

Licensing Committee

Minutes

Monday, 26 February 2018 at 18:30

Present :

Councillor Walker (in the Chair); Councillors Annison, Bensly, Borg, M Coleman, Fairhead, Jeal, Lawn, Stenhouse, Walch, Walker and Weymouth.

Also in attendance :

Mr D Lowens (Solicitor, Nplaw), Mrs D Wilby (Licensing and Elections Manager), Mrs J Cooke (Head of Organisational Development) and Mrs S Wintle (Member Services Officer).

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Jones.

2 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

3 MINUTES

The minutes of the meeting held were confirmed subject to the removal of Councillor Stenhouse in apologies for absence.

4 HACKNEY CARRIAGE RANK

The Committee considered the Licensing and Elections Manager's report which asked Members to formally appoint the First Class Hackney Carriage Stands as listed in the Licensing and Elections Manager's report and remove the existing First Class Hackney Carriage Stand (appointed for use at all hours) on Trafalgar Road.

In discussing the report the following issues were raised :-

- Some concern was raised in respect of the works that had been undertaken by Norfolk County Council
- Clarification was sought in respect of if Members were minded to not appoint the First Class Hackney Carriage Stands
- Concern was raised in relation to decisions that had been made without consultation with Councillors and the lack of communication that had been received.
- A suggestion was made, that a letter be written to Norfolk County Council stating the Committee's disappointment in respect of communication on the alterations.

RESOLVED :

(1) That approval be given to the appointment of the following First Class Hackney Carriage stands :-

Marine Parade (west side)

From a point 32 metres north of its junction with Standard Road (measured from its centre line) northwards for a distance of 53 metres (42 metres existing marked length + 11 metres extension). The stand will be 2.3 metres wide and will be appointed for use at all times by a maximum of 10 first class hackney carriages.

Marine Parade (west side)

From a point 9.5 metres north of its junction with Trafalgar Road (measured from its centre line) northwards for a distance of 12 metres. The stand will be 2.0 metres wide, and will be appointed for use at all times by a maximum of 2 first class hackney carriage.

(2) That approval be given to remove the existing first class hackney carriage stand (appointed for use at all hours) on Trafalgar Road.

(3) That a letter on behalf of the Licensing Committee be sent to Norfolk County Council stating the Committee's disappointment in respect of the lack of communication on the alterations detailed within the Licensing and Elections Manager's report.

5 SECTION 165,166 AND 167 OF THE EQUALITY ACT 2010

The Committee considered the Licensing and Elections Manager's report which asked Members to consider information provided within the report and make a decision with regard to implementing the provisions of Section 165,166 and 167 of the Equality Act 2010.

In discussing the report the following issues were raised and discussed :-

- Whether the implementation would apply to all taxi drivers or just those with wheelchair accessible vehicles - The implementation would apply to all drivers of designated vehicles (subject to holding an exemption certificate) and a vehicle will be a designated vehicle if it appears on a list maintained by the council under s167.", the Licensing and Elections Manager advised that a list would be created and maintained by the Borough Council.
- Clarification was sought in respect of what was classed as a capable vehicle and whether all drivers would be expected to go on to the list of capable drivers. Officers explained that drivers of designated vehicles would be considered capable unless they held an exemption certificate which could be requested from the council. The Licensing and Elections Manager confirmed that the drivers of those vehicles with wheelchair facilities would be written to and would be given notice of their ability to seek an exemption certificate.
- Some concern was raised in relation to whether drivers had sufficient training to safely assist persons with disabilities. The Solicitor, nplaw advised that drivers were under certain obligations which may require some training in relation to safely assisting a person with disabilities.

Members were advised that at present although the Borough Council has a number of wheelchair accessible vehicles, if the required list is not produced under the Equality Act, then no enforceable action can be taken should a driver refuse the carriage of wheelchair users, fail to provide them with assistance, or charge them extra. Although it was noted that there is no evidence to suggest this is the case

RESOLVED :

That approval be given to enact the provisions of Section 165,166 and 167 of the Equality Act 2010 by implementing and maintaining a designated list of wheelchair accessible vehicles and the associated duties for drivers together with introducing a scheme for the consideration and issue of exemption certificates.

6 ANY OTHER BUSINESS

Councillor Annison raised a question in respect of whether a dress code for

drivers was in place, this was confirmed and it was agreed that the Licensing and Elections Manager send a copy of the dress code to Councillor Annison.

7 EXCLUSION OF PUBLIC

RESOLVED :

"That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12(A) of the said Act."

8 CONFIDENTIAL MINUTES

(Confidential Minute on this Item)

The meeting ended at: 19:30