

Minutes of the Licensing Committee

22 April 2015

Present:

Councillor R.W. Sider BEM (Chairman)
Councillor I.T.E. Harvey (Vice-Chairman)

Councillors:

M. Bushnell

M.P.C. Francis

R.A. Smith-Ainsley

J.A. Dale

M.J. Madams

B. Spoor

S.A. Dunn

M.W. Rough

Apologies: Councillors C.A. Bannister, V.J. Leighton and A.C. Patterson

84/15 Minutes

The minutes of the meeting held on 4 February 2015 were agreed as a correct record.

85/15 Disclosures of Interest

There were no disclosures of interest.

86/15 Report to consider a request from hackney carriage drivers to increase the age limit of licensed vehicles

The Licensing Manager advised the Committee that the Council had received a petition with 39 signatures from, predominantly, licensed hackney carriage drivers and a letter from a Private Hire operator asking the Council to reconsider its policy on the age of vehicles licensed for use as a hackney carriage or private hire vehicle. The petition requested extension of the age limit from the current seven years, which some drivers had stated was a financial burden as replacing cars with newer vehicles was their main expense, to at least ten years.

She explained that in reviewing the policy on age of vehicles, officers had considered the Department of Transport Best Practice guidance, policies of neighbouring borough councils, improvements in car safety and policies on emission levels. As a result of all the information gathered a number of options were proposed as set out in the officer report. The preferred option recommended was to increase the age limit to allow vehicles to be licensed for up to 10 years but require cars that were over 5 years to meet certain criteria relating to the condition of the interior and exterior of the vehicle and to have 6-monthly MOTs.

She confirmed to the Committee that it was not proposed to change the policy enabling wheelchair accessible vehicles to be licensed for up to 10 years, at this time.

Members requested that the wording at paragraph 2.1 c) ix referring to the criteria that the interior of the vehicle should be odour free, be clarified that this did not include the odour resulting from air-fresheners, etc.

Resolved to approve an alteration to current Taxi and Private Hire Vehicle licence conditions to extend the age limit for licensed vehicles from the current 7 years to 10 years, provided that cars over 5 years old meet specified additional criteria and subject to clarification to the wording of the criteria as set out in paragraph 2.1 c) ix in the report.

87/15 Update on Penalty Points Scheme for the taxi and private hire trade

The Licensing Manager updated the Committee on the operation of the Council's Penalty Points Scheme since it came into effect on 20 October 2011. The Scheme was designed to identify those drivers, vehicle proprietors or operators who repeatedly behaved in a manner which, if taken as a whole, indicated that they may not be "fit and proper" to hold licences as defined by the relevant legislation. The Scheme was also implemented to improve levels of compliance in order to improve standards, and ensure the safety and protection of the travelling public.

She also explained proposed modifications to the current scheme. These included clarification to language which could be ambiguous or open to misinterpretation and amendments to the level of points awarded for some breaches to ensure drivers were only referred to a Sub-Committee at the most appropriate time.

She set out the current procedure for dealing with appeals against the award of penalty points which were determined by the Assistant Chief Executive in consultation with the Chairman of the Licensing Committee. In the interests of natural justice and transparency, it was proposed that appeals against penalty points would in future be determined by the Senior Environmental Health Manager in conjunction with the Deputy Chief Executive, neither of whom would have had any involvement in the matter up to that point. Members of the Licensing Committee would then only become involved in determinations should drivers who had accumulated 12 penalty points be referred to a Licensing Sub-Committee.

Resolved to:

- (1) note the update on the Penalty Points Scheme and
- (2) agree the proposed modifications to the Penalty Points Scheme and, subject to there being no objections following a six week consultation, recommend that Council amend the Scheme of Delegations (7.46) accordingly.

88/15 Chairman's Thanks

This being the last Licensing Committee of the Municipal Year 2014 to 2015, the Chairman, Councillor R.W. Sider BEM thanked the Committee for their work over the past year and gave particular thanks to Councillor J.A. Dale for her contributions at Sub-Committee hearings.