

Committee: Licensing Committee and Service Appeals Panel
Date: Wednesday 11 March 2009
Time: 11.00 am
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Eric Heath (Chairman)	Councillor Douglas Webb (Vice-Chairman)	
Councillor Fred Blackwell	Councillor Simon Holland	Councillor Rose
Councillor Margaret Cullip	Councillor Victoria Irvine	Stratford
Councillor Diana Edwards	Councillor P A O'Sullivan	Councillor John Wyse
Councillor Michael Gibbard	Councillor G A Reynolds	

Substitutes Councillor Alastair Milne Home, Councillor David Hughes, Councillor Christopher Pack, Councillor D M Pickford and Councillor Neil Prestidge

Please note, as the Committee will be hearing a Hackney Carriage and Private Hire License appeal, only members of the Committee who have attended Licensing Training may take part in the Hearing.

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interests and the nature of that interest which they may have in any of the items under consideration at this meeting.

- 3. Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

- 4. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 3)

To confirm as a correct record the Minutes of the meeting of the Committee held on 12 August 2008.

6. **Hackney Carriage and Private Hire License Appeal** (Pages 4 - 34)

Report of the Head of Urban and Rural Services

Summary

The purpose of this meeting is for the Licencing Committee to consider a decision to revoke the Hackney Carriage and/or Private Hire Drivers Licence of a Cherwell District Council licensed driver. This report provides the background information.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact Alexa Coates, Legal and Democratic Services alexa.coates@cherwell-dc.gov.uk (01295) 221591

Mary Harpley
Chief Executive

Published on Tuesday 3 March 2009

LICENSING COMMITTEE AND SERVICE APPEALS PANEL

Minutes of a meeting of the Licensing Committee and Service Appeals Panel held at Bodicote House, Bodicote, Banbury, on 12 August 2008 at 6.30 pm.

Present: Councillor Eric Heath (Chairman)

Councillor Margaret Cullip
Councillor Mrs Diana Edwards
Councillor Michael Gibbard
Councillor Paul O'Sullivan
Councillor John Wyse

Officers: Chris Rothwell (Head of Urban and Rural Services)
Natasha Barnes (Licensing and Vehicle Parks Manager)
Alexa Coates (Democratic and Scrutiny Officer)

Apologies for absence were received from Councillors Blackwell, Reynolds, Mrs Stratford and Webb.

RESOLUTIONS

MATTERS NOT OF AN EXEMPT OR CONFIDENTIAL NATURE

8 MINUTES

The Minutes of the meeting of the Committee held on 16 July 2008 were approved as a correct record and signed by the Chairman.

9 URGENT BUSINESS

The Chairman outlined that he had agreed to allow an item of urgent business to the agenda at the request of Councillor Gibbard on the issue of the government consultation on the classification of premises as sex encounter establishments. The item was urgent as the consultation deadline was prior to the next scheduled meeting of the Committee. Councillor Gibbard outlined the issue of government proposals to classify certain premises as 'sex encounter establishments'. Officers were made aware of a recent article in *The Week* published on 2 August 2008 which reported that local authorities had until 15 August 2008 to respond to government consultation.

Resolved:

That Officers would investigate the possibility of responding to the government consultation on sex encounter clubs and would liaise with the Chairman regarding any required response.

10 LICENSING OF TAXIS AND PRIVATE HIRE VEHICLES

The Committee considered the report of the Head of Urban and Rural Services which related to responses following the consultation on increases to hackney carriage fares proposed by the Cherwell Valley Hackney Carriage Association.

The Committee were informed that one response had been received by the Head of Urban and Rural Services during the consultation period which related to increases over the Christmas period, suggesting that this discriminated against Christians.

Resolved:

That the proposed increase to fares, as set out below, be approved to take effect by 18 September 2008.

	Mileage	Fare
Tariff 1 06.00 to 22.00	If the distance does not exceed one quarter mile or 403 meters for the whole distance; or if the distance exceeds one quarter mile or 403 meters, for the first quarter mile.	£2.00
	For each subsequent one sixteenth of a mile or 101 meters or uncompleted part thereof.	£0.11
Tariff 2 22.00 to 06.00	If the distance does not exceed one quarter mile or 403 meters for the whole distance; or if the distance exceeds one quarter mile or 403 meters, for the first quarter mile.	£2.30
	For each subsequent one sixteenth of a mile or 101 meters or uncompleted part thereof.	£0.12
Tariff 3 Christmas & New Year Tariff Between 21.00 on 24 Dec & 06.00 hrs on 27 Dec & 21.00 hrs on 31 Dec and 06.00 hrs on 2 Jan	If the distance does not exceed one quarter mile or 403 meters for the whole distance; or if the distance exceeds one quarter mile or 403 meters, for the first quarter mile.	£4.00
	For each subsequent one sixteenth of a mile or 101 meters or uncompleted part thereof.	£0.25
Tariff 4 Sunday & Public Bank Holidays 06.00 to 22.00	If the distance does not exceed one quarter mile or 403 meters for the whole distance; or if the distance exceeds one quarter mile or 403 meters, for the first quarter mile.	£2.30
	For each subsequent one sixteenth of a mile or 101 meters or uncompleted part thereof.	£0.12
Other Charges	Waiting time for 20 seconds	£0.10
	Soiling charge	£50.00

11 **TAXI SPECIFICATION**

The Committee considered the report of the Head of Urban and Rural Services which related to the concerns of the Cherwell Valley Hackney Association about the specified colour of vehicles. The Association had requested that the Committee reconsider the practice of allowing white vehicles only and review the current taxi specification.

The Committee discussed the importance of hackney carriage vehicles being distinguished from private hire vehicles and the potential enforcement issues which may arise from a range of taxi colours. The Committee were informed of reports of difficulties in acquiring second hand white vehicles and the impact on the trade.

Resolved:

That the current policy be retained with a review after 12 months to assess the impact of the white only taxi vehicle specification to be reported back to committee.

The meeting ended at 7.05 pm.

Chairman

Date

Agenda Item 6

By virtue of paragraph(s) 1, 2, 3, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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