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Contact Officer: David Gordon - Tel. 01484 221714

KIRKLEES COUNCIL
LICENSING AND SAFETY COMMITTEE

Tuesday 26 March 2013

Present: Councillor Hussain in the Chair
Councillors S Hall, Hardcastle, Hemingway, Holmes, Richards, P Scott,
Sokhal and Stubley

Apologies: Councillors Ahmed, Brice, Palfreeman and C Smith

- 1 Membership of the Committee**
Councillor Hemingway substituted for Councillor Ward
Councillor Holmes substituted for Councillor Dodds – 9 day change rule.
- 2 Site Visits**
The Committee undertook site visits to the following locations:-
 - (a) Land off Churchfield, Denby Dale, Huddersfield, which was the subject of an Application to Register as a Town or Village Green.
 - (b) Sites at Victoria Street and Victoria Square, Holmfirth, which were proposed locations for new Hackney Carriage Taxi Ranks.
- 3 Minutes**
The Minutes of the meeting of the Committee held on 29 October 2012 were approved as a correct record.
- 4 Interests**
No interests were declared.
- 5 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.
- 6 Deputations/Petitions**
No deputations or petitions were received.
- 7 Public Question Time**
No questions were asked.

8 Amendments to Riding Establishment Conditions

The Committee considered a report seeking approval to amend the Riding Establishment conditions in order to incorporate conditions regarding pony parties and donkey rides.

The report indicated that the Council was responsible for Licensing Riding Establishments under the Riding Establishments Act 1964 and that on 18 March 2011, the Committee had approved the current conditions, which were attached at Appendix 1 to the submitted report. A Riding Establishment was defined as keeping horses for the purpose of being let out on hire for riding or providing instruction in riding.

The report stated that there had been a recent increase in the trend of hiring out ponies and donkeys for events, such as birthday parties and summer shows and the businesses needed to be Licensed under the Riding Establishments legislation. Accordingly, the proposed new conditions 25 and 26 attached at Appendix 2 to the report had been added to the current conditions. In recognition of the fact that businesses were not operating a full Riding School, the proposed two new conditions allowed some leniency, without compromising animal welfare or the safety of riders.

RESOLVED - That, in order to incorporate conditions regarding pony parties and donkey rides, the proposed new conditions 25 and 26 as detailed in Appendix 2 to the submitted report relating to Licences for Riding Establishments be approved, subject to the inclusion of riding hours, rest periods, equines pulling carts, notification about equines going outside Kirklees to events and a requirement for a risk assessment to be included in Guidance Notes.

9 Determination of an Application to Register Land off Churchfield, Denby Dale, Huddersfield as a Town or Village Green

Pursuant to a site visit undertaken earlier in the meeting, the Committee considered a report which set out the details of an application submitted by the Friends of Churchfield to register land off Churchfield, Denby Dale, Huddersfield as a Town or Village Green.

The report indicated that the application by the Friends of Churchfield had been received by the Council on 10 April 2011 under Section 15 of the Commons Act 2006 to register the claimed land as a Town or Village Green. Since the Council was the owner of the claimed land, a non-statutory Public Inquiry had taken place on 15 and 19 October and 12 November 2012 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.

A map showing the claimed land was appended to the report at Appendix 1 and the Inspector's submission was contained at Appendix 2. 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. The Head of Building Control and Licensing reported further on the Inspector's report and the overall conclusions, which were as follows:-

- (a) In the period after cessation of grazing and thus for the last five to six years of the relevant 20 year period, use of the application land has been insufficient in amount and manner to enable the application to succeed. There has, therefore, not been sufficient use for the full relevant 20 year period.
- (b) Accordingly, I recommend that the application should be rejected.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations from Stephen Robinson on behalf of the Friends of Churchfield.

Under the provisions of the Council's Procedure Rule No. 36, the Committee also heard representations from Councillors Jim Dodds and Elaine Ward, Local Ward Members who spoke in support of the application submitted by the Friends of Churchfield.

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.

10 Proposed New Taxi Ranks at Holmfirth and Huddersfield Town Centre

Pursuant to a site visit undertaken earlier in the meeting to Victoria Street and Victoria Square, Holmfirth, the Committee considered a report on requests received from the Huddersfield Taxi Owners Association for the provision of new Hackney Carriage Taxi Ranks at the following locations:-

- (a) John William Street, Huddersfield – A Taxi Rank for 6 Hackney Carriage vehicles between the junction of Church Street and the junction of St Peter's Street, Huddersfield. The proposed rank provided bus stops during the day and it was proposed that the stand should only operate at night after the bus service ceased between 23.00 hours to 04.00 hours the next day.
- (b) Victoria Square, Holmfirth – A Taxi Rank for 2 Hackney Carriage vehicles in the first lay-by adjacent to 15-17 Victoria Square, Holmfirth. It was proposed that the stand should only operate between 20.00 hours to 02.00 hours the next day.
- (c) Victoria Street, Holmfirth – A Taxi Rank for 4 Hackney Carriage vehicles adjacent to 24-30 Victoria Street, Holmfirth. It was proposed that the stand should only operate between 20.00 hours to 02.00 hours the next day.

The Committee received comments on the proposals for John William Street, Huddersfield and Holmfirth Town Centre from respective Ward Councillors for Newsome, Holme Valley South and Holme Valley North, two Holme Valley Parish Councillors and the Police, together with letters of support from Taxi Drivers in respect of the proposals for Holmfirth Town Centre.

The Licensing Manager reported that the Ward Councillors for Holme Valley South and the two Holme Valley Parish Councillors had strongly opposed the implementation of the two Taxi Ranks at Holmfirth. As a result, the Licensing Manager had held a meeting with Councillors Donald Firth and Sims (Holme Valley South Ward Councillors) to discuss the proposed ranks. The two Ward Councillors had suggested that extra Taxi Rank provision could be provided as part of the proposed new scheme for the Bus Station in Holmfirth, which was proposed to be completed in 2014. In the meantime, Councillors Donald Firth and Sims had proposed that the rank at Victoria Street be rejected but that the rank at Victoria Square be approved on a time limited basis until the new scheme for the Bus Station in Holmfirth had been completed.

The Committee was informed that Councillor Patrick, the third Ward Councillor for Holme Valley South was against the introduction of any Taxi Ranks at Victoria Street and Victoria Square.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations from Amjad Nadeem who, on behalf of the Hackney Carriage Association for Huddersfield, spoke in support of the need for new Taxi Ranks at Holmfirth.

Under the provisions of the Council's Procedure Rule No. 36, the Committee also heard representations from Councillor Nigel Patrick, Local Member for Holme Valley South, who spoke against the introduction of any Taxi Ranks at Victoria Street and Victoria Square. Councillor Patrick felt that discussions should be held between the relevant parties and the Local Ward Councillors regarding appropriate Hackney Carriage Taxi Rank provision as part of the proposed new scheme for the Bus Station in Holmfirth.

RESOLVED -

- (1) That approval be given for the Taxi Rank at John William Street, Huddersfield between the junction of Church Street and the junction of St Peter's Street for 6 Hackney Carriage vehicles between 23.00 hours to 04.00 hours the next day.
- (2) That approval be given for Temporary Hackney Carriage Taxi Ranks at Victoria Street (4 vehicles) and Victoria Square (2 vehicles), Holmfirth between 20.00 hours to 02.00 hours the next day.

- (3) That discussions take place between the relevant parties and the Local Ward Councillors for the provision of appropriate Hackney Carriage Taxi Rank provision as part of the proposed new scheme for the Bus Station in Holmfirth.

11

Private Hire and Hackney Carriage Vehicle Age Policy

The Committee considered a report on a request from the Taxi Trade for changes to the current criteria on vehicle age limits for licensed vehicles. The report indicated that the Council currently worked to the following criteria:-

- (a) Applications for Hackney Carriage/Private Hire Vehicles be considered for first licensing up to 5 years of age.
- (b) Hackney Carriage/Private Hire Vehicles over 10 years of age will be refused further licences.
- (c) That the only exemption to the maximum age limit of 10 years will be applied to London cab type vehicles, the maximum age for such vehicle will be 15 years. Any other wheelchair accessible vehicles used for Hackney Carriage or Private Hire purposes to be licensed to a maximum of 12 years.

A request had been received from Ismail Bhana, Chair of the Hackney Carriage Association for North Kirklees asking that the current upper age limits for licensed vehicles in Kirklees be removed entirely. A copy of Mr Bhana's request was attached to the submitted report, together with a further representation regarding the current age policy which had been received from Mr Akooji Badat.

The report stated that vehicles currently licensed with the Council had a mandatory yearly compliance test to ensure that the vehicle was of the required standards. Any vehicle which failed its annual compliance test because of poor maintenance was required to undergo a further compliance test at the 6 month stage.

The Committee was asked to consider whether it wished to remove the current upper age limits on licensed vehicles. In order to assist the Committee in reaching a decision, Licensing staff had undertaken a benchmarking exercise across a number of other Licensing Authorities to ascertain what, if any, age criteria on vehicles was applied in those Authorities. Information had been difficult to collate, but the outcome of the exercise was attached to the submitted report.

The Committee also received further correspondence from Mr Bhana and Mr Badat and viewed two London cabs, one being 8 years old and the other 13 years old.

Under the provisions of the Council's Procedure Rule No. 37, the Committee heard representations from Ismail Bhana, Chair of the Hackney

Carriage Association for North Kirklees, who spoke in support of the request for changes to the current criteria on vehicle age limits for licensed vehicles.

RESOLVED -

- (1) That the following changes be approved to the current criteria on vehicle age limits for licensed vehicles:-
 - (a) Applications for Hackney Carriage/Private Hire Vehicles be considered for first licensing up to 6 years of age.
 - (b) That an open age limit be applied to London Cab type vehicles, but after reaching 15 years the vehicles be subject to a minimum twice yearly compliance test.

- (2) That the Licensing Manager be requested to submit a report to the Committee in respect of Category C and Category D Insurance Vehicle Write Offs.

LSC1

Contact Officer: Adrian Johnson - Tel. 01484 221712

KIRKLEES COUNCIL

LICENSING AND SAFETY COMMITTEE

Wednesday 22 May 2013

Present: Councillor Hussain in the Chair
Councillors Brice, Dodds, S Hall, Hardcastle, Palfreeman, Richards,
Ridgway, P Scott, C Smith, Sokhal, Stubley and Ward

1 Admission of the Public

The Committee determined that the business for the meeting be considered in public.

2 Appointment of the Licensing Panel and Regulatory Panel

It was moved by Councillor Hussain, seconded by Councillor C Smith and

RESOLVED -

(1) That representation of political groups on the Regulatory Panel and the Licensing Panel shall not be in accordance with the requirements of Section 15 and 16 of the Local Government and Housing Act 1989 but that membership of these Panels will be drawn from the membership of the Licensing and Safety Committee.

(2) That a Licensing Panel and a Regulatory Panel be appointed for the ensuing Municipal Year and that Councillor M Hussain, as Chair of the Licensing and Safety Committee, be appointed Chair of each Panel for the ensuing year.