

Time commenced : 6.05pm  
Time finished : 7.20pm

**LICENSING AND APPEALS COMMITTEE**  
**17 December 2003**

Present: Councillor Skelton (in the Chair)  
Councillors Bolton, Brown, J Hickson, Hird, F Hussain, Jackman,  
Jackson, Jones, MacDonald, Redfern, Rehman, and Samra

**27/03 Apologies for Absence**

There were no apologies for absence.

**28/03 Minutes of Previous Meetings**

The minutes of the meetings held on 4 September, 29 September and 13 November 2003 were approved as a correct record and signed by the Chair.

**29/03 Late Items to be Introduced by the Chair**

The Chair agreed to admit one item on the Hackney Carriage Fare Structure as a late item on the grounds that any objections to the decision made by the Committee at the last meeting could be considered.

**30/03 Declarations of Interest**

There were no declarations of interest.

**31/03 Consideration of Objections to New Hackney Carriage Fare Structure**

The Committee considered a report of the Director of Corporate Services which stated that objections to the new Hackney Carriage Fare Structure could be submitted until 19 December. This decision regarding the new fare structure had been made by the Committee on 13 November 2003.

**Resolved to authorise the Chair and Councillors Redfern and Samra to consider any objections received up to the deadline on 19 December 2003.**

**32/03 Amendments to Hackney Carriage Driver's Conditions**

The Committee considered a report of the Director of Corporate

Services which set out proposed amendments to Hackney Carriage Drivers' Conditions. John Tomlinson, Environmental Health Manager, explained that it had arisen from a complaint received about a driver charging a disabled customer for unloading the car whilst the meter was still running. He had spoken to the Equalities Unit who clarified that this was not permitted under the Disability Discrimination Act and although complaints from disabled people were rare, it was important to clarify what the expectations were.

Councillor F Hussain suggested that this information should be circulated to all Hackney Carriage drivers in the City once it was approved so that no further complaints were received.

**Resolved to approve the amendments to Hackney Carriage Drivers' Conditions as set out in Appendix 2 of the report.**

### **33/03 Approval of VW Transporter for Licensing as a Hackney Carriage**

The Committee considered a report of the Director of Corporate Services which referred to the Disabled People's Advisory Committee's (DPAC) favourable consideration of this vehicle in late 2002 and its subsequent inspection by this Committee in November 2002, when Members approved it as a Hackney Carriage in principle subject to detailed inspection by Licensing Officers.

The vehicle was not presented for such an inspection until 2 October 2003 and the report of the Inspecting Officer identified several dimensions that did not meet the Council's specification and a number of safety related items. The report was given to the manufacturers, Bernard Mansell Ltd and they had responded in a letter dated 31 October 2003, copies of which were circulated to Members along with photographs of the vehicle. Mr Betty, a representative of Bernard Mansell Ltd also addressed the Committee.

**Resolved:**

- 1 To approve, in principle, the licensing of the VW Transporter as a Hackney Carriage in Derby.**
- 2 To authorise the Chief Environmental Health Officer to discuss the issues identified in the Inspector's Report with Mr Betty and to approve the licensing of the vehicle as a Hackney Carriage subject to any amendments to its specification as considered appropriate following consultation with the Chair and Councillors Redfern and Samra.**

### 34/03 Access to Albert Street and Victoria Street

The Committee considered a report of the Director of Corporate Services which clarified reasons for having restricted access for Private Hire Vehicles to Albert Street and Victoria Street following complaints from some members of the public. It was advised that the differences between licence conditions for taxis and Private Hire Vehicles, prohibited Private Hire Vehicles from having access to Albert Street and Victoria Street. Concern was raised that if Private Hire Vehicles were allowed, it could encourage people to drive down Albert Street due to the fact that it is not easy to distinguish between them and ordinary saloon cars.

It was reported that reducing access only to taxis, cyclists and buses had greatly improved the environment for everyone, especially shoppers. Although there had been complaints about certain issues being ignored, it was noted that it had been a balanced exercise and all factors had been considered carefully.

#### **Resolved:**

- 1 To defer the matter to the next meeting when a report could be presented to give details of the type and extent of problems being experienced by disabled people.**
- 2 To invite Michael Watts, Access Officer, to be involved in the preparation of the report and to attend the next meeting of the Committee.**

### 35/03 Hackney Carriage and Private Hire Fees and Charges 2004/05

The Committee considered a report of the Director of Corporate Services which set out proposed changes to licence fees and charges for 2004/5. John Tomlinson explained that the licensing functions were intended for a self-financing, non-profit making operation and that the fees and charges were set at a level to recover the total costs incurred in providing the service. It was noted that there were no changes to the Operator's Licence fee.

#### **Resolved:**

- 1 To approve, subject to consideration of objections or representations, the proposed licence fees and charges for 2004/5 set out in Appendix A of the report.**
- 2 To request the Director of Corporate Services to advertise the proposed variation of the fees.**
- 3 To authorise the Director of Corporate Services, in**

**consultation with the Chair of the Licensing and Appeals Committee and Councillors Redfern and Samra, to consider any objections received within the objection period.**

- 4 To approve the proposed licence fees becoming effective from 1 April 2004 if no objections are received during the objection period.**

### **36/03 Licensing Reform**

The Committee considered a report of the Director of Corporate Services which gave details of the revised timetable and financial implications of the implementation of the new liquor licensing regime.

It was advised that there would be six months between the guidance being issued to local authorities and the date the Council would begin receiving applications. Currently, no exact date had been set because the guidance had not yet been approved by Parliament. This was unlikely to be before July 2004 due to concerns raised by the Local Government Association (LGA).

It was expected that full responsibility for the new licensing regime would not be transferred to the Council until nine months after the first application was received and therefore it was unlikely to be implemented before April 2005.

**Resolved to note the report.**

### **37/03 Taxi Licensing Procedures**

The Committee considered a report of the Director of Corporate Services which gave an update on activities since the previous report was presented. It was noted that there was significant progress planned for January to March 2004, when new licensing application procedures and new licensing software would be considered.

Some factors such as staffing and IT upgrades would be dependant upon the approval of budget proposals and costs required to be met from licence fees. It was confirmed that a separate report on the proposed fees and changes for 2004/5 would be presented to the Committee at a later date.

**Resolved to note the report.**

MINUTES END