

LICENSING BOARD

Venue: Bailey Suite, Bailey House, **Date:** Wednesday, 19 May 2010
Rawmarsh Road,
Rotherham.

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Minutes (Pages 1 - 2)
4. House to House Collection (Pages 3 - 4)
5. Application for Exemption to Display Private Hire Plate and Door Signs under the Local Government (Miscellaneous Provisions) Act 1976 Section 75(3) (Pages 5 - 8)
6. Exclusion of the Press and Public.
The following item is likely to be considered in the absence of the Press and Public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime)
7. Hackney Carriage/Private Hire Drivers' Licences- Applications (Pages 9 - 18)

LICENSING BOARD
Wednesday, 14th April, 2010

Present:- Councillor Wootton (in the Chair); Councillors Barron, Dodson, Falvey, Foden, Goult, J. Hamilton, N. Hamilton, Havenhand, Jack, McNeely, P. A. Russell, Sangster, Swift and F. Wright.

Apologies for absence were received from Councillors Burton, Doyle and Slade.

Q60. COUNCILLOR F. WRIGHT

The Licensing Board placed on record its thanks to, and appreciation of, Councillor F. Wright, Vice-Chairman of the Licensing Board, and wished him all the best on his future retirement from being an Elected Member.

Q61. MINUTES OF THE BOARD HELD ON 17TH MARCH, 2010

Resolved:- That the minutes of the meeting of the Licensing Board held on 17th March, 2010 be approved as a correct record for signature by the Chairman.

Q62. HOUSE TO HOUSE COLLECTIONS

The Senior Licensing Officer submitted a report concerning the following applications for the grant of a licence to carry out house to house collections:-

ORGANISATION	AREA	DATE
Children's Aid Foundation	Whole Borough	12 th - 30 th April, 2010
Rotherham Hospice	Whole Borough	18 th April, 2010 to 18 th April, 2011

Discussion ensued on the number of house to house collections carried out in Rotherham and questions were asked as to why some areas were targeted later in the evening and some more than others.

Investigation would take place as to whether certain areas of the borough could be incorporated into an exclusion zone and whether or not a specified collection timing period could be added to the application form for completion.

Resolved:- (1) That the applications be approved.

(2) That further investigation be undertaken and reported back to a future meeting of the Licensing Board into the possibility of designating exclusion zones and for amendments to the application form.

Q63. LICENSING FEES 2010/11

Further to Minute No. 49 of the meeting of the Licensing Board held on 17th February, 2010, consideration was given to the outcome of the consultation with the hackney carriage and private hire trade associations and the notice in the local press outlining the proposed fee increase in relation to private hire/hackney carriage vehicles and private hire operators.

The proposed 1% licensing fee increase, to reflect the direct costs involved in maintaining the current level of administrative and enforcement services, was to be effective from the 14th April, 2010.

Tests for private hire/hackney carriage vehicles were carried out on behalf of the Council by Translinc who, following negotiation, were increasing their charges by 3.0% (a figure below the Motoring Retail Price Index). The increase would only be applied to the full vehicle test (including full retest where an MOT certificate was issued) and intermediate inspections. The missed appointment and partial retest would remain unchanged.

Despite the publicity and notifications sent out to all hackney carriage and private hire operators no representations had been received in relation to the proposed increase.

Resolved:- That the proposed fee structure be approved.

Q64. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the Police Act 1997 and Paragraphs 3 and 7 of Part I of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).

Q65. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Board considered reports by the Director of Housing and Neighbourhood Services relating to applications for the grant of hackney carriage/private hire drivers' licences from Messrs W.A., M.N.R., M.J.B. and K.S.

Messrs W.A., M.N.R., M.J.B. and K.S. attended the meeting and were interviewed by the Board.

Resolved:- (1) That Messrs. W.A., M.N.R. and K.S. be granted a licence for a period of twelve months subject to the satisfactory completion of the Driving Standards Agency test and medical.

(2) That Mr. M.J.B. be granted a licence for a period of three years subject to the satisfactory completion of the Driving Standards Agency test and medical.

Q66. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCE

The Board considered reports by the Director of Housing and Neighbourhood Services relating to the hackney carriage/private hire drivers' licences held by Mr. M.S.

Mr. M.S. attended the meeting and was interviewed by the Board.

Resolved:- That Mr. M.S. be warned as to his future conduct.

1. Meeting:	Licensing Board
2. Date:	19 May 2010
3. Title:	Determination of Licensing Issues - House to House Collections
4. Programme Area:	Neighbourhoods and Adult Services

5. Summary

This report concerns applications made for proposed House to House collection Promoters permits in or about the Borough of Rotherham.

Where a person who is promoting, or proposes to promote, a collection in any locality for a charitable purpose makes an application to the authority for the area in the prescribed manner specifying the purpose of the collection and the locality within which the collection is to be made, and furnishes them with the prescribed information, the authority shall, subject to the provisions of the act, grant to them a licence authorising them to “promote” a collection within that locality for that purpose.

“Promoter” means, in relation to a collection, a person who causes others to act as collectors for the purposes of the collection.

6. Recommendations

THAT MEMBERS INFORM THE LICENSING OFFICER OF THEIR DECISION ON EACH CASE.

7. Proposals and Details

The following application for a promoters permit has been received by the Licensing Office for consideration of a House to House collection:-

- | | |
|--------------------------------|--|
| 1. Charity/Charitable Purpose: | <u>Cancer Research & Genetics UK – Charity Reg. 1121512</u> |
| Permit Applicant | Recycle Proline Ltd – A Balsys (Promoter) |
| Permit Collection Area | Whole Area of Borough |
| Collection Dates/times | 10/06/2010 to 09/06/2011 |

Further details and the application for this permit, are available from the Licensing Office.

Should the licence be granted at the hearing any permit would only run from the date of grant to the requested expiry date unless otherwise granted by members.

8. Finance

Permits for House to House collections in or about the Borough of Rotherham are provided free of charge to applicants. Any relating enforcement and other matters of application processing are financed through the authority's normal budgeting methods.

9. Risks and Uncertainties

Failure to consider each application to the extent that members feel necessary to satisfy themselves they have reached a reasoned decision could lead to inappropriate collections being made within the Borough.

10. Policy and Performance Agenda Implications

The granting of House to House permits is consistent with the Corporate Plan and community strategy as it ensures the deliver under the themes of a Safer and Fairer Rotherham; also ensuring that the Council continues to maintain its statutory functions and undertakes appropriate enforcement to support the delivery of safe communities in Rotherham.

11. Background Papers and Consultation

Applications received, as detailed in section 7 of this report and associated appendices.

Contact Name: Katy Giller, Senior Licensing Officer, 4525, katy.giller@rotherham.gov.uk

1. Meeting:	Licensing Board
2. Date:	19 May 2010
3. Title:	Applications for Exemption from Display of Private Hire Vehicle Plate and Door Signs Under the Local Government (Miscellaneous Provisions) Act 1976 Section 75 (3) – Company – Ascot Cars (Vehicle - C10LTY Mercedes E Class)
4. Programme Area:	Neighbourhoods and Adult Services

5. Summary

This report concerns an application made for an exemption to the display of the private hire vehicle licence plate and door signs on a private hire vehicle (Mercedes E Class – Registration C10 LTY) to be operated by a company to be known as “Ascot Cars”.

The applicant has been invited to attend today’s meeting and have been advised that they may bring a legal or civilian representative with them.

6. Recommendations

THAT MEMBERS INFORM THE LICENSING OFFICER OF THEIR DECISION ON THE MATTER.

7. Proposals and Details

Following an email request received by the Licensing Office consideration of an exemption under the Local Government (Miscellaneous Provisions) Act 1976 Section 75 (3) to display private hire vehicle plate & door signs on a specified vehicle has been requested by:-

Operators Company Name:	<u>Ascot Cars</u>
Premises Location	Broom Lane, Rotherham
Proprietor/applicant	Mr Michael Anthony Coult
Vehicle Details	Mercedes E Class, Silver, Reg. C10 LTY

The letter of request is attached at "Appendix A" of this report.

Sections 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 is to the effect that subject to the provisions of this part of the Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless a plate or disk issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.

However the Board is entitled to consider under application from the proprietor of a named private hire vehicle an application for an exemption to display any plate or disk, as stated in the above mentioned section 48(6)(a) of the Act, in the case of a specific licensed vehicle only.

Members must have careful regard to Section 75 (3) on this matter which states; where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

Section 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 is to the effect that; A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

8. Finance

Local Authorities set fee levels which are reasonable and proportionate to the costs incurred in providing the licensing service in terms of administration processes and enforcement responsibilities. Applicants are required to pay a standard application fees with regard to all the licences they obtain.

9. Risks and Uncertainties

Failure to consider each application to the extent that members feel necessary to satisfy themselves they have reached a reasoned decision could lead to inappropriate vehicle operating without identification within the borough.

10. Policy and Performance Agenda Implications

The consideration of plate display exemption requests ensures deliver under the themes of Achieving and Proud whilst ensuring that the Council continues to maintain its statutory functions and undertakes appropriate licensing of vehicles, drivers and operators to support the delivery of safe communities in Rotherham.

11. Background Papers and Consultation

Local Government (Miscellaneous Provisions) Act 1976.

Contact Name: Katy Giller, Senior Licensing Officer, 4525, katy.giller@rotherham.gov.uk

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