

SWT Licensing Committee - 17 August 2022

Present: Councillor Simon Coles, Janet Lloyd and Brenda Weston

Officers: Brad Fear, Nicola Dyer (Shape Legal) and Tracey Meadows

Also Present: Mr Growden - Applicant

(The meeting commenced at 2.30 pm)

12. **Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted

13. **Application for a historical vehicle to be licensed as a private hire vehicle**

The Chairman introduced herself and her fellow Sub-Committee Members, Officers, and the Legal Advisor then explained their roles. As well as acknowledging the documents, she explained the procedure to be followed during this meeting of the Sub-Committee.

The Licensing Officer introduced his previously circulated report. The hearing was to consider an application to grant a historical vehicle license as a private hire vehicle a Morris 12/4, first registered in 1939 to operate as a private hire vehicle in the former West Somerset district area.

Detailed in the report were the recommendations for the subcommittee to consider all the elements of the vehicle application, the observations of officers and the appropriateness of proposed exemptions to policy, as well as proposed conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine whether to approve the application to issue a private hire vehicle licence for the specified historic motor vehicle.

Members may consider the following options with regards to this application;

- to grant the application to issue a private hire vehicle licence under the standard private hire vehicle licence conditions;
- to grant the application to issue a private hire vehicle licence, subject to additional conditions at Members' discretion;
- to refuse the application to issue a private hire vehicle licence for the proposed vehicle;

The Licensing Officer that Members consider granting the application for a private hire vehicle licence for the vehicle in question. As Members will see in the full report below, the Licensing Officer is satisfied that the applicant has invested a significant amount into the vehicle to make it fully compliant; passing an MOT test and local council plate test to meet safety standards. Furthermore, the application itself is for a private hire vehicle, as opposed to a hackney carriage taxi, meaning that this vehicle would only be legally permitted to take pre-booked fares and would not be permitted to operate from taxi ranks or to be hailed down by customers.

The following comments and points were presented by the Applicant;
(summarised)

- The vehicle's sole purpose would for the applicant to take customers over the Exmoor National Park area, weddings and proms;
- The vehicle was fully road worthy with a MOT;

The following comments/questions were raised by the sub-committee;
(summarised)

- Why were you restricting the capacity to two passengers only? *With only two seat belts in the back, space was needed in the front seat for paperwork;*

14. **Decision Notice** (attached)

(The Meeting ended at 3.20 pm)

DECISION OF LICENSING SUB-COMMITTEE**17 August 2022**

Vehicle Licence for registration HFC 821

The Licensing Sub-Committee has convened today to consider Mr. Growden's application for a historical vehicle to be licensed as a private hire vehicle in the former West Somerset district area. The vehicle is a Morris 12/4 which was first registered in 1939. Somerset West and Taunton Council's Hackney Carriage/Private Hire Regulations for the former West Somerset district area at Appendix C, condition 5 stipulates *'A vehicle will not generally be licensed as a Hackney Carriage/Private Hire vehicle once it has passed the age of 10 years old from the date registered as new in the vehicle registration document ... If a vehicle proprietor wishes to licence a vehicle outside of the requirements of ... 5., application must be made to the Council's Licensing Panel detailing their reasons for dispensation from the requirements'*. The matter is determined today by the Licensing Sub-Committee.

Mr. Growden is currently licensed by Somerset West and Taunton Council as a private hire driver and private hire operator. The application outlines Mr. Growden's proposal to use the historic vehicle to operate a business of informative and structured tours across Exmoor National Park and for event bookings. Mr. Growden explained at the hearing the works that have been carried out to the vehicle, known as 'Harold', which include a new braking system, seatbelts and electrics, with the addition of indicators. Following works done to the vehicle it has passed both an MOT test and the Council's 'plate test'.

The Licensing Officer has recommended that the licence be granted as they are satisfied that Mr. Growden has invested a significant amount into the vehicle to ensure that it meets safety standards and is fully compliant with the conditions set by the Vehicle Specifications under the 'West Somerset' Taxi Area Policy. The Department of Transport have encouraged Licensing Authorities to move away from vehicle age restrictions and rather place greater emphasis on the 'plate test' and MOT in assessing the safety of a vehicle, as such this is the stance proposed by the Licensing Officer. It was noted that Mr. Growden has not yet secured private hire vehicle insurance. It was concluded that this had not been obtained due to the cost to Mr. Growden but would be secured within a few days should the Licensing Sub-Committee grant the vehicle licence.

The Sub-Committee has carefully considered the recommendations of the Licensing Officer, the information provided by Mr. Growden in his application, Mr. Growden's submissions today and the requirements of the Policy for the former West Somerset area.

After consideration of all the circumstances of this matter, the Licensing Sub-Committee has concluded that a dispensation to condition 5 of Appendix C of the Somerset West and Taunton Council's Hackney Carriage/Private Hire Regulations should apply and the application for a private hire vehicle licence be granted, as the provisions of section 48 of the Local Government (Miscellaneous Provisions) Act 1976 are satisfied for vehicle HFC 821. **The vehicle Licence is conditional upon** Mr. Growden providing a fully comprehensive insurance certificate for private hire use of the vehicle to the Somerset West and Taunton Council Licensing Team within 14 days from the date of the hearing (17 August 2022).

The Licensing Sub-Committee recommended that Mr. Growden obtains public liability insurance in relation to the operation of his private hire business. This is not a condition but is considered of importance by the Licensing Sub-Committee to ensure safety of the public and your business.

In accordance with 3.9 of the 'Somerset West and Taunton Council's Hackney Carriage/Private Hire Regulations for the former West Somerset district area, as the vehicle is over 5 years old it will need to undergo a vehicle plating test at the Council's nominated inspecting garage at 6 monthly intervals in addition to the annual MOT test as specified at 3.10 of the Policy.

If you are dissatisfied with this decision you have a right of appeal against it to the Magistrates Court. Any appeal should be sent to the Magistrates Court in Taunton at St John's Road, Taunton, TA1 4AX no more than 21 days following the receipt of this notice.