Licensing and Environmental Support Services Manager explained that the knock-on operational impact of this was that at present, the Assistant Director – Regulatory Services did not have the authority at present to immediately revoke a Hackney Carriage or Private Hire Vehicle Licence on the grounds of an imminent risk to public safety, and instead they would have to refer the matter to a Taxi and General Licensing Sub-Committee to determine the matter.

In response to questions from the Committee regarding why Officers had formed the view that urgent matters should be determined by the Assistant Director – Regulatory Services and not a Taxi & General Licensing Sub-Committee, the Licensing and Environmental Support Services Manager advised that the process of organising Sub-Committees, writing reports, and holding hearings was onerous and lengthy and can occasionally lead to delays of several months in determining cases. Sub-Committees must currently determine matters involving convictions for even the most minor of offences, some of which had no real bearing on whether a person is fit and proper to hold a Hackney Carriage or Private Hire Vehicle driver or operator license. Altering the scheme of delegation as proposed would have the effect of reserving and Sub-Committee hearings only for the most serious or complicated cases and speeding up the decision making process, which would also be in the best interests of the Hackney Carriage and Private Hire Vehicle trades.

It was proposed by Councillor Gareth Eales and seconded by Councillor Sally Beardsworth that authority be delegated to the Assistant Director – Regulatory Services in consultation with the Chair of the Taxi & General Licensing Committee to make decisions concerning Hackney Carriage and Private Hire Vehicle licensing matters where there is perceived to be an imminent risk to public safety which would justify the use of the power under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 to revoke a driver's license with immediate effect, in circumstances where the holder of an current Hackney Carriage or Private Hire Vehicle driver's license has relevant convictions and/or cautions and/or has nine or more points on their DVLA driving licence.

The motion was put to the vote with eleven votes cast in favour of the proposal and one cast against, therefore the motion was carried.

Resolved

- (1) That authority be delegated to the Assistant Director – Regulatory Services in consultation with the Chair of the Taxi & General Licensing Committee to make decisions concerning Hackney Carriage and Private Hire Vehicle licensing matters where there is perceived to be an imminent risk to public safety which would justify the use of the power under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 to revoke a driver’s license with immediate effect, in circumstances where the holder of an current Hackney Carriage or Private Hire Vehicle driver’s license has relevant convictions and/or cautions and/or has nine or more points on their DVLA driving licence.

15. Draft Street Trading Policy

The Committee considered a report from the Assistant Director – Regulatory Services which requested the Committee to commence the creation of a West Northamptonshire Council Street Trading licensing regime under the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) and to approve a draft designation of streets for the purposes of Street Trading and a draft Council Street Trading policy, both of which will then be the subject of a statutory and public consultation process and a further report to Committee.

In introducing the report, the Licensing and Environmental Support Services Manager explained that the Draft Street Trading Policy sought to simplify and updates the three predecessor councils’ street trading policies, which remain in force until expressly replaced by West Northamptonshire Council, due to the operation of local government reorganisation legislation, and to ensure consistency of approach with regard to Street Trading throughout the West Northamptonshire Council area.

A fair, clear, and consistent West Northamptonshire Council Street Trading licensing regime, underpinned by a single, unified policy, would therefore ensure that the Council can put in place controls to protect the public and provide a level playing field for street traders. It would also allow the Council to attach conditions to consents or licenses in relation to food hygiene and make sure that licence holders keep the licensed sites clean.

Resolved

- (1) That it Schedule 4 of the 1982 Act shall henceforth apply to the District area of West Northamptonshire Council for the purpose of regulating street trading in accordance with the Act.
- (2) That the draft Council Street Trading Policy be approved for statutory and public consultation, the results of which will be the subject of a further report to Committee with a view to formally making a Council Street Trading Policy.

- (3) That the draft designation of streets be agreed for statutory and public consultation, the results of which will also be the subject of a further report to Committee with a view to it formally making a resolution regarding the designation of streets within the Council's area for the purposes of Street Trading.

16. **Urgent Business**

There were no items of urgent business.

The meeting closed at 6.33 pm

Chair: _____

Date: _____