



Leicester  
City Council

Minutes of the Meeting of the  
LICENSING AND PUBLIC SAFETY COMMITTEE

Held: MONDAY, 5 JANUARY 2015 at 5:30 pm

P R E S E N T :

Councillor Clarke (Chair)  
Councillor Dr Barton  
Councillor Byrne (Vice Chair)

Councillor Shelton

Councillor Westley

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**21. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Riyait.

**22. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they might have in the business on the agenda. No such declarations were made.

**23. MINUTES OF PREVIOUS MEETING**

RESOLVED:

that the minutes of the meeting held on 6 November 2015 be approved as a correct record.

**24. PETITIONS**

The Monitoring Officer reported that no petitions had been submitted in accordance with the Council's procedures.

**25. QUESTIONS, REPRESENTATIONS, STATEMENTS OF CASE**

The Monitoring Officer reported that no questions, representations and statements of case had been submitted in accordance with the Council's procedures.

## **26. PLYING FOR HIRE**

The Director of Local Services and Enforcement submitted a report informing the Committee of the action that had been taken to deal with the offence of illegal plying for hire in the City.

It was noted that hackney carriage vehicles are licensed to be hailed in the street and private hire vehicles must be pre-booked through a private hire operator before the journey commences. Hackney carriage operators become concerned if private hire vehicles are seen to be plying for hire (known locally as 'flimping') as this effectively is taking trade away from licenced hackney carriage vehicles.

Although drivers may hold both a hackney carriage and a private hire driver's licence, a vehicle can only be licensed as either a hackney carriage or a private hire vehicle and an insurance policy for a private hire vehicle does not provide cover for plying for hire. Hackney carriages have standardised charges for fares and standard vehicle specifications including wheelchair access, whereas private hire vehicles can negotiate fares and have less stringent vehicle specifications.

The Council carried out four 'flimping' operations per year. Off duty policemen were used as 'test purchasers' to hail a private hire car in the street. In the two recent operations 5 private hire vehicle drivers failed the test by accepting to take the 'test purchaser' to a destination without a prior booking. At the destination the drivers were interviewed by Licensing Officers and prosecutions were pending. If the drivers were found guilty of the offence in the Magistrates Courts a licensing hearing would be held to review the driver's hackney carriage and private hire driver's licence.

In response to Members' questions it was stated that:-

- a) Drivers applying for licences had to take a topographical knowledge test. They can take the test up to a maximum of four times and if they fail, their hackney carriage and private hire driver's licence would not be issued.
- b) A computer based test was being considered to replace the existing paper based test.
- c) The failure rates for spot checks carried out on vehicles was less than it used to be and at the present time private hire vehicles had a higher failure rate than hackney carriage vehicles.
- d) The RMT union had carried out its own 'flimping' tests on behalf of its hackney carriage driver members. The Council would wish that any concerns were raised first with Licensing Officers to enforce the legislation. It was important that any 'flimping' tests were carried out in a robust and independent manner.

RESOLVED:-

That the current approach to deal with the practice of 'flipping' be endorsed and that the Committee review the situation following the outcomes of the current prosecutions.

## **27. CHARITABLE STREET COLLECTIONS**

The Director of Local Services and Enforcement submitted a report with updated information on charitable street collections, in response to Members asking for additional information at the last meeting. Members were requested to comment upon the current policy and advise whether or not changes were desirable.

It was noted that a survey of local licensing authorities had shown that some authorities allowed deductions for expenses and some did not. 56 charitable street collections had been granted between 1 December 2013 and 30 November 2014 to take place on behalf of 46 different charities. 31 of the collections were within the city centre. Only two charities were granted permission to collect on more than one Saturday in a 12 month period. These were the Poppy Appeal which was granted permission to collect across the whole city from 25 October to 8 November 2014 and the Red Cross who collected on 28 December 2013 and 1 February 2014.

Members discussed the merits of allowing charities to take reasonable expenses for the collections and the merits of amending the current policy in light of the Cabinet Office's latest guidance.

RESOLVED:

That each future application for charitable street collections applying for deductions for expenses be referred to the Licensing Sub-Committee and be considered on its individual merits and, if necessary, decide to retain the condition relating to no deductions for expenses, dis-apply the condition or replace it with a new or amended condition.

## **28. ANY OTHER URGENT BUSINESS**

The Chair referred to the recent Alcohol Summit convened by Councillors Russell and Palmer which involved a number of stakeholders to discuss how each stakeholder can play a part in the process. He felt that Lead Public Health Officer should be invited to a future meeting to discuss how licensing conditions can contribute to the health and wellbeing objectives in the 'Closing The Gap Strategy'.

## **29. CLOSE OF MEETING**

The meeting closed at 6.12 pm.