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LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

Wednesday, 28 July 2010

Present: Councillor S Taylor (Chair)

Councillors G Ellis K Wood
WJ Davies J Salter
S Niblock R Wilkins
I Lewis

Deputies: Councillors P Hayes (In place of T Anderson)
P Glasman (In place of D Roberts)

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal or prejudicial interests in connection with any items on the agenda and, if so, to declare them and state what they were.

Councillor John Salter declared a prejudicial interest in respect of item 3 - Vauxhall Vivaro - Application to Licence Two Front Seat Passengers - by virtue of his acquaintance with the applicant's son (see minute 8 post).

7 MINUTES

Resolved - That the minutes of the meeting held on 25 May 2010 be approved.

8 PRIVATE HIRE VEHICLE LICENCE - VAUXHALL VIVARO - APPLICATION TO LICENSE TWO FRONT SEAT PASSENGERS

Councillor John Salter declared a prejudicial interest in this item and left the room during its consideration.

The Director of Law, HR and Asset Management reported upon an application to license a Vauxhall Vivaro as a private hire vehicle to carry eight passengers, two passengers being carried in the front. He reported that Council policy allowed non-standard vehicles (ie MPV's people carriers) to be licensed as private hire vehicles subject to the standard Private Hire Vehicle Licence Conditions and the following additional conditions:-

(1) There must only be the number of passengers seats fitted in the vehicle for which the vehicle is licensed.

(2) Two fire extinguishers must be kept in the vehicle, one to be in the front and the other in the rear.

(3) Vehicles to be fitted (in addition to the front drivers and passengers doors) with at least two side/rear opening doors and all doors must be easily accessible to all passengers and capable of being opened from inside.

(4) A step (which must be approved by the Council) must be available for use at all times.

(5) A sign on the rear of the seats in the vehicle must be displayed indicating there is a step available for use and indicating exit doors.

(6) Seat belts shall be provided for every passenger the vehicle is licensed by this Council to carry.

The standard private hire vehicle conditions specified that the proprietor shall only allow one person to be carried in the front of the vehicle apart from the driver. However he referred to applications to license a Volkswagen Caravelle, a Volkswagen Transporter, a Ford Tourneo and a Renault Trafic to carry two front seat passengers which had been successful. Reference was also made to an application to license a Mercedes Vito to carry two front seat passengers which had been refused.

The applicant, Mr EJW, attended the meeting, presented his vehicle for examination by Members and made representations in support of his application prior to its determination.

Resolved (8:1) - That the application to license a Vauxhall Vivaro as a private hire vehicle to carry eight passengers, two passengers being carried in the front, be refused as Members felt there was not sufficient space to carry two passengers in the front of the vehicle safely and comfortably.

9 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION TO LICENSE A FIAT TW200

The Director of Law, HR and Asset Management reported upon an application to license a Fiat TW200 as a hackney carriage vehicle.

The applicant did not attend the meeting.

Resolved - That the applicant be advised to attend a future meeting of this Committee should he wish to pursue his application.

10 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION TO LICENSE A CARBODIES TAXI

The Director of Law, HR and Asset Management reported upon an application to license a Carbodies Taxi, registration number L578 HHV, as a hackney carriage vehicle. It was reported that as the vehicle did not strictly comply with paragraph 2(v)

of the hackney carriage licensing criteria, 'that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)' officers could not issue the licence under delegated authority. The Director reported that the age of the vehicle since first registration was 16 years and commented that the applicant had submitted literature in support of his application.

The applicant advised Members that he required more time in order to prepare his vehicle for inspection by Members of the Committee.

The applicant was advised that his application could not be considered without his vehicle being available for examination by Members.

Resolved (10:0) -

(1) That the application to license a Carbodies Taxi, registration number L578 HHV, as a hackney carriage vehicle be deferred.

(2) That the applicant be advised that the application will not be re-listed for consideration by the Committee unless he provides assurance that he will attend the meeting and provide the vehicle for examination by Members.

11 HACKNEY CARRIAGE VEHICLE LICENCE - APPLICATION TO LICENSE A LTI TXI

The Director of Law, HR and Asset Management reported upon an application to license a LTI TXI, registration number T947 BFM, as a hackney carriage vehicle and indicated that as its licence had expired it could not be renewed and the applicant was required to follow the process for a new licence. However, as the vehicle did not strictly comply with paragraph 2.1(v) of the hackney carriage licensing criteria, 'that every vehicle must be three years old or less from the date of first registration or date of manufacture (whichever is the earlier)' officers could not issue the licence under delegated authority. The Director reported that the age of the vehicle since first registration was eleven years and he commented that the applicant had raised extenuating circumstances in relation to the expiry date of the licence in that his vehicle had been involved in an accident and had subsequently been issued a vehicle licence suspension notice.

The Committee also considered correspondence which had been received from Matrix Solicitors, on behalf of the applicant.

Mr N Smith of Matrix Solicitors addressed the Committee on behalf of the applicant and provided detail in relation to the extenuating circumstances referred to by the applicant regarding the car accident and subsequent suspension notice. He advised that the applicant had complied with all guidance regarding the event of an accident however he did not renew his licence as he had been unable to obtain a Compliance Test Pass slip and MOT certificate as the vehicle had not been repaired and he did not consider it was necessary to do so, as the vehicle was subject to a suspension notice.

The Licensing Officer advised that in circumstances where a licence is subject to a suspension notice , should the proprietor wish to continue to have the vehicle licensed they must apply to have the Licence renewed and therefore it would still be necessary to renew the licence regardless of whether a Suspension Notice had been issued.

Resolved (10:0) - That the application to license a LTI TXI, registration number T947 BFM, as a hackney carriage vehicle be granted due to the exceptional circumstances of the application and subject to the vehicle being submitted for a further inspection by the Licensing Authority.

12 **PETITION TO COUNCIL - REVIEW OF SUPPLY AND DEMAND FOR HACKNEY CARRIAGE VEHICLE LICENCES**

The Director of Law, HR and Asset Management reported that on 12 October 2009 a petition was presented to the Council and the subsequent meeting of this Committee on 22 March 2010 to review supply and demand for hackney carriage vehicle licences. He reported that at the meeting on 22 March 2010 it was resolved that before a survey was conducted a further report be presented to this Committee to provide details of the costs of a survey and how these costs would be recovered.

The Director reported that at the meeting of this Committee held on 22 March 2010, it was resolved:

‘(1) That in view of the position in respect of the overall hackney carriage licence numbers and the Department for Transport Best Practice Guidance the Committee does consider that it is in the interest of the public to undertake a survey of supply and demand.

(2) That before a survey is conducted, a further report be presented to the next meeting of the Committee to include details of costs and how those costs will be recovered.’

It was reported that in order to obtain accurate details of the cost of a survey it would be necessary to invite tenders from prospective companies who could undertake this type of work. Information had been obtained from Sefton Council who had recently been through a tender process for such a survey during March. In response to the tendering process undertaken by Sefton Council bids were received from four companies, the lowest being £20,376 and the highest £30,470. It was appreciated that whilst there were differences in the taxi trade between Wirral and Sefton the range of these bids were likely to be indicative of the potential cost of carrying out a survey in Wirral.

The Director reported that a full tendering process could reveal differences in the depth and scope of work that may be carried out by different companies and this could be reflected in the range of costs provided. A table showing fees that would be payable in respect of hackney carriage driver and vehicle licences was included within the report. Regular reviews would have to be undertaken if a limit on hackney carriage vehicles was subsequently to be introduced as the Council would be constantly at risk of appeal against refusal, therefore an up to date survey would be a pre-requisite of defending any such appeals and surveys every three years would be

recommended to justify any policy of quantity of restriction. Similarly, defending any appeals to Court would have cost implications in respect of Court and legal fees and there would be no provision in the budget for these amounts therefore such amounts would have to be covered by an increase in licence fees.

Mr D Cummins of Unite, addressed the Committee and reiterated that the cost of the survey would be funded from licensing fees as demonstrated by other Authorities and would not impact on Council tax payers. He clarified that the survey would ascertain the level of supply and demand for hackney carriage and private hire vehicle licences.

Members asked questions regarding how long the survey would take including the tendering process and pointed out that they would need accurate figures in order to make a decision on costs.

Members of the Committee considered that both the exceptional circumstances of the application and the exceptional condition of the vehicle justified a departure from the Council's current policy of requiring a vehicle to be three years old or less from the date of manufacture or registration (whichever is the sooner) when granting a licence.

It was, on a motion by Councillor Lewis and seconded by Councillor Wood -

Resolved (10:0) - That it be agreed to proceed with the tendering process to carry out the survey and that a further report be brought back to a special meeting of this Committee at a date to be arranged providing details of tenders received.

13 ANY OTHER URGENT BUSINESS ACCEPTED BY THE CHAIR

The Chair accepted the following matters as urgent business:-

A. REVIEW OF OUTSTANDING BYE LAWS

Members requested that a report be brought back to the next meeting of this Committee concerning local bye laws affecting hackney drivers.

Resolved - That this be agreed.

B. FREEDOM OF INFORMATION REQUEST

Members requested that a report be brought back to the next meeting of this Committee on the breakdown of income and expenditure for taxi licensing.

Resolved - That this be agreed.

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