



# Licensing Committee

1<sup>st</sup> July 2013

## MINUTES

**Present:**

Councillor Phil Mould (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Michael Braley, Michael Chalk, Andrew Fry, Pattie Hill, Wanda King and Brenda Quinney

**Officers:**

K Barnett, S Garratt and D Etheridge

**Committee Services Officer:**

I Westmore

**18. APOLOGIES**

Apologies for absence were received on behalf of Councillor Gay Hopkins.

**19. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**20. MINUTES**

**RESOLVED that**

**the minutes of the meeting of the Licensing Committee held on 11th March 2013 be confirmed as a correct record and signed by the Chair.**

**21. LICENSING ANNUAL REPORT**

The Committee considered an update on the functions carried out under the Licensing Act 2003, the Gambling Act 2005 and other aspects of licensing during the preceding year and significant issues anticipated in the coming year.

Officers explained that the on-going transference of data to new software had resulted in some of the reported figures being slightly

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Chair

out of date. It was noted that the main activities undertaken within the Licensing function were reported and that other, ancillary activities were excluded at present. The Committee was informed that such information could be included within future Annual reports whilst still retaining the summary nature of the report.

**RESOLVED that**

- 1) **the contents of the Licensing Annual Report 2012/13 be noted; and**
- 2) **future Annual Reports provide an overview of the broad scope of licensing activities undertaken by the Council.**

**22. PRIVATE HIRE VEHICLE POLICY - MULTI SEATED  
WHEELCHAIR ACCESSIBLE VEHICLES - CONSULTATION  
FEEDBACK**

The Committee considered a report detailing the responses received to a consultation with the taxi trade on the draft Private Hire Vehicle Licensing Policy. It was reported that 17 responses to the consultation had been received and Members were asked to consider the draft Policy in the light of these comments.

Members noted that the majority of the consultation responses were apparently written by the same individual and the view was expressed that this should be a consideration when assessing how much weight to give them. Officers confirmed that these responses, although written in the same hand, had been received from different individuals. It was reported that the majority of respondents were supportive of the changes which reflected the fact that they were generally of benefit to taxi drivers and operators.

The ordering of the bullet points within the draft Policy was discussed as it was felt that, with regard to the rules governing the licensing of vehicles more than 9 years old, the present order was open to misinterpretation should the points not be considered in conjunction with each other.

Members were very supportive of the draft Policy and the underlying rationale behind it, that of encouraging an increase in the number of wheelchair accessible vehicles in the Redditch Private Hire fleet. It was suggested that a similar Policy change be introduced for Hackney Carriage vehicles and this also received general support. A Members suggested that the twice-yearly testing of vehicles within three years of their first registration was a somewhat onerous burden on drivers and operators and that a relaxation of the testing regime be introduced for the first 18 months – two years. To that end, Officers were asked whether mileage data

for taxis tested by the Council within their first three years of registration might be submitted to a future Committee meeting for consideration.

**RESOLVED that**

- 1) **the draft Private Hire Vehicle Licensing Policy at Appendix 1 (attached) be approved to come into effect from 1<sup>st</sup> August 2013, subject to the amendment of the ordering of the bullet points as noted in the preamble above;**
- 2) **consultation take place with the taxi trade over amendment of the Hackney Carriage Vehicle Licensing Policy to bring it into line with the Policy adopted for Private Hire Vehicles with respect to age extensions for adapted vehicles; and**
- 3) **Officers explore the feasibility of presenting mileage data for vehicles tested within three years of their first registration to a future meeting of the Committee.**

**23. HACKNEY CARRIAGE AND PRIVATE HIRE DISABILITY AWARENESS TRAINING - CONSULTATION FEEDBACK**

Members considered a report which set out the responses to further consultation with the local taxi trade, this time with regard to the introduction of mandatory disability awareness training for Hackney Carriage and Private Hire vehicle drivers within the Borough.

Of the responses received, most were generally in favour of the proposal, although there were concerns raised over a number of issues such as the additional cost to drivers and the applicability of equivalent disability awareness training. The Committee was clear that the training should be a mandatory requirement although it was stressed that the training should cover all forms of disability.

It was explained that the proposed training would be of an afternoon's duration, would cost each driver £20 and would be undertaken by the Worcestershire County Council Driver Safety Team. Officers provided basic information on the content and cost of the Level 2 NVQ in Road Passenger Vehicle Driving which provided equivalent training in disability awareness and undertook to provide Councillor Alan Mason with further detail following the meeting. The Committee discussed the timescales within which it was hoped that all taxi drivers might be trained and were advised that, from a practical and legal perspective, the end date should provide a reasonable opportunity for all drivers to undertake the training. It was proposed that a minimum of 12 months should be

given and that a figure be incorporated in the draft Policy which was to be submitted to the next meeting of the Committee.

**RESOLVED that**

- 1) **the Council proceed with the proposal to make disability awareness training a mandatory requirement for Hackney Carriage and Private Hire vehicle drivers in the Borough, excepting those drivers who can demonstrate to the Council's satisfaction that they have undertaken equivalent disability awareness training (e.g. Level 2 NVQ in Road Passenger Vehicle Driving); and**
- 2) **a report setting out the draft Policy on disability awareness training for Hackney Carriage and Private Hire vehicle drivers be submitted to the next meeting of the Committee.**

**24. LICENSING COMMITTEE WORK PROGRAMME 2013/2014**

Members noted the Committee Work Programme for the coming year. Officers highlighted that there would be an item coming forward relatively soon in respect of legislation concerning the licensing of scrap metal dealers. It was anticipated that this report would require consideration prior to the next scheduled meeting in November and it was therefore proposed that an additional meeting be arranged prior to November which would consider this matter and the Policy on Disability Awareness Training.

**RESOLVED that**

**subject to the amendments set out in the preamble, above, the Committee Work programme be noted.**

The Meeting commenced at 7.00 pm  
and closed at 7.48 pm

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Chair

Local Government (Miscellaneous Provisions) Act 1976

## Private Hire Vehicle Licensing Policy

Adopted by Licensing Committee, 1<sup>st</sup> July 2013



The Council will licence any suitable motor vehicle for use as a private hire vehicle.

The licence will be granted for a period not exceeding twelve months.

The onus is on the vehicle owner to ensure the vehicle meets the following criteria; failure to do so, may lead to refusal of licence or suspension of that vehicle.

For the purposes of this policy a suitable motor vehicle means a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria;

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has an engine capacity of more than 1250cc;
- has no side facing seats;
- each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- each provided seat is accessible without the need to remove or fold, or tip up any other seat;
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier

Before licensing a motor vehicle as a private hire vehicle the authorised officer will also be satisfied that the following requirements are met:

- The applicant must be the proprietor or part-proprietor of the vehicle. “Proprietor” means the legal owner (or part-owner) or the person (or registered company) having possession of the vehicle under the terms of a hire purchase agreement.
- The vehicle is not currently licensed by another local authority as a private hire vehicle or hackney carriage.
- The vehicle is not of such design or appearance as to lead any person to believe it is a hackney carriage.
- The vehicle has valid certificate (or cover note) of motor insurance cover for private hire use.
- The vehicle must adhere to the National Inspection Standards, adopted by this Council and written by the Technical Officer Group in conjunction with the Public Authority Transport Network, the Freight Transport Association and endorsed by VOSA.
- The vehicle is not more than 6 years old (72 months) on the day the licence is issued.
- Vehicles more than 9 years old (108 months) from date of first registration of the vehicles as new by the Driver and Vehicle Licensing Agency will not normally be licensed. However, if vehicles are constructed or adapted to load and convey wheelchair bound passengers, they will be licensed up to 12 years old (143 months) from the date of first registration as new by the Driver and Vehicle Licensing Agency.
- Any vehicles up to the age of 9 years will be subject to two vehicle inspection tests per year; over the age of 9 years the vehicle will be subject to three tests per year.

The age of the vehicle is reckoned from the date of first registration shown on the Vehicle Registration Certificate (V5 or V5c).

- Any owners or proprietor of a prestigious vehicle such as a veteran car, Limousine, or Rolls Royce, or other unusual vehicle such as a rickshaw or motor cycle and sidecar which is intended for use at a special occasion or special event, who is aggrieved by these age restrictions may apply to the Licensing Officer who may exempt the vehicle from the restrictions. Such vehicles will be required to undergo an assessment at Crossgates Garage, be in good condition and be suitable for its intended use. Each application will be judged on its merits.

- The vehicle, if constructed or adapted for wheelchair bound passengers, can convey them securely in either the forward or rear facing position and all wheelchair restraints are BSI or CE marked, in good condition and operate correctly. Lifting equipment, if fitted for the purpose of loading passengers into the vehicle, complies with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 and is certified as safe.
- All requests for advertising are submitted by the owner for prior written approval by the authorised Officer. Advertising must not relate to alcohol tobacco or any matter which may cause an offense.
- The plate identifying the vehicle as a private hire vehicle and stating the number of persons permitted to be carried therein, shall be securely fitted externally at the rear of the vehicle, be clearly visible and below the window line. A frame holder will be permanently fixed to the vehicle and the licence plate fitted to the holder in the prescribed manner.
- The vehicle if converted or modified after manufacture to run on an alternate fuel supply, a valid fuel conversion installation certificate or safety report is presented for inspection and any additional fuel cut-off switches are correctly identified.

