

**Minutes of the Licensing Committee
of the Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Thursday 8 September 2016 at 5.30 pm

Attendance:

Councillor J Budzynski (Chairman)	(P)	Councillor A Johnston (Vice-Chairman)	(P)
Councillor N Anderdon	(P)	Councillor P Hurst	(P)
Councillor A Beesley	(A)	Councillor P Lashbrook	(A)
Councillor A Brook	(P)	Councillor P Mutton	(P)
Councillor Z Brooks	(P)	Councillor J Ray	(-)
Councillor J Cockaday	(P)	Councillor I Richards	(A)
Councillor D Denny	(A)	Councillor A Tupper	(P)
Councillor D Drew	(P)		

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Public Participation

In accordance with the Council's scheme of public participation the following spoke on the items indicated:

Item No	Agenda Item	Name of Speaker
6	Licensed Hackney Carriages and Private Hire Vehicles – Seating Capacity Policy	Mr P Stanford

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Minutes

Resolved:

That the minutes of the meeting held on 16 June 2016 be confirmed and signed as a correct record.

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Licensed Hackney Carriages and Private Hire Vehicles – Seating Capacity Policy

The Borough Council had a statutory role in licensing hackney carriages (taxis) and private hire vehicles (minicabs). There were 43 of the former and approximately 200 of the latter licensed by the Council. There was no approved national standard for licensed vehicles. The only requirements in respect of private hire vehicles were that the vehicle should be: suitable in type, size and design; in a suitable mechanical condition; and safe and comfortable. There was no similar legislative provision for hackney carriages, although Test Valley, like most other local licensing authorities, applied the same vehicle standards to both hackney carriages and private hire vehicles.

The Committee considered a challenge to the Council's policy by a Private Hire Vehicle Operator who had sought to license a Kia Carens as a six seater vehicle. This was a multi-purpose vehicle (MPV) which, in common with many vehicles of that type, had a third rear row of seats comprising two stow-away style seats of a different design than a typical car seat. When the vehicle was presented for licensing the Council's Vehicle Inspector (Transport Manager, Environmental Services) declared that the vehicle could be licensed to carry four passengers, i.e. the rear row of seats was discounted because, in the view of the Vehicle Inspector, they did not afford sufficient space and comfort to any passengers sitting in those seats.

Members felt that without customer feedback they were unable to make an informed decision on the appropriateness of licensing this type of vehicle for up to six passengers, and, therefore, requested the Licensing Manager to investigate the feasibility of allowing such vehicles to operate up to that capacity for a trial period.

Resolved:

That the current policy for licensing of hackney carriages and private hire vehicles in respect of seating capacity be retained, but that the Licensing Manager be requested to investigate, and to report back as soon as possible upon, the possibility of introducing a trial period for this type of vehicle to allow them to operate up to a six passenger capacity.

113 **Licensed Hackney Carriages and Private Hire Vehicles – Age Policy**

Prior to October 2014 the Council's only policy requirement in respect of licensed vehicles was that once a vehicle reached six years of age it would be inspected and licensed every six months rather than annually. However, concern over the amount of older vehicles that were being presented for licensing led officers to recommend introduction of a vehicle age and condition policy. The main elements of the policy were to introduce vehicle age limits; when a vehicle was first presented for licensing as a hackney carriage or private hire vehicle and also the age beyond which the vehicle would no longer be licensed. The justification for applying age limits was that a smart, modern fleet enhanced the character of the Borough and made licensed vehicles more attractive to the fare paying public. In addition, the removal of older vehicles improved safety standards and addressed environmental concerns as newer vehicles were required to meet increasingly stringent environmental, performance and safety standards.

It was the view of officers that the policy had generally worked well in reducing the overall age of the licensed vehicle fleet, thus maintaining high standards for the safety and comfort of the travelling public. However, on a number of occasions since introduction of the policy the Council had been asked to make exceptions to the policy. These generally fell into two categories; firstly drivers wishing to license a vehicle had complained that the age limit of 5 years for a vehicle when first licensed limits their ability to purchase a slightly older, yet lower mileage vehicle, which may be in a better condition than a younger vehicle. Secondly, the upper age limit after which a vehicle would no longer be licensed was set at 12 years, but due to reduce

to 10 years by 2017; a number of drivers had expressed a view that many vehicles aged 10 were still in a good condition and could probably remain licensed for another couple of years before reaching a stage where they should no longer be licensed. Requests for making exceptions to the policy had been more pronounced amongst operators of 'higher end' vehicles undertaking corporate bookings and specialist journeys.

The Committee considered the Officers request to review the current policy.

Resolved:

That the licensed vehicle age policy in respect of vehicles licensed as hackney carriages and private hire vehicles adopted with effect from 1 October 2014 be amended with effect from 1 October 2016 as follows:

1. **Subject to Recommendation 3 below, with effect from 1 October 2016 a vehicle first presented for licensing will only be licensed as a hackney carriage and private hire vehicle if it is no more than six years old.**
2. **Subject to Recommendation 3 below, with effect from 1 October 2016 the upper age limit beyond which a vehicle will no longer be licensed as a hackney carriage or private hire vehicle be set at twelve years.**
3. **With effect from 1 October 2016 the only exception to the policy set out in Recommendations 1 and 2 above will be for those private hire vehicles holding an exemption from displaying the vehicle plate by reason of the vehicle only being used for corporate bookings to transport employees and clients on corporate business journeys and/or airport and other journeys on special occasions.**
4. **The Head of Legal and Democratic Services be given authority to depart from the policy in such cases where departure is justified.**

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Hackney Carriage and Private Hire Vehicle Drivers – Policy for Applicants that have lived overseas

The Council adopted a policy whereby applicants for a driver's licence who had lived overseas had to provide a criminal records check or other evidence of their not being convicted of a serious criminal offence whilst residing overseas. It was clear that some applicants were unable to meet this requirement and so a revision to the policy was recommended allowing persons to submit an application provided they had a 5 year checkable address history in the United Kingdom.

The Committee was asked to consider whether this revision conflicted with the Council's legal responsibilities to only license "fit and proper" persons.

Whilst the Committee agreed in principle with the proposed recommendation, they requested that the period of time suggested for the checkable address history be altered from 5 to 10 years.

Resolved:

- 1. That subject to Recommendation 2 below, the existing policy in respect of applications for hackney carriage and private hire vehicle driver's licences be amended with effect from 1 October 2016 so that any applicant who has from the age of 10 lived overseas for any period of more than six months be required to provide a letter of good conduct or criminal records check covering that period of time.**
- 2. That where the applicant, through seeking asylum, is unable to comply with the requirements set out in Recommendation 1 above, an application may be accepted if the applicant can provide a 10 year checkable address history.**

(Meeting terminated at 7:17 pm)