

LSC2

Contact Officer: David Gordon Tel. 01484 221714

KIRKLEES COUNCIL
LICENSING AND SAFETY COMMITTEE

Monday 19 September 2011

Present: Councillor Ahmed in the Chair
Councillors Dodds, Hardcastle, M Hussain, Iqbal, Iredale, Lawson,
Murphy, Parchment, Scott, Sokhal, Stanfield and Stubley

Apologies: Councillors Brice, Burke and Ward

- 1 Membership of the Committee**
Councillor Lawson substituted for Councillor Burke.
- 2 Minutes**
The Minutes of the meeting of the Committee held on 18 March 2011 were approved as a correct record.
- 3 Interests**
No interests were declared.
- 4 Admission of the Public**
The Committee considered the question of the exclusion of the public and determined that all the items be taken in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Public Question Time**
No questions were asked.
- 7 Bradford Road/Hick Lane, Batley – Hackney Carriage Rank**
The Licensing Manager submitted a report that requested the Committee to reconsider the decision taken at the last meeting (Minute 13 refers) to remove the two vehicle Hackney Carriage Rank at Bradford Road/Hick Lane, Batley.

The report indicated that since the decision taken to remove the rank, a number of representations had been made objecting to the decision taken. All the Local Batley Ward Councillors had made representations on behalf of the Hackney Carriage Trade and requested that the decision to remove the rank be reconsidered.

As background information, the Committee received a copy of the report which had been submitted to the last meeting. West Yorkshire Police did not object to the rank being reinstated, subject to the limit on numbers being adhered to. The Highways Service were opposed to the rank being re-instated and the Committee also received correspondence from the landlord of Oakwell Cars of 371 Bradford Road, Batley and the Directors of Oakwell Cars who had both opposed the reinstatement of the rank.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations as follows:

- Akooji Badat (Hackney Carriage/Private Hire Trade) and Idris Adam (Hackney Carriage Trade) who spoke in support of the reinstatement of the rank
- Councillors Hanif Mayet, Mahmood Akhtar and Peter O'Neill (Local Batley Ward Councillors) who spoke in support of the reinstatement of the rank.
- Councillor Peter McBride who spoke in support of the reinstatement of the rank.

RESOLVED -

(1) That the Hackney Carriage Rank at Bradford Road/Hick Lane be reinstated and that a report reviewing activities at the rank be submitted to the Committee in 6 months time.

(2) That, in the meantime, discussions take place between the Licensing Department, Highways, the Police, the Hackney Carriage and Private Hire Trade and Oakwell Cars and Street Cars.

8 Penalty Points System for Taxis and Private Hire Vehicles

Pursuant to Minute 14 of the last meeting, the Licensing Manager submitted a report which requested the Committee to consider a proposal to abandon the proposed introduction of a Penalty Points Scheme for Taxis, Private Hire Vehicles and Operators in favour of a Reward Scheme.

The report indicated that the proposed scheme, which had been timetabled for introduction and adoption in January 2012, had caused much consternation and upset amongst the Taxi Trade as it was seen as an unnecessary layer of enforcement and the Taxi Trade had argued that the current enforcement methods worked well. The report stated that a deputation by the GMB Union had attended a meeting of the Cabinet on behalf of the Taxi Trade and the report also contained details of concerns about the scheme which had been expressed at a Cabinet Briefing meeting.

The Committee was informed that extra funding of approximately £50,000 would be required for a dual IT system to implement a Penalty Points Scheme. In addition, current staffing levels could not support the scheme as the likely amount of Senior Officer time to deal with an appeal procedure was likely to be overwhelming and disproportionate.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations as follows:

- Councillors Peter McBride and Peter O'Neill who spoke in support of the Penalty Points Scheme being abandoned.
- Derrick Yates who spoke in support of the Penalty Points Scheme being introduced and adopted.
- Akooji Badat (Hackney Carriage/Private Hire Trade) who spoke in support of the Penalty Points scheme being abandoned.

RESOLVED - That the Penalty Points Scheme be abandoned and that a Reward Scheme be introduced.

(Under the provisions of the Council's Procedure Rule No.42(4), Councillors Iredale, Parchment, Lawson and Murphy asked for it to be recorded that they had voted against the decision taken by the Committee).

9 Advertising Material Displayed on Licensed Vehicles

The Licensing Manager submitted a report which requested the Committee to determine whether Licensed Vehicles should be allowed to display additional advertising material. The Taxi Trade had asked for the flexibility to offer advertising to companies who would pay to provide professionally applied signage to Licensed Vehicles.

The report set out what advertising was currently allowed on Licensed Vehicles and contained possible options for the Committee to consider in respect of adopting an advertising policy. The Committee also received details of examples of advertising which was allowed in a number of major UK cities and a draft Advertising Policy and Conditions to be adhered to when making an application to display additional signage on a vehicle.

RESOLVED - That approval be given to adopt an advertising policy to allow Hackney Carriage Vehicles only to display additional advertising material, which be subject to the advertising policy containing the following conditions: -

- (a) Vehicles must have a CCTV camera fitted, which complies with the approved Council system.
- (b) An annual fee to be paid to the Council.
- (c) Cigarette and alcohol advertising be not allowed.
- (d) Advertising to be restricted to a maximum of the 4 bottom door panels of vehicles.
- (e) Each application received to be submitted to the Regulatory Panel for consideration.

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Draft House to House Collections Policy

The Licensing Manager submitted a report seeking approval to carry out a full consultation on a draft House to House Collections Policy, prior to a final draft of the policy being submitted to the Committee for formal adoption.

The report indicated that a house to house collection was a collection for charity either of money or goods. The number of house to house collections had increased significantly over the past two years so there was a need for a policy to support decisions made. The legislation concerning the refusal of applications for house to house collections was very specific and only allowed certain matters to be taken into account. The draft policy, a copy of this was attached to the submitted report, aimed to give both Officers and Members more guidance on making decisions.

It was proposed that the draft policy would be subject to a full 12 week consultation with pertinent organisations/stakeholders.

RESOLVED - That approval be given for the draft House to House Collections Policy to be circulated for consultation to all relevant organisations and that a final draft of the policy be submitted to the Committee for formal adoption.

11

Private Hire Operator Training Course

The Licensing Manager submitted a report seeking approval for Officers to develop a Private Hire Operator Training Course which be circulated for consultation and that a final draft of the Training Course be submitted to the Committee for approval for implementation.

The report indicated that Private Hire Operators were currently required to adhere to conditions to be attached to a Licence to operate a Private Hire Vehicle, a copy of which was attached to the submitted report. It had become clear that over time breaches of conditions of Licences take place and the submitted report contained details of examples of breaches which occurred.

To address the concerns of Officers, it was proposed that a Private Hire Training Course be designed and implemented which would be a compulsory requirement to be reached before being granted an Operator Licence in Kirklees. An outline of the course modules was attached to the submitted report and it was also proposed that the course would apply to any existing Operators found to be in breach of their Operator Licence.

RESOLVED - That approval be given for Officers to develop a Private Hire Operator Training Course to be circulated for consultation and that a final draft of the Training Course be submitted to the Committee for approval for implementation.

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Contact Officer: Andrea Woodside - Tel. 01484 221715

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Thursday 27 October 2011

Present: Councillor Ahmed in the Chair
Councillors Burke, Bellamy, Hardcastle, S Hall, Iqbal, Iredale, Sims,
Sokhal, Stanfield, Stubley and Ward

1 Membership of the Committee

Councillor S Hall substituted for Councillor Scott.

Under the provisions of a 9 day change Councillor Bellamy substituted for Councillor Dodds.

2 Minutes of Previous Meeting

RESOLVED - That the Minutes of the meeting held on 19 September 2011 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

It was noted that all agenda items would be determined in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked.

7 Determination of an Application to Register Land off Chickenley Lane, Chickenley, Dewsbury, as a Town or Village Green

The Committee received a report which set out details of an application to register land off Chickenley Lane, Dewsbury, as a Town or Village Green.

The Committee noted that an application had been received by the Council during December 2010 under Section 15 of the Commons Act 2006, to register the claimed land as a Town or Village Green. As the Council is the owner of the claimed land, a non-statutory public inquiry had taken place between 29 June 2011 and 1 July 2011 to consider the application. The Council, as the Registration Authority, instructed a

barrister to act as Inspector at the non-statutory inquiry. The appointment of the Inspector ensured an avoidance of or appearance of bias within the determination process due to the Council acting as the Registration Authority.

The Inspector's submission was appended to the report at Appendix 2. The Legal Officer explained that the non-statutory inquiry had taken place over a three day period, and outlined the formats of evidence that had been considered. She highlighted to Members that, having considered and tested the evidence presented, the Inspector had concluded that the claimed land not be registered as a Town or Village Green and that the register held by the Registration Authority remain unamended.

Under the provisions of Council Procedure Rule 37, the Committee heard a representation from Mrs D Hollas, on behalf of RAGE (Residents Against Greenbelt Exploitation), with regards to the outcome of the application and the work undertaken by the group.

Discussion took place with regards to the process that had been carried out and the Legal Officer answered a number of questions with regards to the role of the Inspector and the process for the consideration of evidence. Following the request of a number of Members that they would wish to undertake a site visit, notwithstanding the advice of the Legal Officer that a site visit would not be appropriate in the determination of such a matter, it was put to the vote, and carried, that the consideration of the application be deferred to enable a site visit to take place.

RESOLVED - That the consideration of the application be deferred to enable a site visit to be undertaken.

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Contact Officer: David Gordon - Tel. 01484 221714

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Thursday 17 November 2011

Present: Councillors Burke, S Hall, Hardcastle, M Hussain, Iqbal, Sims, Sokhal, Stubley and Ward

Apologies: Councillors Ahmed, Iredale, Murphy, Parchment and Stanfield

1 Membership of the Committee

Councillor Steve Hall substituted for Councillor Scott.

2 Appointment of Chair for the Meeting

In the absence of the Chair, Councillor Ahmed, it was agreed that Councillor Steve Hall be appointed Chair for the meeting.

3 Site Visit - Land off Chickenley Lane, Chickenley, Dewsbury

The Committee undertook a site visit to the above site, which was the subject of an Application to Register as a Town or Village Green.

4 Minutes

The Minutes of the meeting of the Committee held on 27 October 2011 were approved as a correct record.

5 Interests

No interests were declared.

Councillor Iqbal referred to Item 8 - Determination of an Application to Register Land off Chickenley Lane, Chickenley, Dewsbury as a Town or Village Green, and made a statement to the Committee in which he indicated that he had visited the site of the Application approximately two years ago when he had been a candidate for the Parliamentary Seat for Dewsbury. Councillor Iqbal felt that he did not have a prejudicial or personal interest and he emphasised that he had come to the meeting with an open mind and would consider the Application on its merits and without prejudice.

6 Admission of the Public

The Committee considered the question of the exclusion of the public and determined that all the items be taken in public session.

7 Deputations/Petitions
No deputations or petitions were received.

8 Public Question Time
No questions were asked.

9 Determination of an Application to Register Land off Chickenley Lane, Chickenley, Dewsbury as a Town or Village Green
Pursuant to Minute 7 of the last meeting of the Committee and a site visit undertaken earlier in this meeting, the Committee gave further consideration to a report which set out the details of an Application submitted by RAGE (Residents Against Greenbelt Exploitation) to register land off Chickenley Lane, Dewsbury as a Town or Village Green.

The report reminded the Committee that the Application by RAGE had been received by the Council during December 2010 under Section 15 of the Commons Act 2006, to register the claimed land as a Town or Village Green. As the Council was the owner of the claimed land, a non-statutory Public Inquiry had taken place between 29 June 2011 and 1 July 2011 to consider the Application. The Council, as the Registration Authority, had instructed a Barrister to act as Inspector at the non-statutory Inquiry. The appointment of the Inspector ensured an avoidance of or appearance of bias within the determination process due to the Council acting as the Registration Authority.

The Inspector's submission was appended to the report at Appendix 2 and having considered and tested the evidence presented, the Inspector had concluded and recommended that the Application be rejected and accordingly, the claimed land not be registered as a Town or Village Green and that the Register held by the Registration Authority remain un-amended. The Licensing Manager reported further on the Inspector's report and the overall conclusions, which were as follows:-

- (a) There has been insufficient use of the Main Area in amount and manner to justify its registration (paragraph 116).
- (b) The Mown Area has not been used by a significant number of the inhabitants of the neighbourhood (paragraph 117).
- (c) There has in any event been an insufficient spread of users over the neighbourhood to establish the case for registration on a limb (ii) basis (paragraph 133) and an insufficient spread of users over the locality to establish the case for registration on a limb (i) basis (paragraph 134).

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard a representation from Mrs Denise Hollas on behalf of RAGE. Mrs Hollas was of the opinion that RAGE had been put at a disadvantage in terms of the meeting today and the comments made by the Licensing Manager on the contents of the Inspector's report and the

conclusions. Mrs Hollas also felt that the Inspector had taken a biased approach to the Application and expressed concern that letters and maps submitted by RAGE had not been included in the Inspector's report.

Mrs Hollas was informed that the comments made by the Licensing Manager had been taken from the Inspector's report and that in paragraph 36 of the report, the Inspector had indicated, in addition to the oral evidence, all the written and documentary evidence which had been submitted in support of the Application and all the additional written and documentary evidence submitted thereafter. In addition, the Inspector had also stated in paragraph 25 that the summary of the oral evidence heard at the Inquiry in support of the Application did not purport by any means to be a verbatim account, but was intended simply to convey the flavour of the main points made by the witnesses.

RESOLVED - That the recommendation of the Inspector is followed and that the Application is rejected and the Claimed Land is not registered as a Town or Village Green.