

REGULATORY & APPEALS COMMITTEE

MONDAY, 22 JANUARY 2018

Present:

Councillors Dennis (Chairman), Hockin (Vice-Chairman), Cook, Prowse and Haines (Reserve)

Apologies:

Councillors Ausen

Officers in Attendance:

Hayley Carpenter, Licensing Officer
Hannah Milford, Legal Assistant
Trish Corns, Democratic Services Officer.

290. MINUTES

The Minutes of the meeting held on 27 November, 2017 were confirmed as a correct record and signed by the Chairman.

291. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

292. REQUEST FOR A PRIVATE HIRE VEHICLE LICENCE EXTENSION - VOLKSWAGEN TRANSPORTER LF05 YMZ

Consideration was given to an application for a 12 month Private Hire Vehicle Licence extension for a VW Transporter, registration LF05 YMZ. The application is for a new licence because the previous licence extension expired on 14 January 2018.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a private hire / hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under 10 years old. However the Council has discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The vehicle has a valid MOT until 25 July 2018 and passed the recent vehicle inspection test with no advisories.

The applicant's representative was in attendance at the meeting and spoke in support of the application.

Resolved

VW Transporter, registration LF05 YMZ is approved a 12 month Hackney Carriage Vehicle Licence subject to a 6 monthly vehicle inspection test.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representations by the Applicant and the Licensing Officer, the Committee is satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore it is considered the vehicle is fit for use for the general public and paying customers.

293. REQUEST FOR A PRIVATE HIRE VEHICLE LICENCE EXTENSION - RENAULT TRAFFIC DO51 CAB

Consideration was given to an application for a 12 month Hackney Carriage Vehicle Licence extension for a Renault Traffic, registration DO51 CAB. The current licence extension expires on 16 February 2018.

All vehicle licences are issued annually and Section 43 of the Town Police Clauses Act 1847 provides that a hackney carriage vehicle licence may only be in force for a maximum period of one year.

The Hackney Carriage and Private Hire Policy provides that vehicles being presented for subsequent licensing are required to be under 10 years old. However the Council has discretion to continue to licence vehicles which are older than ten years provided that the Council is satisfied that such a vehicle is in a good condition and good state of repair, and provided that it passes the appropriate testing standard.

The vehicle has a valid MOT until 4 February 2018 and passed the recent vehicle inspection test, with no advisories.

The applicant was in attendance at the meeting and spoke in support of his application.

Resolved

The Renault Traffic, registration DO51 CAB is approved a 12 month Hackney Carriage Vehicle Licence, subject to a 6 monthly vehicle inspection test

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representations by the Applicant and the Licensing Officer, the Committee is satisfied with the general standard of the vehicle, the state of repair and the condition of the vehicle. Therefore the vehicle is considered fit for use for the general public and paying customers.

294. REQUEST FOR EXEMPTION TO DISPLAY PLATE FOR A PRIVATE HIRE VEHICLE - MERCEDES BENZ

We have been asked to consider a request for an exemption to display a Private Hire Vehicle Licence Plate for a CLS 350 CDI Mercedes Benz, registration W6 FLW.

Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

‘Subject to the provisions of this Part of the Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such a manner as the district council shall prescribe by condition attached to the grant of licence’.

The Council’s requirement for the display of licence plates on the rear of licensed vehicles is set out in the Hackney Carriage and Private Hire Licensing Policy, paragraph 9.4 on page 27.

The Licensing Officer advised on the available options and that legislation did permit the Licensing Authority to grant, if minded to do so, a discretionary condition so as to allow the placing of the vehicle’s licence plate on the inside, provided the plate is in clear view of the client when they entered the vehicle. Additionally the Licensing Authority can specify either certain occasions when the plate needs not to be displayed, or alternatively a notice can be issued which can be carried effectively in lieu of the plate being displayed, under Section 75(3) of the Local Government (Miscellaneous Provisions Act) 1976.

The applicant was in attendance and explained the nature of his work and was able to demonstrate the need not to display the licence plate on the outside of his vehicle, given the security and specialist chauffeur service that his business entails.

Resolved

- (a) That the request for an exemption to display a private hire vehicle licence plate for vehicle W6 FLW be approved; and
- (b) That a small licence plate be affixed to the inside of the vehicle and displayed at all times, in a position agreed between the applicant and the Licensing Officer.

Reason for Decision

Having heard the applicant's description of his business and the work that it entails, and the available options advised by the Licensing Officer, Members believe the resolutions above would be best suited to the applicant whilst meeting the Council's licensing responsibilities.

CHARLIE DENNIS
Chairman