

# Public Document Pack

## Licensing and Appeals Committee

### Minutes of the meeting held on Monday, 10 September 2018

**Present:** Councillor Ludford – in the Chair

**Councillors:** Barrett, Chohan, Evans, Grimshaw, Hassan, J Hughes, Jeavons, T Judge, S Lynch, McHale, Madeleine Monaghan and J Reid

**Apologies:** Councillor Stone

**Also present:** Councillor Akbar

#### **LAP/18/21. Minutes**

The minutes of the meeting on 16 July 2018 were submitted for consideration as a correct record.

#### **Decision**

To approve as a correct record the minutes of the meeting held on 16 July 2018 2018.

#### **LAP/18/22. Taxi Licensing Service Update Report**

The Committee were presented with the report of the Head of Planning, Building Control and Licensing. The report provided information to update the Committee on key issues affecting service delivery, and how the Unit is responding to challenges and demand.

The Committee welcomed the progress that had been made in regard to the improvements in service delivery, and commended officers for the hard work and determination that had resulted in the improvements to service delivery.

The Committee asked whether there could be a cap put on the number of Private Hire Drivers from out of the borough, who have been licensed as Hackney Carriage Drivers by local authorities who do not have the same standards as Manchester, but were told by officers that there is no power in the legislation to allow for this. Officers also confirmed that there is a wider piece of work taking place at a Greater Manchester level, and that this issue would be raised accordingly. Officers also confirmed that there are no set National Standards for the process of obtaining a licence or who would qualify for a licence, as each Local Authority has the power to determine their own policies and standards.

#### **Decision**

1. To instruct officers to prepare further reports on:

- Private Hire Operator Conditions
- Private Hire Operator Accreditation Scheme
- Driver Test review

2. To instruct officers to conduct additional consultation on the HCV Policy and report back to the Committee in December 2018.

### **LAP/18/23. Quarterly Taxi and Private Hire Compliance Report**

The Committee were presented with the report of the Head of Planning, Building Control and Licensing. The report informed the Committee of the compliance work undertaken by the Licensing Unit for the following reporting period:

- Quarter 4 17/18: January – March 2018

The information provided the Committee with an update and overview of the types of complaints received, proactive investigations, activity and legal applications to uphold high driver and proprietor standards in Manchester. It also demonstrated the type of work being carried out in regard to the large number of drivers and vehicles that are working in the city that are licenced by other Licensing Authorities.

#### **Decision**

To note the report.

### **LAP/18/24. Exclusion of the Public**

Officers considered that the following items contain confidential information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Licensing and Appeals Committee Hearing Panel is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items.

#### **Decision**

To exclude the public from the remainder of the meeting.

### **LAP/18/25. Appeal against a decision to refuse to grant a street trading consent for a mobile catering unit on Oxford Road**

The Committee considered the representations both oral and written from all parties. The Applicant told the Committee he had amended the application following the decision of the Sub Committee and in particular he had made the menu healthier. He also told the Committee his food offering was unique as it was a fusion between African and British food which was not available elsewhere in the area. The objectors addressed the Committee and reiterated their objections. The representative for Manchester Metropolitan University stated it was incompatible with the University's aim to create a world class campus with high quality public realm, it was incompatible with the Oxford Road corridor, it would create a public nuisance and there was no

requirement for any further food outlets. The Oxford Road partners also expressed concern about public safety with a vehicle mounting the pavement. An existing trader expressed concern on the impact on existing traders.

After consideration of all the evidence the Committee considered that this was not an appropriate location for this business due to safety concerns for the public and also due to the large availability of hot food provision in the area. The Committee also took into the account the large amount of investment in the area and agreed with the views of objectors that the presence of this unit would detract from the objectives of the public realm project being developed in the area. Therefore although the Committee was supportive of the Applicants business the Committee did not consider that this location was appropriate and therefore did not consider it fit to grant the application.

### **Decision**

To refuse to grant the application.

### **LAP/18/26. Review of Hackney Carriage Vehicle Licence**

The Committee considered the content of the Report and the representations of the proprietor, his legal representative and representative from Mercedes. The Committee accepted that there had been some confusion on both sides as to the exact dimensions of the vehicle. This had led to a financial decision having been made by the proprietor to purchase the vehicle in question. The Committee had inspected the vehicle and noted it was a new vehicle which otherwise met the criteria other than having a swivel seat and being some 5 and a half inches longer than permitted.

The Committee otherwise found the vehicle to have good accessibility and to be a safe and comfortable design. The Committee did have some concerns that about the excess length of the vehicle as it would have a detrimental impact on the ranks. However considering the size of the hackney carriage fleet the Committee considered that overall one vehicle which was 5 and a half inches over the permitted length would have a minimal overall impact on the current ranks in the city.

Therefore in order not to prejudice the proprietor's financial position the Committee decided it was appropriate in this case to grant an exemption from the policy given that the negative impact of just one vehicle of this length should be minimal.

Therefore the Committee considered it was not appropriate to take any further action in respect of the licence.

### **Decision**

1. To take no further action against the licence.
2. To allow an exemption from the conditions of fitness for the vehicle MX18 KUO.

