

Licensing committee

16:30 to 17:30

3 December 2015

Present: Councillors Button (chair), Price (vice chair), Bradford, Henderson, Jones, Maxwell, Peek, Ryan, Schmierer (from item 5 below), Thomas (Vi), Woollard and Wright (substitute for Councillor Ackroyd)

Apologies: Councillors Ackroyd and Boswell

1. Committee membership

RESOLVED to note:

- (1) Councillor Coleshill has resigned from the committee;
- (2) Councillor Peek has been appointed to the committee.

2. Public questions/petitions

There were no public questions or petitions received.

3. Declarations of interest

There were no declarations of interest.

4. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 4 June 2015.

5. Local Government (Miscellaneous Provisions) Act 1976 – Private hire vehicle licensing – standard conditions

(Councillor Schmierer joined at the start of this item.)

The licensing manager presented the report. He advised members that the word “hydrogen fuel cell” should be included in the list of vehicles that were exempt from the requirement that “vehicles shall not be less than 1400cc”, as set out in condition 19, of the council’s private hire vehicle conditions.

During discussion, the licensing manager explained that Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (as set out in appendix A of the report) required private hire vehicles to be “comfortable” and this had led to the requirement that vehicles had an engine not less than 1400cc (ie saloon cars). Discussion ensued on the use of low emission vehicles and the need to enable electric, hydrogen-fuel cell or hybrid vehicles to be used. Members noted that the licensing manager had discretion to ensure that all private hire vehicles complied with the minimum passenger seat standard of 16”.

In reply to a question, the licensing manager referred to condition 22 and said that a review was being undertaken of vehicles for private hire that were accessible for people who used wheelchairs. He pointed out that the issue was the need to protect and maintain the distinction between hackney carriages and private hire vehicles. There would be a report to the committee in due course.

The committee also considered that the standard conditions should be updated to reflect changes in the council’s organisational structure and current job titles.

RESOLVED, unanimously, to:

- (1) approve the proposed changes to the private hire licence conditions by amending the vehicle licence conditions as follows:
 - (a) condition 19, amending it as follows:

“The vehicle shall not be less than 1400cc, except for electric, hydrogen fuel cell and hybrid vehicles.”
 - (b) condition 22, amending it as follows:

“Any vehicle conforming to the standard specification for hackney carriages as from 24 November 2009 shall not be used as a private hire vehicle.”
- (2) ask the licensing manager to update the conditions to reflect the council’s organisational structure and current job titles.

6. Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 – Case of Exeter City Council vs Sandle – licence renewals

The licensing manager presented the report.

The vice chair commented that the wording of the proposed policy was clear and concise.

During discussion the licensing manager referred to the report and answered members’ questions. He explained that the proposed three days after the expiry of the licence was based on the High Court judge’s comments. The cost of renewing an application was less expensive than making a full application.

In reply to a question, the licensing manager explained that the proposal for adopting a policy for a late renewal of licences with a stated end date applied to licences for drivers' licences for private hire vehicles or hackney carriages which had a fixed term. The proposal was a response to the outcome of the case law, as the number of applications for licence renewal received by the city council after the expiry date was relatively low, at only one or two a month.

RESOLVED, unanimously, to adopt the following policy regarding the late renewal of licences with a stated end date:

- (1) applications to renew a licence will be accepted up to 3 working days after the expiry of the previous licence;
- (2) in exceptional circumstances, a period of more than 3 working days may be considered: details of such circumstances must be submitted in writing to the licensing manager;
- (3) decisions regarding the late renewal of licences shall be delegated to the licensing manager.

7. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 8 June 2015, 13 July 2015, 10 August 2015, 14 September 2015 and 12 October 2015.

CHAIR