

**Minutes of the Licensing Committee
of the Test Valley Borough Council**
held in Conference Room 1, Beech Hurst, Weyhill Road, Andover
on Thursday 3 November 2016 at 5.30 pm

Attendance:

Councillor J Budzynski (Chairman)	(P)	Councillor A Johnston (Vice-Chairman)	(P)
Councillor N Anderdon	(P)	Councillor P Hurst	(A)
Councillor A Beesley	(P)	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	(P)
Councillor D Denny	(P)	Councillor A Tupper	(-)
Councillor D Drew	(A)		

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Public Participation

In accordance with the Council's scheme of public participation the following spoke on the item 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 8 September 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.

At the meeting of this Committee held on 8 September, members considered a report advising that a local Private Hire Vehicle Operator had sought to license a Kia Carens as a six seater vehicle. This action effectively represented a challenge to the current policy of excluding the rear row of seats in vehicles where in the view of the Vehicle Inspector they did not afford sufficient space and comfort to any passengers seated in those seats.

Since the September meeting officers had raised the issue with James Button, the UK's leading taxi licensing lawyer who had, in the past, provided training to this Committee. His view was that the Council was justified in retaining a policy of excluding rear seats, but from the point of view of safety rather than comfort. Mr Button took the view that in any scenario where a seat had to be moved to gain access to the rear seats then this was inherently unsafe and provided sufficient justification to exclude such seats for licensing purposes. He commented that whilst a private motor vehicle may be considered safe for use, once licensed, should be viewed as a commercial passenger carrying vehicle and its use considered in that way. This could potentially allow the Council to adopt a more stringent approach to use of the vehicle. There is a concern that the Council could be liable in the event of an accident involving a licensed vehicle, where passengers in the rear row of seats were unable to exit the vehicle safely.

Following much debate and advice from the Legal Officer, Members took the opinion that it would be unfair to penalise the Kia Carens with regard to its stow-away style seating as the manufacturer claimed that the seats were safe and the Council already licensed other 6 seater vehicles which used/had the same escape route.

Resolved:

That the current restriction of not counting stow-away type seats when calculating seating capacity be removed, and reviewed after 12 months or sooner if necessary.

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Exclusion of the Public

Resolved:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the consideration of reports on the following matters on the grounds that they involve the likely disclosure of exempt information as defined in the following Paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, indicated below. The public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reason given below:

Refusal of Dual Driver's Licence Application

Paragraphs 1, 2 & 7

It is considered that this report contains exempt information within the meaning of paragraph 1, 2 & 7 of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because the information relates to a named individual, could reveal the identity of an individual and relates to action taken in connection with the prevention, investigation or prosecution of crime.

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Refusal of Dual Driver's Licence Application

The Head of Legal and Democratic had used his delegated powers to refuse an application for a Driver's Licence as a result of the driver being convicted of a serious offence. Members of the Licensing Committee had previously requested that they be informed of any occasions when refusals, suspensions and revocations had occurred.

Resolved:

That it be noted that the Head of Legal and Democratic had refused an application for a Dual Hackney Carriage and Private Hire Vehicle Driver's Licence.

(Meeting terminated at 6:20 pm)