

REGULATORY & APPEALS COMMITTEE

MONDAY, 11 JUNE 2018

Present:

Councillors Hockin (Vice-Chairman), Evans, Prowse and Jones (Reserve)

Apologies:

Councillors Dennis, Austen and Cook

Officers in Attendance:

Marie Downey, Solicitor

Hayley Carpenter, Licensing Officer

Trish Corns, Democratic Services Officer

49. CHAIRMAN

In the absence of the Chairman, the Vice Chairman chaired the meeting.

50. MINUTES

The Minutes of the meeting held on 24 May, 2018 were approved as a correct record and signed by the Chairman.

51. DECLARATIONS OF INTEREST.

There were no declarations of interest.

52. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE EXTENSION

The Committee adjourned to inspect the vehicle.

Consideration was given to an application to renew and extend a Hackney Carriage Vehicle Licence for vehicle registration Ford Mondeo ET57 GHB.

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 Council's Policy and statutory provisions reflect the Council's responsibility to ensure that all hackney carriage and private hire vehicles are safe and fit for use by members of the public.

It was noted that the vehicle recently passed an MOT and vehicle inspection test.

The Applicant's representatives were in attendance to support the request.

Resolved

Vehicle registration Ford Mondeo ET57 GHB is approved a 12 month Hackney Carriage Vehicle Licence renewal and extension, in accordance with legislation, subject to a six monthly vehicle inspection test.

Reason for Decision

Having inspected the vehicle, read all written material, and listened to the representation 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.

53. APPLICATION TO DISPLAY A SMALL PLATE FOR A PRIVATE HIRE VEHICLE

Consideration was given to a request to display a small Private Hire Vehicle Licence Plate for a Mercedes V250 KP67 TFO

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 nature of the Applicant's work was noted and Members understood the need to display a small licence plate on the outside of his vehicle, given the specialist service that his business entails.

Resolved

That the request to display a small private hire vehicle licence plate for vehicle Mercedes V250 KP67 TFO be approved, subject to the private hire operator

producing 6 monthly booking records to the Licensing department to evidence the vehicle's continued use for the specialist service of executive travel.

Reason for Decision

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

54. RICKSHAW POLICY

Following public consultation of the policy in accordance with Council procedure, consideration was given to the one representation as a result of the consultation. The representation supported the policy but raised concerns about the use of audio equipment during a journey.

It was considered that in response to the representation, the Code of Conduct could be amended with the additional criteria:

23) The use of audio equipment being played from a Rickshaw is prohibited.

It was also considered that the following criteria should be added:

24) The use of personal audio equipment e.g. earphones or any other similar personal equipment whilst driving is prohibited.

In response to a question from the Committee in relation to the number of passengers permitted, the Licensing Officer referred the Committee to No.11 of the Licensing Conditions.

In response to a further question regarding the carrying of pets, it was noted that this would be in accordance with the carrying of guide dogs on hackney carriage vehicles.

Resolved

That Appendix A, the Code of Conduct of the Policy be amended with the following two additional criteria:

23) The use of audio equipment being played from a Rickshaw is prohibited.

24) The use of personal audio equipment e.g. earphones or any other similar personal equipment whilst driving is prohibited.

EDWARD HOCKIN
Chairman