

Swindon Borough Council

Private Hire and Hackney Carriage Licensing Sub-Committee

Wednesday, 7 January 2009

Committee Room 6, Civic Offices, Swindon (Anticipated meeting room)

At 5.30 p.m.

Conservative Councillors

Andrew Bennett
(Chair)
Michael Bray (Vice-
Chair)
Eric Shaw
Vera Tomlinson
David Wren
Sinead Darker
(Deputy)
Doreen Dart
(Deputy)
Michael Dickinson
(Deputy)
Brian Ford (Deputy)
Russell Holland
(Deputy)
Kevin Parry
(Deputy)

Labour Councillors

John Ballman
Fay Howard
Robert Wright
(Deputy)

Liberal Democrat Councillors

Independent Councillors

Committee Officer: Shaun Banks (Telephone 01793 463606)

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(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 2)

To receive the minutes of the meeting held on 28th November 2008.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Review of Hackney Carriage and Private Hire Vehicle Age Limits (Pages 3 - 4)

Date of Despatch: 29 December 2008

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE

FRIDAY, 28 NOVEMBER 2008

PRESENT:- Councillors Andrew Bennett (Chair), Michael Bray (Vice-Chair), John Ballman, Fay Howard, Eric Shaw, Vera Tomlinson and David Wren.

Councillor Doreen Dart was also in attendance.

18. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

19. Public Question Time

No public questions were received during the meeting.

20. Minutes

Resolved – That the minutes of the meeting held on 3rd November 2008, be confirmed and signed as a correct record.

21. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred in Agenda Item 7 on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned (Minute 23 refers.)

22. Use of Bus Lanes by Taxis and Private Hire Vehicles

The Group Director, Environment and Regeneration submitted a report setting out (a) a decision of the Cabinet to allow licensed Hackney Carriage and Private Hire Vehicles to use bus lanes within Swindon Borough, and (b) actions required to facilitate the decision of the Cabinet.

Resolved – (1) That the decision of the Cabinet to allow licensed Hackney Carriage and Private Hire Vehicles to use bus lanes, but not bus gates, within Swindon Borough be noted.

(2) That the wording of the additional licensing condition for Private Hire Vehicles, as set out in paragraph 2.3 of the report, be approved.

(3) That further to (2) above, a charge of £10 per annum, or cost of production and issue in future years, per set of signs be made upon renewal of Private Hire Vehicle Licences.

(4) That Cabinet Members be advised of the actions agreed by this Sub-Committee.

23.

Application for Private Hire Drivers Licence

The Sub-Committee considered (a) a report of the Group Director, Environment and Regeneration setting out an application for a Private Hire Drivers Licence that officers were unable to determine under delegated powers, (b) representations by the applicant and his legal advisor in support of his appeal, and (c) a copy of a written statement submitted by the applicant in support of his appeal.

Resolved – That, the appeal be refused and the driver named in the report be advised of his right to appeal the decision of this Committee to the Swindon Magistrates Court.

Review of Hackney Carriage and Private Hire Vehicle Age Limits

Private Hire and Hackney Carriage Licensing
Sub-Committee

Date: 7th January 2009

Author: Group Director, Environment and Regeneration

Wards Affected: All

Purpose

- To consider extensions to Hackney Carriage and Private Hire Vehicle Age Limits.

Recommendation

The Sub-Committee is asked to: -

- Extend the vehicle age limits for Private Hire vehicles and Hackney Carriage saloon cars from 5 years to 7 years and purpose-built Hackney Carriages from 10 to 12 years as set out in the body of the report.
- Remove the delegated authority for the Licensing Officer to allow up to a 2 year extension for prestige vehicles and replace it with delegated authority to refuse to licence a vehicle over 5 years old (or 10 years in respect of London-style Hackney Carriages) if in his opinion the vehicle has not been exceptionally well maintained.

1. Reasons

- 1.1 Vehicle Age Limits are currently 5 years of age for Private Hire Vehicles and Hackney Carriage saloon cars, and 10 years of age for purpose-built Hackney Carriages. Once a vehicle reaches the age limit it is considered too old to be licensed. This age limit has been in force since 1997.

2. Detail

- 2.1 Currently the Taxi Licensing Officer has delegated authority to allow one or two additional years, beyond 5 years of age, for “prestige” private hire vehicles. This depends on a visual inspection of the vehicle and a standard MOT test.
- 2.2 Vehicle specifications have improved significantly since 1997 and there is now divided opinion as to what constitutes a “prestige vehicle”. It is recommended, therefore, that the delegated authority vested in the Taxi Licensing Officer to allow one or two additional years to “prestige” vehicles is withdrawn.
- 2.3 It is proposed that, as vehicle specifications have improved significantly, vehicles are now capable of providing a safe and comfortable service beyond the five year limit.
- 2.4 It is therefore proposed that the age limit for private hire and saloon car hackney carriage vehicles be extended to seven years, subject to the following conditions:

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Vehicle Age Limits

Private Hire and Hackney Carriage Licensing Sub-Committee

Date: 7th January 2009

- 2.4.1 Each vehicle is presented to the Licensing Officer on reaching its fifth and sixth birthday for a visual inspection. To satisfy the inspection, the vehicle must be in an exceptionally well-maintained condition, both with regard to exterior bodywork, interior fitments and all ancillary equipment.
- 2.4.2 It is recommended that the Sub-Committee grant delegated authority to the Licensing Officer to refuse to licence a vehicle over 5 years old (or 10 years in respect of London-style Hackney Carriages) if in his opinion the vehicle has not been exceptionally well maintained.
- 2.4.3 In the fifth and sixth year of a vehicle's licensing life the Council would require the vehicle to undergo two MOT tests per annum at one of the three garages contracted by the Council. The cost of all the MOT tests to be borne by the vehicle proprietor.
- 2.4.4 No vehicle seven years of age or over would be eligible for licensing.
- 2.4.5 Any vehicle, when first presented for initial licensing, shall not be five years of age or over.
- 2.5 It is further proposed that the age limit for purpose-built Hackney Carriages be increased to 12 years, subject to the same conditions for the 11th and 12th year as those set out above for private hire vehicles.
- 2.6 It is proposed that these new arrangements, if approved, will commence on 1 February 2009.

Alternative Options

- Age limits could remain as at present, of 5 and 10 years respectively.

Risk Management

Financial and Procurement Implications

There are no direct financial implications arising from this report. There are no procurement issues arising from this report.

Legal/Human Rights Implications

There are no legal implications to this report. Human Rights have been taken into account in the preparation of this report.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

Consultees

The Director of Finance (s.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- None

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.