



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Environment and Licensing Committee

Date: **Tuesday 10 May 2016**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Bruce Andrews
Councillor Sandra Barnes
Councillor Bob Collis
Councillor Gary Gregory
Councillor Barbara Miller
Councillor John Parr
Councillor Carol Pepper
Councillor Alex Scroggie
Councillor Jane Walker

AGENDA

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- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 5 April 2016.** 5 - 8
- 3 **Amendment to Hackney Carriage/ Private Hire Vehicle Specification Inspection and Testing Manual.** 9 - 14

Service Manager, Public Protection - Andy Callingham
- 4 **Declaration of Interests.**
- 5 **Any other item which the Chair considers urgent.**
- 6 **Exclusion of the Press and Public.**

To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 7 **Application for Joint Hackney Carriage / Private Hire Drivers Licence - WA** 15 - 18

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Report of Corporate Director - David Wakelin

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 5 April 2016

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Gary Gregory
Councillor Bruce Andrews Councillor Barbara Miller
Councillor Sandra Barnes Councillor Carol Pepper
Councillor Bob Collis Councillor Alex Scroggie

Absent: Councillor John Parr and Councillor Jane Walker

Officers in Attendance: R Pentlow, L Mellors and L Sugden

338 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Parr and Councillor Walker.

339 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 MARCH 2016

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

340 DECLARATION OF INTERESTS.

None.

341 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

342 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely

disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

343 CHANGE OF CIRCUMSTANCES OF JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - AA

Councillor Pepper entered the Chamber.

The Committee considered a report from Corporate Director, David Wakelin for a change of circumstance of Joint Hackney Carriage/Private Hire Driver's Licence for AA.

AA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

RESOLVED:

To revoke AA's licence without immediate effect on the grounds that he is not a fit and proper person and to give AA 21 days to surrender his licence.

AA was advised of his right to appeal against the decision of the Committee.

344 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - KW

KW did not attend the meeting.

RESOLVED:

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from KW to a future meeting of the Committee. KW to be informed if he does not attend his next appointment, his application will be treated as withdrawn.

345 APPLICATION FOR A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - KN

KN did not attend the meeting.

RESOLVED:

To treat the application from KN as withdrawn as a result of a failure to attend Committee on two occasions.

The meeting finished at 4.55 pm

Signed by Chair:
Date:

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Report to Environment and Licensing Committee

Subject: Amendment to Hackney Carriage and Private Hire Vehicle Specification, Inspection and Testing Manual

Date: 10th May 2016

Author: Service Manager, Public Protection

Purpose of the Report

To approve:

- the proposed amendment to Hackney Carriage and Private Hire Specification, Inspection and Testing Manual detailed in appendix A
- that all vehicles presented at the test station in pursuit of either a Private Hire or Hackney Carriage vehicle licence, on or after 1st April 2016, will be considered and tested in line with Gedling Borough Council Hackney Carriage and Private Hire Specification, Inspection and Testing Manual as amended

Background

The Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) enables Local Authorities to administer licences for Hackney carriage and Private Hire vehicles and drivers. The Act provides that a Local Authority shall not grant a licence unless the vehicle is deemed suitable in type, size and design - is in suitable condition, and the vehicle is ‘safe and comfortable.’ The Council can apply any tests and checks it deems appropriate to establish this.

Members will be aware of changes to the Hackney Carriage and Private Hire Specification, Inspection and Testing Manual on 9th February 2016. Whilst no feedback was received during the consultation, the trade has contacted the Council regarding the need for a MOT, for vehicles presented for a test that are under 3 years of age. Officers have listened and have reconsidered our position on this. However, any changes made to the specification require Members approval.

The proposed amendments can be found in the new document Hackney Carriage & Private Hire Vehicle Specification, Inspection and Testing Manual, see Appendix A which is accompanied by a Record of Changes, at Appendix B

Proposal

It is proposed that all vehicles, both new to the fleet and existing licensed vehicles, be subjected to, and be tested against the new combined Specification, Inspection and Testing Manual as laid out in Appendix A. It is felt this document will be beneficial to the trade and the public, as it will provide clear and consistent information, with respect to obtaining a vehicle licence from this Authority.

If the amendments are approved and the document is adopted, all vehicles from the 1st April 2016, will be required to meet the specification, and will be tested in line with the requirements of the new document. Existing licensed vehicles presented for retest to obtain another licence will be subject to the specification and test at the time of renewal inspection.

Recommendation

That Members approve:

- the proposed amendment to the Hackney Carriage and Private Hire Specification, Inspection and Testing Manual detailed in Appendix A
- That all vehicles presented at the test station in pursuit of either a Private Hire or Hackney Carriage vehicle licence, on or after 1st April 2016, will be considered and tested in line with Gedling Borough Council Hackney Carriage and Private Hire Specification, Inspection and Testing Manual

Attachments

Appendix A
Hackney Carriage and Private Hire Specification, Inspection and Testing Manual
relevant pages

Appendix B
Record of Changes

SECTION 1 – Vehicle Specification

Before a Licence is granted in respect of a Hackney Carriage or Private Hire vehicle, the applicant must ensure that the vehicle is suitable in type, size and design for use as a Hackney Carriage or Private Hire vehicle in accordance with the standards laid down by the Council.

Without prejudice to the generality of the foregoing, a licence will only be issued in respect of a Hackney Carriage or Private Hire vehicle provided it complies with all the following requirements (note that at the Council's discretion any of the following items can be relaxed).

1. Age and Condition

A new Hackney Carriage or Private Hire Vehicle Licence will not be issued to any vehicle over 6 years of age. The age of the vehicle will be measured from the date of first registration.

All vehicles are tested on a six monthly basis and, provided they satisfactorily pass the Council's test, will be issued with a licence for a period of six months. However, Vehicles which are 3 years of age or under and have a mileage of less than 36,000, (the Council considers 12000 miles per year to be average mileage) will be granted a licence for a period of one year provided the vehicle satisfactorily passes the Council's test. The vehicle must be under 3 years of age from date of registration and the Vehicle Inspector will need to check the Vehicle Registration Document to verify this.

Every vehicle must have a valid MOT certificate, except vehicles that are presented for a test within one year of first registration.

Vehicles that have been declared to be an insurance 'write off' in category A, B, C will not be licensed. Vehicles that have been declared a category D 'write off' may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Council, verifying the standard of repairs.

2. Engine - layout, fuel type and minimum capacity

The vehicle must have a front engine layout and be powered by a fuel type of either petrol, diesel, LPG, electric, or a combination of the aforementioned. The **minimum** capacity for an internal combustion engine powered by petrol, diesel or LPG is 1000cc. Vehicles with 1000cc registered before 1st January 2015 will not be granted a licence. The minimum capacity for vehicles registered before 1st January 2015 is 1300cc.

SECTION 2 – Vehicle Test

Vehicle Test Information

The test is to determine the vehicle is `safe and comfortable` and meets the specification and requirement as determined within this document. Vehicles will be tested to MOT standard, with the vehicle being subjected to a static inspection and a road test.

All vehicle tests should be booked and paid for before presenting the vehicle for test at the test centre. Proof of booking and payment confirmation will be required on presenting the vehicle for test.

The following documents will be required for presentation at the test centre prior to the test commencing. Failure to provide any of the following documents may result in the test being delayed or the vehicle failing the test.

- Vehicle Log Book – V5 form (A signed Green slip or notice from previous keeper if the vehicle is progressing through change of ownership)
- Current MOT Certificate (A current MOT Certificate must be produced when the vehicle is presented for inspection at the Council's Test Centre, except vehicles that are presented for a test within one year of first registration).
- Current Road Tax – print-out from the website www.gov.uk/check-vehicle-tax
- Current Certificate of Insurance
- Vehicle Test Sheet – including proof of booking and payment
- Taxi Meter Calibration Certificate (confirming the meter is calibrated with the Councils Rates of Fares, is calendar controlled and is sealed according to the Councils requirements).
- Wheelchair lift / hoist test certificate (if applicable)

All test fees are non-refundable unless the test has been cancelled 48 hours prior to the date of the test. If the vehicle presented at the test station does not match the vehicle details recorded on the booking list, the vehicle will not be tested and the test fee will not be refunded. Should the driver wish for the vehicle to be tested, then a new booking will be required and the vehicle presented on the new date.

Record of Proposed amendment to the Hackney Carriage / Private Hire Vehicle Specification, Inspection and Testing Manual	
Current	Proposed
Page 4 – 1. Age and Condition, paragraph 3	Page 4 – 1. Age and Condition, paragraph 3
<i>A current MOT Certificate must be produced when the vehicle is presented for inspection at the Councils Test Centre, regardless of the age of the vehicle.</i>	<i>Every vehicle must have a valid MOT certificate, except vehicles that are presented for a test within one year of first registration.</i>
Page 10 – Vehicle Test Information, bullet point 2	Page 10 – Vehicle Test Information, bullet point 2
<i>Current MOT Certificate (A current MOT Certificate must be produced when the vehicle is presented for inspection at the Council's Test Centre, regardless of the age of the vehicle)</i>	<i>Current MOT Certificate (A current MOT Certificate must be produced when the vehicle is presented for inspection at the Council's Test Centre, except vehicles that are presented for a test within one year of first registration).</i>

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By virtue of paragraph(s) 7a of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 7a of Part 1 of Schedule 12A of the Local Government Act 1972.

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Report to Environment and Licensing Committee

Subject: Change of circumstances of Joint Hackney Carriage/Private Hire Driver No. 2859

Date: 10 May 2016

Author: Corporate Director

Name of Applicant: Faisal Iqbal

Mr Iqbal was granted a Hackney Carriage/Private Hire Drivers Licence on 6th November 2015 and this licence is due to expire on 6th November 2016. Mr Iqbal has previously held a hackney Carriage private hire licence since June 2013. According to our records Mr Iqbal did not notify the Authority of any pending prosecutions.

Conviction not Declared by the licence holder but notified to us by Mrs Iqbal on 4th April 2016

31/03/16	Criminal damage to property valued under £5000 29.08.2015	£50 fine Costs £250
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Taxi Licensing Policy

The Authority's Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators states:

(b) Convictions involving Violence (including attempts or conspiracy to commit such offences)

As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

In particular: -

Where the conviction is more than 8 years but less than 10 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence produced to show good character

since the date of conviction.

(iii) An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 3 years prior to the date the application is considered:-

- Common assault and/or battery
- Common assault and/or battery which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Assault on a police officer
- Affray (s.3 Public Order Act 1986)
- Offences against Public Order (non-racially aggravated)
- Offences of Harassment (non-racially aggravated)
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Resisting arrest

Where the conviction is more than 3 years but less than 5 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction

Issues for consideration by the Environment and Licensing Committee

The Committee is asked to determine what action they wish to take with regard to the change of circumstance of Mr Iqbal in relation to his Hackney Carriage/Private Hire Driver's Licence.

Options available to the Committee are:-

1. Take no action.
2. Issue a warning.
3. Suspend the licence for a period of time.
4. Suspend the licence for a period of time and issue a warning.
5. Revoke the licence.

Mr Iqbal has been invited to attend and address the Committee.

Recommendation

For consideration by the Environment and Licensing Committee