

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Wednesday 5th September 2012 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT

Councillors: C Mason (Chair), R Scammell and J Seymour.

Officers in attendance: Jonathan Eatough – Assistant Director: Law, Democracy & Public Protection, Ian Mercer – Public Protection Service Delivery Manager, Suzanne Fisher – Public Protection Team Leader, Carl Phillips – Licensing Technical Officer, Lorraine Fowkes – Solicitor and Wendy Buckley - Democratic Services Support Officer.

LC-06 MINUTES

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 27th June 2012 be confirmed and signed by the Chair.

LC-07 APOLOGIES FOR ABSENCE

Councillors B Duce, T Hope, L Murray, A Mackenzie and K Tomlinson.

LC-08 DECLARATIONS OF INTEREST

None.

LC-09 REVIEW OF HACKNEY CARRIAGE CONDITION OF LICENCE

The Public Protection Team Leader presented a summary of the report of the Service Delivery Manager - Public Protection for Members to consider the Council's Hackney Carriage condition of licence covering the types of vehicle that can be licensed as a Hackney Carriage in Telford & Wrekin. Members confirmed they had read the report prior to the meeting.

Members were advised that there was a typing error in recommendation 2.1. This was amended to read 'purpose-built vehicle' and not a 'multi-purpose vehicle'.

A 12 week consultation began in March 2011, following which Members resolved to maintain the existing condition at the Licensing Committee meeting on 7th September 2011. In December 2011 a further consultation was carried out on the draft Hackney Carriage and Private Hire policy where a response was received from Solicitors acting for Allied Vehicles Ltd. The response related to the Council's conditions of licence rather than the policy itself specifically relating to the type of vehicle the Council will license as a Hackney Carriage. Copies of these letters were appended to the report. The Public Protection Team Leader then contacted the consultees who responded to the earlier 2011 consultation to inform them that condition 2.2 was again being reviewed by the Licensing Committee. Four supplementary responses had been received and were tabled at the meeting.

Councillor Scammell produced a print out of an e-mail he had received nominally regarding this issue; other Members confirmed they too had received the e-mail but Members were of the view that as the e-mail concerned a particular constituent issue it was not appropriate to be considered in relation to this item of business.

The Committee were asked to consider the accessibility of Hackney Carriage vehicles for wheelchairs, the outcome of a court case in 2009, Department for Transport guidance and matters relating to restraint safety. It was proposed that the vehicle types should follow an approved list compiled in consultation with a working group consisting of the Telford Hackney Carriage Association, disability user groups, member of the highways and transport team, licensing officers and a member of the licensing committee. All applications made to license a purpose built vehicle would be considered by the Principal Licensing Officer after consultation on the vehicle type with the working group. If revised condition 2.2 was agreed by Members it would be implemented immediately. Photographs of typical vehicles that might appear on the approved list of Hackney Carriage vehicles were distributed to Members.

Councillor Seymour suggested that disabled persons requiring a vehicle to accommodate a larger wheelchair could pre-book to confirm such a specific vehicle rather than waiting at a taxi rank. Private hire vehicles catered for larger wheelchairs which could accommodate a pre-planned journey with a suitable vehicle. This position was endorsed by Councillor Scammell.

The Public Protection Team Leader confirmed that the working group would look at different vehicles and put wheelchairs in them to see if they were suitable. This is what the private hire working group was already doing with applications to license vehicles which were not already on the approved list for private hire vehicles.

Following a Member question regarding receipt of complaints from disabled users travelling in a hackney carriage, the Public Protection Team Leader confirmed that complaints had been received from wheelchair users stating that their wheelchairs were not suitable or safely restrained in a hackney carriage.

The Solicitor to the Licensing Committee gave a brief summary of the issues surrounding a case that was brought against Liverpool City Council. One issue that was highlighted was that 96% of wheelchair user journeys were confirmed as not safely secured in a London style taxi. It concluded that the Council Committee failed to understand that Hackney Carriages were not accessible to all users- it provided a restricted choice of vehicles that had the ability to accommodate wheelchairs in a safe position. Evidence from the report showed that some wheelchair users were not able to access London style taxis however there was an opportunity to use other more suitable vehicles if they were not restricted to London style taxis only.

Jonathan Eatough, Assistant Director, advised Members that if Condition 2.2 was not amended, Telford & Wrekin Council would run a very high risk of a Judicial Review based on the Liverpool City Council case and an exposure to costs.

The Chair moved that the recommendations in the report, as amended, be approved.

There being no seconder, the motion fell. As no further proposals were forthcoming the item of business was unresolved.

LC-10 REVIEW OF PRIVATE HIRE VEHICLE CONDITION OF LICENCE

The Chair welcomed the Licensing Technical Officer, Carl Phillips to the meeting who presented a summary of the report of the Service Delivery Manager – Public Protection for Members to consider the consultation responses in respect of reviewing the age-limit restrictions of Private Hire Vehicles and to the proposed revision of a specific condition relating to Private Hire Vehicles.

A typing error was pointed out at point 5.6.2 of the report which should read 2.1.1 and not 2.1.2 as suggested.

An extensive 12 week consultation had been carried out with 8 responses received. A summary of the responses was appended to the report.

Clarification was asked by Members on the Financial Comment in the report regarding action to recover costs. The Public Protection Team Leader confirmed that if a vehicle was booked in for a test and did not turn up for the test the Council were charged and would then proceed to collect the debt via an invoice being sent out. However, if a vehicle arrived later for a missed test, the previous test debt was collected first.

Having considered the report it was:

RESOLVED – by unanimous vote

- (a) that the Private Hire Vehicles Licence Condition 3.6 be amended to read:
The Council will only license suitable motor cars and multi purpose vehicles or purpose built or adapted minibuses up to ten years. Vehicles to be tested every six months from five years of age in line with best practice guidance. No vehicle to be over 5 years of age when first licensed.**

- (b) that an additional consultation exercise with a view to re-examining Hackney Carriage Conditions including age-limits be approved.**

Meeting closed at 7.00 pm.

Chairman:

Date:

