

**GENERAL LICENSING COMMITTEE
5TH MARCH 2013**

PRESENT – Councillors Nutt (in the Chair), L. Haszeldine, D. Jones, Lawton, Lee, Newall, Thistlethwaite, J. Vasey and L. Vasey. (9)

APOLOGIES – Councillors C.L.B. Hughes, B. Jones J. Lyonette and Stenson. (4)

L37. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

L38. MINUTES – Submitted – The Minutes (previously circulated) of the meetings of this Licensing Committee held on 8th January 2013.

RESOLVED – That the Minutes be approved.

L39. TEES VALLEY LICENSING AUTHORITIES' RESPONSE TO DEPARTMENT OF BUSINESS INNOVATION & SKILLS (BIS) CONSULTATION IN RESPECT OF STREET TRADING AND PEDLARY LAWS – COMPLIANCE WITH THE EUROPEAN DIRECTIVE – The Director of Place submitted a report (previously circulated) advising of the response by the Tees Valley Licensing Authorities to the BIS consultation into Street Trading and Pedlary Laws – Compliance with the European Union Services Directive.

The Licensing, Car Parks and Trading Standards Manager introduced the report and reminded Members that in 2011 BIS first published a consultation on Pedlary and Street Trading – Compliance with EU Services Directive 2006/123/EC. This was concerned with proposals to deregulate the activity of peddling, allowing free and unrestricted trading across the country and also proposed to revise street trading, which to some extent would remove local controls. A joint response to this consultation from all five Tees Valley Licensing Authorities was submitted on 01 September 2011

BIS has now further consulted on the draft regulations to repeal the Pedlars Acts (1871 and 1881) and to amend street trading to secure compliance with the European Services Directive. The consultation closed on 15 February 2013. Given the tight timescales it has not been possible to bring a full consultation report to Members however four of the five Tees Valley Licensing Authorities have jointly produced a response and forwarded it to BIS before the end of the consultation period. The fifth Tees Valley Licensing Authority (Hartlepool) has also indicated support for the response.

RESOLVED – That the response be noted.

L40. REVIEW OF CONDITIONS AND POLICIES RELATING TO HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES AND THEIR DRIVERS AND OPERATORS – AMENDMENT TO POLICY – The Director of Place submitted a report (previously circulated) inviting Members to depart from the Council's Policy in respect of the testing of vehicles until a new testing regime can be introduced.

The Licensing, Car Parks and Trading Standards Manager introduced the report and reminded members of the mixture of primary legislation, Council policies, licence

conditions and byelaws that Hackney Carriages and Private Hire vehicles are controlled by. It was highlighted that in August 2000 it was agreed that vehicle testing would be undertaken by VOSA and in June 2012, VOSA gave formal notice to the Council that they would no longer be able to carry out this function on behalf of the Council after 31 March 2013 because of a change in the way VOSA nationally was to be operated.

As a result Officers immediately entered into dialogue with the Council's own depot with a view that they would achieve MOT testing status and provide in house testing to the standard previously agreed with VOSA. It was anticipated that the Council's own provision could commence from 01 April 2013 however this has not been possible. It is anticipated that testing will be able to be carried out towards the end of 2013 at the latest.

As an interim measure it was proposed that Licensing Officers would, once they'd undertaken the Vehicle examiners course, conduct vehicle inspections on vehicles that hold a valid MOT certificate. Representatives of Hackney Carriage and Private Hire Vehicle proprietors shall be invited to attend a meeting with Licensing Officers where the new arrangements will be outlined to them.

RESOLVED – (a) That the proposed interim testing regime be approved, to ensure continuity of testing and public safety pending the transfer of testing from VOSA to in house testing.

(b) That a report be submitted to Council to approve an amendment to the Licensing Policy and the transfer of testing permanently from VOSA to the Council's own in house testing.

L41. OUTCOME OF RECENT COURT PROCEEDINGS – The Director of Place submitted a report (previously circulated) advising Members of the outcome of recent Court proceedings in relation to licensing matters. The schedule attached to the submitted report gave details of an individual relating to the outcome of a Court Appeal against a decision made initially by the Chair of the Licensing Committee and then subsequently confirmed by the Licensing Committee.

RESOLVED – That the contents of the report be noted.

L42. EXCLUSION OF THE PUBLIC – RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1, 7 and 14 of Part I of Schedule 12A to the Act.

L43. RENEWAL OF PRIVATE HIRE OPERATOR LICENCE – That Pursuant to L23Oct/2012 the Director of Place submitted a report (previously circulated) inviting Members to consider the renewal of a Private Hire Operator Licence in respect of concerns about the operation of the Company.

Members granted the Private Hire Operator Licence in October 2012 for a six month period only, subject to close monitoring by the Licensing Section. In March 2012, Members also granted the Private Hire Operator Licence for a period of six months subject to close monitoring and also issued a final warning letter and requested that a

further report be brought to the Committee in six months time and that all of the Directors be required to successfully undertake the Council's Private Hire Operator legislation test.

During the period from 1 October 2012 to 31 January 2013 there had been 32 complaints of which 22 were substantiated and had been dealt with in a satisfactory manner by the Company and a new pro-forma for recording complaints had been introduced. Directors from the company addressed the meeting and responded to Members' questions in relation to the incidents and to why they felt the Private Hire Operator Licence should be renewed.

After careful consideration, Members were pleased to hear that the Company's approach to dealing with complaints had improved radically since the first referral to Committee in March 2012 and were satisfied that the Company are complying with the standard condition requiring them to notify the Council about complaints and also the action taken in respect of such complaints. Members expressed the wish for the Company to continue to work with the Licensing Section to ensure that the improvements they had noted were sustained and hoped that the improvement would continue. Members also advised that in dealing with complaints the burden of proof was the balance of probabilities rather than the criminal standard of beyond reasonable doubt.

RESOLVED – That the Private Hire Operator Licence be renewed until 31 January 2014.