



Committee: LICENSING COMMITTEE
Date: FRIDAY, 14 OCTOBER 2022
Venue: MORECAMBE TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 25 August, 2022 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

5. **Local Government (Miscellaneous Provisions) Act 1976 - Vehicle Licensing Exemption Report** (Pages 3 - 14)

Report of the Licensing Manager

6. **Taxi and Private Hire Working Group - Update Membership** (Pages 15 - 16)

Report of the Licensing Manager

Exclusion of the Press and Public

7. Exempt Item

The Committee is recommended to pass the following recommendation in relation to the following item:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Councillors are reminded that, whilst the following item has been marked as exempt, it is for the Committee to decide whether or not to consider it in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

8. Selling Animals as Pets Licence (renewal) and Boarding Kennels Licence (variation) application (Pages 17 - 170)

Report of the Animal Licensing Manager (report published on 7.10.22)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chair), Mike Greenall (Vice-Chair), Fabiha Askari, Gerry Blaikie, Roger Cleet, Andrew Gardiner, Jake Goodwin, Tim Hamilton-Cox, Sally Maddocks and Margaret Pattison

(ii) Queries regarding this Agenda

Please contact Democratic Services - email democracy@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democracy@lancaster.gov.uk.

MARK DAVIES,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 6 October, 2022.

LICENSING COMMITTEE**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976****VEHICLE LICENSING – EXEMPTION REQUEST****Executive Hire Exemption Notice for Private Hire Vehicles
Section 75 (3) Local Government (Miscellaneous
Provisions) Act 1976****14th October 2022****Report of the Licensing Officer****PURPOSE OF REPORT**

For members to consider a request from Mr Peter Hobart to issue his private hire vehicle with a s75(3) exemption notice. The notice would exempt the vehicle from displaying licence plates.

Members should also consider the request to waiver the conditions relating to door signs and stickers.

The report is public

RECOMMENDATIONS

That members consider the request from Mr Peter Hobart to issue his private hire vehicle with a s75(3) exemption notice. Consideration should also be given to waiver the vehicle licence conditions relating to door signs and stickers.

1.0 Background

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle with an identity plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a district Council the discretion to grant a proprietor an exemption from displaying the licence plates on their licensed private hire vehicle.
- 1.2 A request has been received from Mr Hobart to exempt the requirement to display licence plates on his private hire vehicle, in addition Mr Hobart has requested that conditions relating to the display of door-signs and stickers are waived.

- 1.3 Historically, exemptions have not been granted as a matter of course. A clear case for the exemption has had to be made by the proprietor. The new hackney carriage/private hire policy states the following:

The Council will consider requests for exemption from private hire vehicles used exclusively for the purposes of executive hire. There is no legal definition of "executive hire" but the Council will generally consider the following when determining any requests for exemptions from displaying plates/ signage:

- The majority of the work should be for businesses which maintain an account with the private hire operator
- The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card payments. No payments are to be made to the driver in the vehicle
- The type of vehicle to which the application relates should reflect the executive hire status, i.e. a high value luxury vehicle
- The driver of an executive hire vehicle should wear a uniform befitting of the executive status

The vehicle cannot be used for any standard private hire work. If an exemption notice is granted it would apply to the duration of the licence. Failure to comply with the requirements above or the conditions attached to the grant of the private hire licence will result in the exemption being withdrawn and or the licence being revoked.

- 1.4 In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the exemption should be granted. The high quality of the vehicle being used will be supportive of an application, but has not been the sole determining factor.

- 1.5 Executive travel is considered to be a speciality private hire service in a luxury vehicle rather than a standard vehicle. Examples of luxury vehicle types include for example Mercedes, BMW, Audi, Jaguar and Lexus models. Members may wish to provide a prescriptive list of acceptable vehicles but this may be subjective and will require frequent updates.

- 1.6 Examples of the type of work, which is considered to be executive vehicle hire, are as follows:

- Corporate bookings to transport employees and clients on business related journeys.
- Other journeys where the client specifically requires a vehicle without any private hire plates or signage on it at the time of booking.

- 1.7 Mr Hobart's letter outlining his request and business model is attached at **Appendix 1**.

Mr Hobart's business proposal suggests that the work carried out in the licensed vehicle will be used for escorting passengers for the Ministry of Defence (MOD). If the plates/signage remain on the vehicle, it is not permitted to enter the MOD base. Mr Hobart confirms within the proposal that the vehicle is a Mercedes E220D estate high class vehicle and that all payments for services are made by way of invoice.

1.8 Mr Hobart has been invited to attend Licensing Committee to provide supplementary information regarding his request and also present the vehicle to which his request relates for members inspection.

2.0 Options

2.1 Options available to members are as follows:

- 1) To issue an s75 (3) exemption notice.
- 2) To refuse to issue the s75 (3) exemption notice; and
- 3) To approve or reject the request to waiver the vehicle licence conditions relating to door signs and stickers.

3.0 Conclusion

3.1 Officers are satisfied that Mr Hobart's request for an exemption meets the requirements outlined within the private hire/hackney carriage policy.

3.2 Members are asked to consider each vehicle on a case-by-case, individual basis and decide whether they are satisfied to allow the exemption of display of licence plates and waiver of the standard vehicle licence requirement relating to door-signs and stickers.

3.3 Consideration should be given to the vehicles suitability in terms of its executive status. Relevant considerations as to whether a vehicle is an executive hire car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>
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<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted, as there are no financial implications.</p>

<p>LEGAL IMPLICATIONS</p> <p>There is no right of appeal against the decision to refuse to grant an exemption under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976., however the requirement to display additional signage over the plate is a condition to which any person aggrieved has a right to appeal to the Magistrates Court within 21 days of the grant of the licence under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976.</p>

<p>BACKGROUND PAPERS</p> <p>None.</p>	<p>Contact Officer: Sarah Jones Telephone: 01524 582766 E-mail: sljones@lancaster.gov.uk Ref: SLJ</p>
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OneAcar Ltd
118 Low Lane
Torrisholme
Morecambe
LA46PS

Tel **07799110802 – 07843668465**

To whom it may concern –

On behalf of oneAcar Ltd, {formerly OneAcab } established over 10 years. We provide a reliable service to escort Military passengers to and from airports, job interviews, courses and medical appointments.

We have been employed by the MOD for the past five years. Signage on the vehicles is a problem for certain appointments where we have to leave the passenger at the camps guard room, as we are not allowed to enter, as it does not comply with the MOD regulations.

Some of the passengers suffer from PTSD and have problems with loss of limbs and struggle to walk after medical operations, and an example for you is an appointment at RAF Leeming which is a RAF Base, I have had to drop the patient off at the main gate before now, and they have had to walk at least a mile to their appointment on crutches. This is not acceptable especially in the rain. If I was in an unmarked car I would have been allowed on the base and take him to his appointment properly.

This can be resolved quite easily by removing all door signage and plates from the vehicle I use, this would allow me on all the bases and provide a professional service.

The vehicle I use is a Mercedes E220D Estate a high class standard vehicle}. This vehicle will tested by Lancaster City Council and will only be used for this type of work, and not used for the general public. This is one of the reasons why no meter has been fitted and the plate will always be carried in the back of the vehicle when I am doing the work.

All payments are done via invoices and Bacs payments.

Smart dress code comes as standard.

Kind regards

Peter Hobart



**CERTIFICATE OF INCORPORATION
ON CHANGE OF NAME**

Company Number 8556921

The Registrar of Companies for England and Wales hereby certifies that under the Companies Act 2006:

ONEACAB TAXIS LTD

a company incorporated as private limited by shares, having its registered office situated in England and Wales, has changed its name to:

ONEACAR LTD

Given at Companies House on **30th August 2022**.

The above information was communicated by electronic means and authenticated by the Registrar of Companies under section 1115 of the Companies Act 2006



Companies House



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES















LICENSING COMMITTEE

Taxi and Private Hire Working Group – Update Membership

14 October 2022

Report of the Licensing Manager

PURPOSE OF REPORT

The taxi and private hire working group, a recognised group tasked with addressing issuing affecting the local trade requires further membership following changes with appointments to Licensing Committee.

This report is public.

Recommendations.

- (1) **That the Committee appoint at least one further member to the taxi and private hire working group and consider an additional representative following a request from Cllr Mel Guiding to maintain her attendance with the group in her capacity as disability champion.**

Report

- 1.1 It was approved at a meeting of the former Licensing Regulatory Committee on 31st August 2017 to establish a taxi and private hire working party.
- 1.2 The taxi and private hire working group was designed to bring together individuals, including elected members, stakeholders and Council Officers who possess the relevant knowledge and skills of the subject area, who will act collectively to undertake assigned tasks and activities to achieve the project's objectives; in this case ensuring the continued review, development and improvement of the Councils taxi and private hire services.
- 1.3 Following a request from the Licensing service to the licensed trade, the group does have Hackney Carriage/Private Hire and Private Hire Operator representatives in attendance. The last meeting of the group was held at Morecambe Town Hall on 20th September 2022.
- 1.4 The current make-up of the group is as follows.
- Councillors Hartley (Chair), Gardiner and Hamilton-Cox
 - Licensing Manager
 - Licensing Enforcement Officer
 - Private Hire representatives
 - 1 Hackney Carriage representatives
- 1.5 Due to changes in membership of the Licensing Committee it would be beneficial to appoint further members to attend and contribute to the working group.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

None

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

S151 OFFICER'S COMMENTS

None.

MONITORING OFFICER'S COMMENTS

None.

BACKGROUND PAPERS

None

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Ref: JC

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of the Local Government Act 1972.

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