



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 17 NOVEMBER 2011

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

Members are advised that prior to the meeting they will be given the opportunity to view the two vehicles for which hackney carriage licences had been requested (agenda items 7 and 8), and the vehicle for which the waiver of a policy requirement had been requested (agenda item 9).

1. **Apologies for Absence**
2. **Minutes of the meeting held on 13 October 2011 (previously circulated)**
3. **Items of urgent business authorised by the Chairman**
4. **Declarations of Interest**
5. **Public Speaking at Committee (Pages 1 - 5)**
Report of the head of governance.
6. **Arrangements for Animal Welfare Licensing (Pages 6 - 8)**
Report of the head of governance.
7. **Hackney Carriage Licensing - Request for a Hackney Carriage Licence for a Vehicle over 10 years of age on first Registration (Pages 9 - 10)**
Report of the licensing manager.
8. **Hackney Carriage Licensing - Request for a Hackney Carriage Licence for a Vehicle over 10 years of age on first Registration - Christopher Lee (Pages 11 - 12)**
Report of the licensing manager.
9. **Local Government (Miscellaneous Provisions) Act 1976 - Private Hire Vehicle Licensing - Request for Waiver of Policy Requirement that all vehicles must provide direct access and egress without the need to tip or fold seats (Pages 13 - 16)**
Report of the licensing manager.

10. **Confidential Items:-**

The following reports are not for publication because they contain confidential information relating to cautions/convictions and will be considered whilst the public are excluded from the meeting. The applicants have been invited to attend and/or be represented at the meeting, but will be asked to leave whilst the committee makes the decisions, as exempt legal advice may be given.

Members are advised that, in accordance with Section 100A(2) of the Local Government Act 1972, the press and public should be excluded for the following items of business on the grounds that they could include the possible disclosure of confidential information.

11. **Application for Hackney Carriage & Private Hire Driver's Licences - Christopher Mercer** (Pages 17 - 20)

Report of the licensing manager.

12. **Existing Hackney Carriage & Private Hire Driver's Licences - Gaynor Robinson** (Pages 21 - 23)

Report of the licensing manager.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors John Harrison (Chairman), Mike Greenall (Vice-Chairman), Shirley Burns, Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson, Tracey Kennedy and Robert Redfern

(ii) Substitute Membership

Councillors Chris Coates, Roger Dennison, Joan Jackson, David Kerr, Terrie Metcalfe, Margaret Pattison and Susan Sykes

(iii) Queries regarding this Agenda

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email tsilvani@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

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

Published on 9 November 2011.

LICENSING REGULATORY COMMITTEE**PUBLIC SPEAKING AT COMMITTEE****17 November 2011****Report of Head of Governance****PURPOSE OF REPORT**

To enable the Committee to consider introducing public speaking rights at meetings of the Committee

This report is public

RECOMMENDATIONS

- (1) **The Committee is asked to consider whether it wishes to introduce a public speaking scheme, and if so, to determine the rules for such a scheme and to recommend Council that such rules be included in the Constitution.**

1.0 Introduction

- 1.1 As members will be aware, the workload of the Committee is divided between consideration of individual applications and more general items relating to licence conditions and licensing fees. The workload relates predominantly to hackney carriage and private hire licensing, although reports on other licensing matters such as street collections and animal welfare licences are considered from time to time.
- 1.2 It has for many years been the practice when the Committee is considering an individual licence, whether the matter relates to a new application, renewal, possible suspension or revocation, or a request to waive standard licence conditions, for the individual licence holder to be invited to attend the meeting to make representations and to answer members' questions. The individual may be represented and is given the opportunity to call witnesses. The press and public are generally excluded from such items as confidential and personal information is considered, and the written report considered by members is not published. This procedure ensures that the interests of the individual are protected, and is compliant with the rules of natural justice and human rights legislation.
- 1.3 Reports on more general issues, such as licence conditions, conditions of application, licensing fees and hackney carriage fares are dealt with in the open part of the meeting when the press and public may be present. The

Council's Constitution does not provide for the public to speak at Committee meetings. However, there are special public speaking rules for Council, Cabinet and for the Planning and Highways Regulatory Committee.

- 1.4 The issue has not previously been raised in respect of this Committee, and it has always been the practice to consult with the trade through the Taxi Liaison Group and the Taxi Forum, to seek the collective views of the trade before submitting reports to the Committee. However, a number of members have asked whether it would be possible to allow public speaking at this Committee, and there is no reason why a procedure similar to those used at Council and Cabinet meetings should not be adopted.

2.0 Proposal Details

- 2.1 The Cabinet scheme (Rule 2.7 of the Cabinet Procedure Rules) permits members of the public to speak on issues included on the Cabinet agenda, with questions/comments from the public prior to the commencement of each item. Notice of the wish to speak must be registered before noon on the Thursday before the meeting. Any request to speak must include the person's contact details, together with details of the item they wish to speak on. A written version of the speech or questions must be supplied in advance, and this is requested by the Friday before a Tuesday meeting. A maximum of 10 speakers per Cabinet meeting is permitted on a first come first served basis, with a maximum of 5 minutes per speaker. There is a restriction to 3 speakers on each item of business, but if there are fewer than 10 speakers in total to speak at a meeting, then a maximum of 4 people are allowed to speak on a particular item on a first come first served basis. Any group of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition, and spokespersons should identify in advance on whose behalf they are speaking.
- 2.2 If Members were minded to approve public speaking at meetings of this Committee, it is suggested that a similar scheme be adopted. A draft scheme is set out at Appendix A for Members' consideration, but it is open to Members to make amendments to that draft, in particular with regard to the maximum number of speakers at any meeting or on any item, and the length of time they are permitted to speak. It is not intended that any such scheme would replace the Taxi Liaison Group or the Taxi Forum, which will continue to be the means of consulting with and seeking the views of the trade. If the scheme were adopted, Members would need to consider the comments of public speakers in the context of the interests of the trade and/or the public as a whole. As a regulatory body, the Committee's overriding principles must be public protection and safety, and it will be important for the Committee to balance any views expressed by speakers with the wider public interest and with the professional advice given by officers. It will also be important for proceedings to be regulated so that once the public speaking on a particular item is complete, there is no further public participation whilst the item is being debated and a decision made.

3.0 Details of Consultation

- 3.1 The report has been prepared in response to requests for a public participation scheme to be introduced.

4.0 Options and Options Analysis (including risk assessment)

4.1 The options open to the Committee are to implement the scheme as set out in Appendix A, to implement an amended scheme, or to decide not to implement any public speaking scheme. Implementing a scheme would promote public participation and an open exchange of views.

5.0 Conclusion

5.1 Members' views are sought.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) None directly arising from this report. The proposal does not change the rights of individuals to make oral representations to the Committee on matters that affect their individual rights as licence holders or licence applicants	
LEGAL IMPLICATIONS There are no legal implications directly arising from this report.	
FINANCIAL IMPLICATIONS There are no financial implications directly arising from this report.	
OTHER RESOURCE IMPLICATIONS Human Resources: None Information Services: None Property: None Open Spaces: None	
BACKGROUND PAPERS None	Contact Officer: Mrs Taylor Telephone: 01524 582025 E-mail: STaylor@lancaster.gov.uk Ref:

DRAFT

APPENDIX A

Rights of the Public to Speak at Licensing Regulatory Committee

- (a) Members of the public are permitted to speak on issues included on the Licensing Regulatory Committee agenda prior to the commencement of each item. This does not apply to items relating to individual licence applicants or licence holders (see below)
- (b) Notice of the wish to speak must be registered with Governance (Democratic Services) in writing, by email or by telephone before 12 noon on the third working day before the Committee meets. As the Committee generally meets on Thursday, this will normally be the Monday before the meeting.
- (c) It is the responsibility of the person wishing to speak to find out the appropriate date that the Committee will consider the item of business that they wish to speak on. This information can be obtained from Governance (Democratic Services). Late requests to speak at Committee will not be considered.
- (d) Any request to speak must include the person's name, address and contact telephone number, together with details on the item they wish to speak on. A written version of their speech must be supplied to the Head of Governance in advance, not later than 48 hours before the meeting, who shall not accept the request to speak as valid unless satisfied that the speech is proper to be presented..
- (e) Persons who have registered to speak should be in attendance 15 minutes prior to the commencement of the meeting to enable a list of speakers present to be passed to the Chairman. Any latecomers who have not confirmed their intention to speak in accordance with this requirement will only be allowed to speak at the discretion of the Chairman.
- (f) Governance (Democratic Services), having received notice from persons wishing to speak will re-order the agenda to enable items with public participation to be considered early in the meeting, although this will be balanced with the needs of individuals who are attending to make representations on exempt /confidential items.
- (g) There will be a maximum of three speakers on each item of business and a maximum of five minutes per speaker.
- (h) Any group of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking as part of the registration process. Only one representative of any trade association will be permitted to speak on any item of business.
- (i) Speakers must be prepared to respond to questions from Committee Members at the meeting if necessary. However, there will be no debate between a speaker and Members of the Committee on the matters raised by the speaker.

- (j) Once the public speakers have spoken on an item of business, the Committee will debate the item and make a decision, and there will be no further contributions from the public during this process.

Procedure for Individual Applications/Licences

- (k) Where an item on the agenda of the Licensing Regulatory Committee relates to an individual licence holder or licence applicant, the individual will be entitled to attend the meeting and make oral representations to the Committee, and may be represented by a solicitor or barrister or any other representative, and may call witnesses. The press and public will generally be excluded because the matter will relate to exempt or confidential information.
- (l) The Licensing Manager or her representative will present the report, and will call oral evidence if appropriate. The individual applicant/licence holder will have the opportunity to question the officer(s) and any witnesses. Members of the Committee will then have the opportunity to question the officer(s) and any witnesses.
- (m) The individual applicant/licence holder and/or their representative may then make oral representations to the Committee and may call any witnesses. The Licensing Manager or her representative will have the opportunity to question the individual and any witnesses. Members of the Committee will then have the opportunity to question the individual and any witnesses.
- (n) The Licensing Manager or her representative will have the opportunity to sum up, and the individual applicant/licence holder will have the opportunity to sum up.
- (o) The Committee will then make its decision in private, advised by the Committee's legal adviser and democratic support officer, and the decision will then be announced to those who have participated in the item.
- (p) If appropriate, arrangements may be made in advance of the meeting for the Committee to inspect any vehicle that the item relates to.

LICENSING REGULATORY COMMITTEE

Arrangements for Animal Welfare Licensing

17 November 2011

Report of the Head of Governance

PURPOSE OF REPORT

To enable the Committee to consider minor amendments to the Scheme of Delegation to streamline the issuing of animal welfare licences.

This report is public

RECOMMENDATIONS

- (1) That the proposed operational arrangements for issuing animal welfare licences be noted.
- (2) That the Scheme of Delegation be amended to authorise the Head of Health and Housing and any officer designated in writing by her to grant, transfer or renew any licence under the Animal Boarding Establishments Act 1963, Dangerous Wild Animals Acts 1976, Pet Animals Act 1951, Breeding of Dogs Act 1973, Riding Establishments Acts 1964 and 1970 and Zoo Licensing Act 1981, except where any objection or adverse comment has been received or a member of the Committee has requested that the matter be referred to Committee.

1.0 Introduction

- 1.1 The issuing of licences for animal boarding establishments, dog breeding establishments, riding establishments, pet shops, zoos and dangerous wild animals fall within the terms of reference of this Committee.
- 1.2 The current arrangements are that applications are administered within the Licensing Section within Governance. However, applications are passed to the Environmental Protection Team in Health and Housing who arrange for the premises to be inspected, and advise as to whether a licence should be issued, and, if so, the terms and conditions of the licence. Their recommendations are then passed back to Licensing, who issue the actual licence.
- 1.3 Discussions have taken place between the two Services, and it is felt that the system could be improved by transferring responsibility for the whole licensing process for these licences to Health and Housing. This would fit comfortably with the other animal welfare related functions already carried out by that Service, and would mean that when any premises are being

considered from an animal welfare point of view, licensing requirements can more readily be taken into account, and, where appropriate, any enforcement action can be more streamlined.

2.0 Proposal Details

- 2.1 It is intended therefore that responsibility for all aspects of animal welfare licensing will pass to Health and Housing from the 1st December 2011.
- 2.2 This means that an amendment to the Scheme of Delegation is required to authorise the Head of Health and Housing and officers designated by her to issue licences under the Animal Boarding Establishments Act 1963, Dangerous Wild Animals Acts 1970 and 1991, Pet Animals Act 1951, Breeding of Dogs Act 1973, Riding Establishments Acts 1964 and 1970 and Zoo Licensing Act 1981. The current delegation is to the Head of Governance.

3.0 Details of Consultation

- 3.1 There has been consultation between the Head of Governance and Head of Health and Housing, who both agree that the proposed arrangements are desirable from an operational point of view.

4.0 Conclusion

- 4.1 The amendment to the Scheme of Delegation is required to formalise the proposed operational arrangements so that there is formal authority for the Head of Health and Housing to issue these licences.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
--

None

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

FINANCIAL IMPLICATIONS

The additional work of receiving applications, issuing licences and any associated enforcement can be dealt with by existing staff resources in Health and Housing and once approved the relevant budgets will be transferred across from licensing

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has prepared this report in her capacity as Head of Governance.

BACKGROUND PAPERS

None

Contact Officer: Mrs S Taylor

Telephone: 01524 582025

E-mail: STaylor@lancaster.gov.uk

Ref:

LICENSING REGULATORY COMMITTEE**TOWN POLICE CLAUSES ACT 1847****HACKNEY CARRIAGE LICENSING – REQUEST FOR A
HACKNEY CARRIAGE LICENCE FOR A VEHICLE OVER 10
YEARS OF AGE ON FIRST REGISTRATION****17 NOVEMBER 2011****Report of the Licensing Manager****PURPOSE OF REPORT**

Mr Ken Grieve, Miss Daryll Grieve and Miss Emily Fell are the joint proprietors of a hackney carriage licensed by Lancaster City Council. They have made an application to replace their existing vehicle with a vehicle which is over 10 years of age. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicants request for a replacement vehicle which is over 10 years of age on initial licensing.

1.0 Introduction

- 1.1 Under Section 68 of the Town Police Clauses Act 1847 a District Council may attach to the grant of a licence of a Hackney Carriage such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a hackney carriage licence.
- 1.3 The standard licence condition provides that:

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.

- 1.4 On 28th October 2011, Mr Ken Grieve, Miss Daryll Grieve and Miss Emily Fell applied to replace their existing hackney carriage, HV223, with a replacement vehicle.
- 1.5 The replacement vehicle is a Citroen C5 HDI LX and was first registered with the DVLA on the 3rd September 2001. Any vehicle over 10 years of age on initial licensing, in line with the condition above, must be referred to the Licensing Regulatory Committee for approval.
- 1.6 Mr Grieve, Miss Daryll Grieve and Miss Emily Fell have been invited to attend the meeting to make representations. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicants request to licence a hackney carriage vehicle over 10 years of age.
- 2.2 Should members be minded to allow this application the vehicle will be required to pass the vehicle compliance test at the Council's Vehicle Maintenance Unit prior to licensing.

CONCLUSION OF IMPACT ASSESSMENT

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

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Any person aggrieved by a condition attached to a hackney carriage licence has a right to appeal to the Magistrates Court within 21 days of the grant of the licence.

BACKGROUND PAPERS

None

Contact Officer: Wendy Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP/DWE

LICENSING REGULATORY COMMITTEE**TOWN POLICE CLAUSES ACT 1847****HACKNEY CARRIAGE LICENSING – REQUEST FOR A
HACKNEY CARRIAGE LICENCE FOR A VEHICLE OVER 10
YEARS OF AGE ON FIRST REGISTRATION****17 NOVEMBER 2011****Report of the Licensing Manager****PURPOSE OF REPORT**

Mr Christopher Lee is the proprietor of a hackney carriage licensed by Lancaster City Council. He has made an application to replace his existing vehicle with a vehicle which is over 10 years of age. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicants request for a replacement vehicle which is over 10 years of age on initial licensing.

1.0 Introduction

1.1 Under Section 68 of the Town Police Clauses Act 1847 a District Council may attach to the grant of a licence of a Hackney Carriage such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

1.2 For the purpose of the above, the Council has established conditions attached to the grant of a hackney carriage licence.

1.3 The standard licence condition provides that:

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.

- 1.4 On 8th November 2011 Mr Lee applied to replace his existing hackney carriage, HV284, with a replacement vehicle.
- 1.5 The replacement vehicle is a Peugeot 406 and was first registered with the DVLA on the 10th April 2001. Any vehicle over 10 years of age on initial licensing, in line with the condition above, must be referred to the Licensing Regulatory Committee for approval.
- 1.6 Mr Lee has been invited to attend the meeting to make representations. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicants request to licence a hackney carriage vehicle over 10 years of age.
- 2.2 Should members be minded to allow this application the vehicle will be required to pass the vehicle compliance test at the Council's Vehicle Maintenance Unit prior to licensing.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS	
Any person aggrieved by a condition attached to a hackney carriage licence has a right to appeal to the Magistrates Court within 21 days of the grant of the licence.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck
None	Telephone: 01524 582317
	E-mail: wpeck@lancaster.gov.uk
	Ref: WP/DWE

LICENSING REGULATORY COMMITTEE**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976****PRIVATE HIRE VEHICLE LICENSING – REQUEST FOR
WAIVER OF POLICY REQUIREMENT THAT ALL VEHICLES
MUST PROVIDE DIRECT ACCESS AND EGRESS WITHOUT
THE NEED TO TIP OR FOLD SEATS****17 NOVEMBER 2011****Report of the Licensing Manager****PURPOSE OF REPORT**

Mr Mark Howarth is the proprietor of a private hire vehicle licensed by Lancaster City Council. He has requested a waiver of the policy requirement that all passengers should have direct access to doors without having to tip or fold a seat.. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant's request for a waiver of the standard requirement that all passengers should have direct access and egress without having to tip or fold seats, and to determine whether to grant an exemption to the requirement for Mr Howarth with regard to the VW Touran and for any other vehicles of the same model with identical specifications that may be presented for licensing as a private hire vehicle in the future.

1.0 Introduction

- 1.1 Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence of a private hire vehicle under the Act of 1976 such conditions as they may consider reasonably necessary. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire vehicle licence.
- 1.3 The standard licence condition provides "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."

The above condition was introduced on the grounds of the safety and comfort of the travelling public.

- 1.4 On 29th September 2011 Mr Howarth applied for and was granted a private hire licence for the VW Touran to carry a maximum number of 4 passengers. The vehicle is actually manufactured to carry 6 passengers, however access to the rear seats is impeded, this does not comply with our policy.
- 1.5 Mr Howarth subsequently wrote to the licensing department in order to make representations to this Committee, as he would now like the vehicle to be licensed to carry 6 passengers. A copy of Mr Howarth's letter is attached at appendix 1 to this report.
- 1.6 Members may recall that a similar request was made by a proprietor of a VW Caddy, and was considered by this committee in September. That request was approved, however that vehicle was different from this one in several relevant ways. Firstly, the vehicle had room to carry luggage even with the full compliment of seats. The luggage space in the vehicle being presented today is very limited with the extra 2 seats in place. In fact the actual size of the rear luggage space with the seats in place is 300mm deep by 960mm wide. The applicant in the previous case also, at the suggestion of the licensing manager added some additional safety measures to the vehicle. The vehicle had a rear hatch/door which was capable of being opened from the inside of the vehicle, and was clearly marked 'Emergency Exit'. This is to allow passenger in the rear row of seats to egress the vehicle through the back hatch, without having to move a passenger in front of them, in case of emergency. This was achievable in that particular vehicle as the rear row of seats folded down on to them selves, thus lessening the height that the passenger would have to climb over to evacuate the vehicle, there is also a void behind the rear seats that the passengers can climb into to operate the emergency exit door. However the vehicle presented today is not the same design as that one and access through the rear would be extremely difficult if not impossible.
- 1.7 If the vehicle is approved it would be added to the list of approved vehicles so that future applications to licence an identical vehicle will be dealt with by officers as an automatic grant, however members should at this point be aware of the condition attached to hackney carriage vehicles which clearly this vehicle could not comply with, and whilst this particular application is for a licence to be granted for a private hire vehicle, the condition as set out below needs to be considered whilst making a decision whether to grant the licence and allow the vehicle to be added to any approved list.

"Hackney carriage vehicles should be capable of carrying one average size piece of luggage per passenger. For the purpose of these conditions, average size luggage is deemed to be H48cm, W71cm, D19cm."

This condition applies to hackney carriage vehicles only, as all hackney carriage vehicles can be hired on the spot, and should be capable of carrying the full compliment of passengers and luggage, whereas a private hire vehicle is pre booked, and at the time of booking it can be determined whether or not the vehicle is suitable for the needs of the customer.

1.8 Mr Howarth has been invited to attend the meeting to make representations and answer some of the points raised above, in support of his request. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

2.0 Conclusion

2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence requirement on access and egress, taking into account that the additional conditions that the rear door/hatch must be capable of being opened from inside the vehicle, and must be clearly marked 'Emergency Exit,' in this instance would probably not be viable.

2.2 If members are minded to approve this request, careful consideration should be given to whether this vehicle is also suitable to be licensed as a hackney carriage vehicle, as clearly the luggage space would not comply with the requirements relating to the carriage of luggage by hackney carriage vehicles. If approved the vehicle will be added to the approved list so that future requests to licence an identical vehicle can be dealt with by officers as an automatic grant. Officers would recommend that if approved, this approval should only apply to private hire vehicles.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS	
Under Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by a condition attached to a private hire vehicle licence has a right to appeal to the Magistrates Court within 21 days of the grant of the licence. Mr Howarth will not have the right to appeal any decision not to waive the conditions, as the licence was granted on the 29 September 2011.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP/DWE
None	

RECEIVED 03 OCT 2011

Mark Philip Howarth
297 Heysham Road
Heysham
Morecambe
LA3 2BA

Licensing
Town Hall
Dalton Square
Lancaster
La1 1PJ

29th Sept 2011

Dear Sir/Madam,

I recently purchased a VW Touran Plate Number PV494 Registration Number KP08 OJZ. Lancaster City Council have currently allowed the vehicle to be licenced as a 4 seater. However as the vehicle is purposely designed to carry six passengers I would like to request that it goes before the licensing committee to be considered for re-licensing as a 6 seater.

yours sincerely

Mark Howarth



Document is Restricted

Document is Restricted

Document is Restricted