

Minutes of the meeting of the **REGULATORY** Committee held at the Council Offices, Whitfield on Tuesday 18 September 2012 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: J M Smith
R J Thompson

Also Present: Mr J Shepherd
Mr D K Lamb
Mr D Saunders

Officers: Senior Solicitor
Licensing Team Leader
Team Leader – Democratic Support

190 APOLOGIES

An apology for absence was received from Councillor P S Le Chevalier.

191 DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

194 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – APPLICATION TO LICENCE VEHICLE OUTSIDE OF POLICY GUIDELINES – MR D SAUNDERS

The Licensing Team Leader informed the Committee that Mr D Saunders had applied for permission to licence a Smart 'Fortwo' coupe (YF59 EZJ) as a Private Hire Vehicle.

The vehicle was outside the current policy guidelines by reason that:

- It had an engine capacity of less than 1500cc; and
- It did not have at least four doors and was not of sufficient size to accommodate at least four passengers.

It was noted that Mr D Saunders had previously been granted permission by the Committee at its meeting held on 9 August 2012 to licence a similar vehicle for a period of six months.

It was emphasised that in the event the Committee was minded to approve the application, it would only be approving a licence for a specific vehicle and not authorising any change in policy.

There was a further related application to licence vehicles YF59 EZJ and RJ58 CHD for the use of the word 'cab' as part of the sign writing on the vehicle as part of the 'Cab for 1' company branding and also for wider use in the company's branding and promotional material. This was outside of the current policy which restricted the use of the words 'cab', 'taxi' and 'for hire' on private hire vehicles to avoid confusion amongst the general public with hackney carriage vehicles. This position was

consistent with the provisions of Section 64 of the Transport Act 1980 and Section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 and the Committee was advised that if it was minded to deviate from the existing policy in this instance it would still need to ensure that any decision was consistent with the provisions of these Acts.

The Licensing Team Leader advised that he had granted temporary permission to Mr D Saunders to use the word 'cab' as part of the sign writing on the bodywork of vehicle RJ58 CHD pending a decision by the Committee on the matter due to an error in the advice originally provided by the Council to the applicant in respect of the matter.

The consensus view of the Committee was that a two seat Smart 'Fortwo' coupe was not of such design and appearance that it could lead any person to believe that the vehicle was a hackney carriage. It was felt that the addition of the words 'pre-book only' as agreed by Mr D Saunders to the sign writing would provide further clarification to the public that the vehicle was not 'plying for hire' and could not be 'flagged down'.

RESOLVED: That, notwithstanding the Council's current policy guidelines:

- (a) That Mr Saunders be granted a Private Hire vehicle licence in respect of a Smart 'Fourtwo' coupe (YF59 EZJ) for a period of 6 months.
- (b) That permission be granted for the word 'cab' as part of 'Cab for 1' to be used on the company's vehicles and promotional materials subject to the words 'pre-booked only' also being clearly displayed on the vehicle bodywork.
- (c) That the Private Hire Licence be reviewed by the Regulatory Committee in 6 months time from the date of the commencement of the licence.

The meeting ended at 10.32 am.