

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

17TH JULY 2014

PRESENT: Councillors Margaret Pattison (Chairman), Mike Greenall (Vice-Chairman), Tony Anderson (Substitute for Roger Dennison) Jonathan Dixon, Joan Jackson (Substitute for Tony Johnson) Roger Mace and Robert Redfern

Apologies for Absence

Councillors Roger Dennison, Tim Hamilton-Cox, John Harrison and Tony Johnson

Officers in Attendance:

Mark Cullinan	Chief Executive
Luke Gorst	Assistant Solicitor
Debbie Rose	Licensing Enforcement Officer
Jane Glenton	Democratic Support Officer

19 MINUTES

The Minutes of the meeting held on 5th June 2014 were signed by the Chairman as a correct record.

20 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 APPLICATION TO APPROVE A CHEVROLET GMC FOR USE AS A PRIVATE HIRE VEHICLE

The Committee received the report of the Licensing Manager to consider a request by Mr. Mark Simpson for a Chevrolet GMC to be approved for use as a private hire vehicle and to remove the requirement to display the Council's door signs on both sides of the vehicle. The vehicle had been inspected by Members prior to the meeting, and Mr. Simpson was in attendance.

The Licensing Enforcement Officer reported that Mr. Simpson wished to operate the Chevrolet GMC, which was also known as a Scooby Doo vehicle, for the conveyance of passengers, both to and from specific functions, including weddings, school proms and other celebratory events within the local area.

It was intended that Mr. Simpson apply for an operator's licence and that the Chevrolet GMC remain an independent source of transport with no association with any other taxi or private hire company.

Members were advised that the Chevrolet GMC was approximately 24 years old and had first been registered on 9th April 1990. The vehicle was a left-hand drive vehicle with only three doors (two front doors and one sliding side door) and fell outside of the Council's Licensing Policy.

It was reported that Mr. Simpson intended to apply for an operator's licence and had stated that the vehicle would remain an independent source of transport and would have no association with any other taxi or private hire company.

In determining whether or not the Chevrolet GMC was an appropriate form of transport to be licensed as a private hire vehicle by the Council, in accordance with Sections 48(1) and 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, Members heard representations from Mr. Simpson, who confirmed that the Chevrolet GMC would be used for conveying passengers to and from specific functions and celebratory events within the local area.

The Licensing Enforcement Officer and Mr. Simpson left the meeting room whilst the Committee made its decision in private.

It was proposed by Councillor Dixon and seconded by Councillor Margaret Pattison:

"That the Chevrolet GMC be approved as a private hire vehicle and an exemption be allowed in relation to the display of the Council's door signs."

Upon being put to the vote, 3 Members voted in favour of the proposition and 3 against, with 1 abstention, whereupon the Chairman, in accordance with Council Procedure Rule 20.2, used her casting vote and declared the proposal to be carried by virtue of her casting vote.

Resolved:

That the Chevrolet GMC be approved as a private hire vehicle and an exemption be allowed in relation to the display of the Council's door signs.

The Licensing Enforcement Officer and Mr. Simpson returned to the meeting room for the decision to be announced.

Summary of the Decision:

The Committee was satisfied that the vehicle was only going to be used for special events and was a novelty vehicle not to be used for general private hire work. The licence was therefore granted with the exemption in relation to the display of door signs. The front and rear plates would still need to be displayed. Members also hoped that the owner would fully risk assess the emergency procedures for ingress and egress in case of an accident.

23 INCENTIVES IN RELATION TO WHEELCHAIR ACCESSIBLE VEHICLES

The Committee received the report of the Licensing Manager, which had been prepared following a Member's request for officers to look at the implications of the enhanced part of the DSA Test, being funded by the Council through the licensing budget in relation to drivers of the mandatory wheelchair accessible vehicles.

The Licensing Enforcement Officer reported that on 27th March 2014, the Committee had resolved to attach a new condition to all applications for the grant of a hackney carriage and private hire driver's licence requiring applicants to pass the Driving Standards Agency's *Private Hire and Hackney Carriage Standard Assessment*, and that it be mandatory for the driver of a registered wheelchair accessible vehicle to pass the enhanced wheelchair part of the assessment before 30th September 2014.

The Committee had further resolved that if anyone voluntarily upgraded from a non-registered wheelchair accessible vehicle to a registered wheelchair accessible vehicle, it be mandatory for any driver to pass the wheelchair accessible part of the DSA test. Officers had been requested to report back to the Committee in relation to offering financial incentives through reduced fees in relation to these vehicles.

It was reported that officers were currently considering how to encourage existing proprietors to commit themselves to providing additional mandatory wheelchair accessible vehicles, and had been asked to report to the Committee in relation to financial incentives to be offered to drivers of the current mandatory wheelchair accessible vehicles in the form of reduced fees or reimbursement of the enhanced part of the DSA assessment.

Members noted that the licensing of hackney carriages and private hire vehicles aimed to recover the full cost of administering the scheme and some enforcement costs, as permitted by the legislation. If a reduction in licence fee were to be offered to drivers of mandatory wheelchair accessible vehicles to reimburse them for the DSA fee, then the shortfall would have to be recovered by increasing other fees, which would be unfair to other licence holders. The only other alternative would be for the Council to stand the shortfall. However, there was no budgetary provision for this.

It was officers' advice that the licensing regime should be self-financing, as far as possible. The plates were issued on the clear understanding that there would be a training requirement for all future drivers of these vehicles and officers would not support reimbursement of these costs.

It was proposed by Councillor Dixon and seconded by Councillor Mace:

"That the Council pays for drivers of the mandatory/registered WAVs, through a reduction in their next licence fee, to take the DSA wheelchair component test at the price of £26.56, on their first attempt only, from the 27th March 2014 up until the 30th September 2014."

Upon being put to the vote, 4 Members voted in favour of the proposition and 3 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the Council pays for drivers of the mandatory/registered WAVs, through a reduction in their next licence fee, to take the DSA wheelchair component test at the price of £26.56, on their first attempt only, from the 27th March 2014 up until the 30th September 2014.

Chairman

(The meeting ended at 1.48 p.m.)

**Any queries regarding these Minutes, please contact
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