

LICENSING COMMITTEE

Minutes of the Meeting held on 1 August at 4.30 pm

Present:

Councillor H J W Davies Chairman
Councillor D J Westcott Vice Chairman

Councillor M O A Dewdney
Councillor P N Grierson
Councillor R P Lillis
Councillor D J Sanders

Councillor S Y Goss
Councillor A P Hadley
Councillor E May
Councillor L W Smith

Also in Attendance:

Councillor A F Knight
Councillor K H Turner

Officers in Attendance:

Housing & Community – Group Manager (I Timms)
Licensing Officer (K O’Sullivan)
Meeting Administrator (E Day)
Legal Advisor (L Jhaveri – Mendip District Council)

LEP1 Apologies for Absence

An apology for absence was received from Councillor A Chick.

LEP2 Minutes

(Minutes of the Meeting of Licensing Committee held on 15 April 2011 – circulated with the Agenda).

RESOLVED that the Minutes of the Meeting of the Licensing Committee held on 15 April 2011, be approved.

LEP3 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Description of Interest	Personal/ Prejudicial	Action Taken
Councillor S Y Goss	All Items	Stogursey	Personal	Spoke and voted
Councillor D J Westcott	All Items	Watchet	Personal	Spoke and voted
Councillor P N Grierson	All Items	Minehead (Alcombe)	Personal	Spoke and voted
Councillor L W Smith	All Items	Minehead (South)	Personal	Spoke and voted

LEP4 Public Participation

Mr Virgin had requested to speak on Item 5 – Private Hire Vehicle – Exemption from Regulation 3.11 and spoke during consideration of the item.

LEP5 Private Hire Vehicle – Exemption from Regulation 3.11

(Report No. WSC 94/11, circulated with the agenda).

The purpose of the report was to provide information to enable an application for exemption from regulation 3.11 within the Council's Hackney Carriage/Private Hire Vehicle licensing to be determined.

The Licensing Officer advised the Committee that the application had been brought before Members on the recommendation of the Ombudsman, as detailed within the report.

She advised that the application should be considered as a fresh application, and the request for exemption should be determined on its own merits, with the safety of the general public of prime consideration.

The Licensing Officer reported that, if Members considered the exemption should be granted, option 4.5a should be considered, if they considered the exemption should be refused, then option 4.5b should be considered.

Mr Virgin advised the Committee that, since having a seat removed from his vehicle his main concern had been safety as it was not always possible for him to pull up alongside the kerb therefore passengers were often getting out of the vehicle directly on to the road and this concern was furthermore highlighted when transporting drunk passengers.

The Chairman asked Mr Virgin if his vehicle was in the vicinity and, if so, if he would be happy for Members of the committee to look at the vehicle. Mr Virgin advised that it was and the Committee adjourned to enable the Members to look at the vehicle.

On their return the Chairman suggested that, with the applicants permission, Members could ask the applicant questions to enable the Committee to act as fair as possible.

Questions were put to the applicant to which he responded. Questions raised included:

- The size and seating configuration of the vehicle,
- Whether, if the seat was re-instated, passengers would use the doors on both sides of the vehicle to enter/exit,
- The safety of passengers in the third row if an accident occurred.

In response to questions Mr Virgin replied that the seating configuration was the same as his old vehicle but the size was slightly smaller and this vehicle had no boot. If the seat was re-instated, passengers would still use the doors on both sides of the vehicle but he always helped them. There was access for passengers in the third row via the back door, which was accessible from inside the vehicle.

The Licensing Officer advised the Committee that best practice guidance was not to take out seats. The current policy has been produced prior to the best practice guidance. Therefore, in item 6 on the agenda, Members would be invited to form a group to consider updating the current regulations to take this into consideration.

Councillor May proposed a motion that the Committee grant an exemption from the regulations in light of the guidance in the report, on the basis that the vehicle did not compromise public safety and a letter be sent to Mr Virgin advising that all future vehicles must fully comply with the regulations in force at that time. This was seconded by Councillor Lillis.

RESOLVED that an exemption from the regulations be granted in light of the guidance in the report and on the basis that the vehicle did not compromise public safety and that a letter be sent to Mr Virgin advising that all future vehicles must fully comply with the regulations in force at that time.

LEP6 Licensing Update

(Report No. WSC 98/11, circulated with the agenda).

The purpose of the report was to update Members on the current status of licenses received and issued by the Licensing unit and to update Members on any pending new legislation or changes to the legislation.

Although not mentioned in the report, the Licensing Officer drew Members attention to the Transport Committee Select Committee announcement regarding replacing outdated taxis and private hire regulations.

She advised the Committee that the Select Committee Chair Louise Ellman said

“The rules for taxis date back to 1847 and still refer to horse drawn carriages. The rules for Private Hire Vehicles were set down in 1976 and are not out of date due to the growth of mobile phones and the internet. The age of this legislation and the complexity of case law accumulated in this area makes the need to overhaul the law on these matters irresistible.”

The Licensing Officer reported that any new legislation should be underpinned by the following principles:

Listen to the view of users - particularly vulnerable groups such as the disabled who rely on taxis and PHVS.

Keep it simple - combine the legislation on Hackneys and Private Hires in one Act.

Keep it local - licensing should remain a local function and Taxis and PHVs should feature more prominently in local transport plans and government should issue guidance to local authorities about how to ensure they do.

Permit tighter restrictions on cross border hire - increase the potential for local authorities to work together to create larger licensing districts.

Develop national standards - on certain issues which relate to public safety, such as CRB checks, roadworthiness of vehicles and the ability of drivers whose licences has been revoked by one authority to seek a new licence in a different area.

The Chairman advised Members that a Working Party would be set up to review the Hackney Carriage/Private Hire Policy. The Chairman advised this group would consist of five Members including himself and invited interests from the Committee.

RESOLVED (1) that the report be noted.

RESOLVED (2) that a Working Party be set up to review the Hackney Carriage/Private Hire Policy consisting of Councillors Davies, Dewdney, Hadley, Lillis and May.

The meeting closed at 5.12pm