

**LICENSING REGULATORY  
COMMITTEE**

**1.00 P.M.**

**1ST SEPTEMBER 2011**

**PRESENT:-** Councillors Mike Greenall (Vice-Chairman, in the Chair), Shirley Burns, Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson and Robert Redfern

Apologies for Absence

Councillors John Harrison (Chairman) and Chris Coates

Officers in attendance:-

|              |   |
|--------------|---|
| Sarah Taylor | Head of Governance and Monitoring Officer |
| Wendy Peck   | Licensing Manager                         |
| Debbie Rose  | Licensing Enforcement Officer             |
| Rod Prentice | Licensing Enforcement Officer             |
| Tom Silvani  | Democratic Support Officer                |

Also in attendance:-

Councillor Margaret Pattison

***Vice-chairman in the chair.***

**23 MINUTES OF THE MEETING HELD ON 21 JULY 2011 (PREVIOUSLY CIRCULATED)**

The minutes of the meeting held on 21 July 2011 were signed by the vice-chairman as a correct record.

**24 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**25 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**26 EXEMPT ITEM:-**

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

***Councillor Margaret Pattison left the meeting at this point.***

**27 PRIVATE HIRE VEHICLE PROPRIETOR - RICHARD CHARLES IBBOTSON (PAGES 1 - 2)**

The licensing manager introduced a report to enable members to consider whether to continue to allow the applicant's grant of a waiver of the standard vehicle licence conditions requiring the display of a licence plate and the council's uniform door signage.

Details of the individual case and the chairman's summary of the decision are set out in exempt minute no. 27, in accordance with Section 100A of the Local Government Act 1972.

It was proposed by Councillor Burns and seconded by Councillor Denwood: -

"That the waiver of the standard licence conditions requiring the display of the official licence plate and the council's uniform door signage be withdrawn, and that with immediate effect these conditions be reapplied to the vehicle licence on grounds of safety."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

***Resolved:***

That the waiver of the standard licence conditions requiring the display of the official licence plate and the council's uniform door signage be withdrawn, and that with immediate effect these conditions be reapplied to the vehicle licence on grounds of safety.

***The press and public were readmitted to the meeting at this point.***

***Councillor Pattison returned to the meeting at this point.***

**28 AGE POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

The licensing manager introduced a report to enable members to consider the outcome of the recent consultation on the continued use of the policy which had resulted in the removal of an age restriction for hackney carriage and private hire vehicles.

Members were reminded that at the Licensing Regulatory Committee meeting on 2 September 2010 the Committee had approved the introduction of a policy which removed the condition on age restriction for private hire and hackney carriage vehicles licences. This had been decided following discussions at the Taxi Liaison Group, the receipt of a representation from a member of the trade and in line with the Department for Transport Best Practice Guidance, which was outlined in the report.

Prior to this the following condition had been attached to vehicles licensed as hackney carriages or private hire vehicles by this authority:-

"Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City.

Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.

In the case of London type Cabs, and certain executive vehicle, the upper age limit shall be 15 years old with replacement vehicles being less than six years old.”

Following the committee’s decision on the 2 September 2010 some members of the trade had made representations to members of the Licensing Regulatory Committee.

There had been concern that the removal of the age restriction would lead to the industry being flooded with ‘bangers.’ In order to ensure that this didn’t happen the licensing manager had prepared a report for the committee. The report recommended that the following condition be included in the policy

“Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council’s designated testing station every 4 months.”

Members were reminded the report had not been considered in November, as members had asked for further extensive consultation on a number of matters. The removal of the age restriction had been included in that consultation process, which had taken place over a six month period concluding on 30 June 2011.

A breakdown of the results of the consultation was outlined in the report. The committee considered this in detail.

Members were advised that over the past few months licensing officers had carried out inspections of all vehicles licensed by this authority, and had been highly impressed by the condition of some of the older vehicles, whilst many newer vehicles had been given defect notices, due to their tatty appearance.

It was reported that the licensing department had not been flooded with applications from people wanting to license very old vehicles, and whilst the policy of not having an age restriction had been in force, standards had been maintained due to rigorous inspections.

Officers were of the opinion that the age condition that was removed in September 2010 had been very restrictive, in particular the fact that vehicles had to be less than 5 years old when first licensed. This had prevented people coming into the trade as a proprietor, and also had the potential to cause people to get into debt by financing vehicles that they could not really afford. The condition had also created anomalies, whereby someone could licence a vehicle that was 2 or 3 days under 5 years old and keep that vehicle licensed until it was 10 years old, whereas someone bringing a vehicle along that was 1 day over 5 years old, would be refused a licence, regardless of its condition or mileage.

Additionally, members were advised that if a vehicle licence was inadvertently allowed to lapse, and the vehicle was over 5 years old, it would not be eligible to be relicensed, even though possibly a few days before it had been accepted as a licensed vehicle. If a vehicle was due for renewal 2 days before its 10th anniversary it would be eligible to be licensed,

and would continue to be licensed until it was almost 11 years old, whereas if a vehicle was due for renewal 1 day after its 10th anniversary it would not be relicensed regardless of its condition and the fact that it had been still licensed to carry members of the public less than 24 hours before.

The committee was advised that all vehicles were required to pass the inspection at the council's vehicle maintenance unit, and therefore must be suitable for purpose. Members asked questions of the licensing manager relating to the inspection of vehicles.

It was proposed by Councillor Burns and seconded by Councillor Dixon: -

"That the current policy be amended by adding the following condition:

"Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council's designated testing station every 4 months."

Upon being put to the vote 5 members voted in favour of the proposition, and 2 against, whereupon the chairman declared the proposition to be carried.

**Resolved:**

That the current policy be amended by adding the following condition:

"Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council's designated testing station every 4 months."

**29 ACCESS AND EGRESS OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

The licensing manager presented a report to enable members to consider the outcome of the recent consultation on the requirement relating to access and egress of hackney carriage and private hire vehicles and whether the requirement should be maintained or amended.

Members were reminded that at the Licensing Regulatory Committee meeting on 2 September 2010 an updated version of Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing had been approved. The purpose of this update had been to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarified the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.

The document approved on the 2 September 2010 had included the requirement that:

"Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy

comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.'

This requirement had been introduced on the grounds of public safety and comfort.

Members were reminded that following the committee's decisions on the 2 September 2010 some members of the trade had made representations to members of the Licensing Regulatory Committee, and as a result members had asked for further extensive consultation on a number of matters. The access and egress arrangements had been included in that consultation process, which had concluded on 30 June 2011.

A breakdown of the result of the consultation was attached to the report. Members were advised that there was only a 13% response from the whole trade about this issue: 59% of the people responding disagreed with the above requirement which represented 7.8% of those consulted.

Members were reminded that as part of the consultation process, a trade fair had been organised, and vehicle suppliers had been invited to bring along vehicles that had been adapted to comply with this requirement as well as vehicles that did not comply. Members of the trade, elected members, officers from Lancashire County Council transport section, and members of disability groups had been invited to attend the trade fair, and their feedback was requested

It was advised that those that had attended the trade fair had been asked to rate the vehicles from 1 to 5 on various aspects of access, egress, comfort, leg room etc., 1 being excellent, and 5 being impossible. A table of the results and some of the comments was attached to the report. It was noted that the results of the trade fair appeared to conclude that some vehicles are a lot more accessible and comfortable than others.

It was reported that the licensing manager had consulted with other local authorities, and with the transport department at Lancashire County Council who were responsible for school contracts etc. Responses were attached to the report. The committee was informed of the Department for Transport's Best Practice Guidance, which was detailed in full in the report.

Members were advised that the Minister of State for Transport had announced the way forward on accessibility for taxis and private hire vehicles. The department would be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance on the most appropriate provision. In the meantime, **the department recognised that some local licensing authorities would want to make progress on enhancing accessible taxi provision.**

It was advised that different accessibility considerations applied between taxis and PHVs. Taxis could be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs could only be booked through an operator. It was important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helped to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

Members were also advised that if a proprietor wished to license a vehicle that did not meet the requirement, that vehicle could be considered by the committee, to determine whether an exception could be made on the individual merits of the application. Members were reminded that at the Licensing Regulatory Committee held on 21 July 2011, a request had been received from a proprietor to waive the requirement on access and egress, and members had approved the application. As a result of this the vehicle had now been included on an approved list so that any further applications submitted for a vehicle with the same specification would be granted by officers.

Officers recommended that the procedure as set out above be adopted for all future applications, and that vehicles be considered on their individual merit. It was considered that the outcome of the trade fair showed that some vehicles that did not have direct access may be more suitable than others. Any such policy would be in line with the DFT guidance as it would not automatically rule out any particular type of vehicle. It was advised that additional safety requirements could then be imposed if required, as was the case with the vehicle which had been approved in July. Members could then satisfy themselves that all of the vehicles licensed by the council were suitable for purpose, comfortable, accessible and safe.

It was proposed by Councillor Johnson and seconded by Councillor Burns: -

- “(1) That the requirement that access and egress to all passenger seats should be unimpeded, as set out in the report, be maintained.
- (2) That the committee may make exceptions for specific models of vehicle, made to the manufacturer’s specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.”

Upon being put to the vote, members voted unanimously in favour of the proposition, whereupon the chairman declared the proposition to be carried.

***Resolved:***

- (1) That the requirement that access and egress to all passenger seats should be unimpeded, as set out in the report, be maintained.
- (2) That the committee may make exceptions for specific models of vehicle, made to the manufacturer’s specification, on an individual basis, with vehicles approved in this way added to an approved list of vehicles in order that any future requests to license an identical vehicle could be dealt with automatically.

**30 ADOPTION OF LIVERY FOR HACKNEY CARRIAGE VEHICLES**

The licensing manager presented a report to enable members to consider the outcome of the recent consultation on the adoption of a livery for hackney carriage vehicles.

Members were reminded that at the Licensing Regulatory Committee meeting on 2 September 2010 the committee had approved the introduction of a licence condition requiring all new and replacement hackney carriage vehicles to be a specified colour, and

a consequential licence condition that no new or replacement private hire vehicles should be that colour. This was to be subject to consultation with members of the trade regarding the chosen colour. A copy of the report and the minutes of the meeting were attached to the report.

Following the Committee's decision on the 2 September 2010 some members of the trade had made representations to members of the Licensing Regulatory Committee. As a result members had asked for further extensive consultation on a number of matters. The introduction of livery had been included in that consultation process, which had taken place over a six month period concluding on 30 June 2011. A breakdown of the result of the consultation was attached to the report.

Members were reminded that during the latter few months of 2010, an unmet demand survey had been carried out on behalf of Lancaster City Council by a company called Mouchel. The principal objective of the study was to determine what level of demand had existed for hackney carriage services in the Lancaster City Council licensing area. The survey had been commissioned to satisfy the current licensing legislation, and the Department for Transport Best Practice Guidance, in order to demonstrate clearly the grounds on which the council can defend its policy on restriction of hackney carriage vehicle numbers.

The committee considered the responses to the consultation in detail, and asked questions of the licensing manager accordingly.

It was proposed by Councillor Burns and seconded by Councillor Hill: -

"That the committee no longer proceed with the introduction of the licence condition requiring hackney carriages to be a specified colour, approved at its meeting on the 2 September 2010."

Upon being put to the vote 6 members voted in favour of the proposition, with 1 abstention, whereupon the chairman declared the proposition to be carried.

***Resolved:***

That the committee no longer proceed with the introduction of the licence condition requiring hackney carriages to be a specified colour, approved at its meeting on the 2 September 2010.

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Chairman

(The meeting ended at 1.50 p.m.)

**Any queries regarding these Minutes, please contact  
Tom Silvani, Democratic Services - telephone (01524) 582132 or email  
tsilvani@lancaster.gov.uk**

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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