

Swindon Borough Council

Licensing Committee

Thursday, 5 September 2019

Committee Room 6, Civic Offices (Anticipated meeting room)

At 5.30 p.m.

Alan Bishop	Abdul Amin
Malcolm Davies	John Ballman
Emma Faramarzi	Paul Dixon
Nick Martin	Steph Exell
Brian Mattock	Imtiyaz Shaikh
(Vice-Chair)	Nadine Watts
Garry Perkins	Peter Watts
Caryl Sydney-Smith	
Vera Tomlinson	
(Chair)	

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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 3 - 6)

To receive the minutes of the meetings held on 25th and 29th July 2019.

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. Consideration to introduce conditions to allow the seating capacity of wheelchair accessible Hackney Carriages to include the use of front seats (Report to follow)

Date of Despatch: 28 August 2019

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Chief Legal Officer, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website. (<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

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.

LICENSING COMMITTEE

THURSDAY, 25 JULY 2019

PRESENT:- Councillors Vera Tomlinson (Chair), Abdul Amin, Alan Bishop, Malcolm Davies, Paul Dixon, Imtiyaz Shaikh and Caryl Sydney-Smith.

10. 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.

11. Minutes

Resolved – That the minutes of the meeting held on 13th June 2019, be confirmed and signed as a correct record.

12. Public Question Time

Mr Andy Lucas asked public questions relating to the licensed capacity of Hackney Carriages as confirmed by their Hackney Carriage Plate. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

Mr Andy Lucas asked a supplemental question relating to the licensed capacity of Hackney Carriages, as confirmed by their Hackney Carriage Plate, whilst carrying a passenger using a wheel chair. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

Mr Andy Lucas asked public questions relating to the licensed capacity of Hackney Carriages, as confirmed by their Hackney Carriage Plate, whilst the driver was using the vehicle undertaking pre-paid private bookings. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

Mr George Berares asked public questions in relation to the accuracy of information in correspondence between himself and Council Officers relating to the capacity of his Hackney Carriage following changes to his Hackney Carriage Plate. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

Mr George Berares asked a supplemental question in relation the storage of information regarding Hackney Carriages on the Council's computer system. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting

13. Introduction of conditions to restrict the seating capacity of wheelchair accessible Hackney Carriages to the number of rear seats behind the safety partition only and to reflect numbers where a wheelchair user is carried.

The Council considered (a) a report of the Council's Licensing Manager setting out proposals for specific conditions in respect of (i) restricting the seating capacity of wheelchair accessible Hackney Carriages to the number of seats beyond the safety partition in the rear of the vehicle, and (ii) where a wheelchair is being carried within the vehicle, and (b) the comments of Messrs Berares and Lucas

(Hackney Carriage Drivers) in respect of the proposed conditions.

Resolved – That consideration of the report be deferred and the meeting adjourned until Monday 29th July 2019 at 5:30p.m.

LICENSING COMMITTEE

MONDAY, 29 JULY 2019

PRESENT:- Councillors Vera Tomlinson (Chair), Abdul Amin, Alan Bishop, Paul Dixon, Nick Martin, Garry Perkins, Caryl Sydney-Smith, Vera Tomlinson, Nadine Watts and Peter Watts.

14. Chair's Announcement

The Chair announced that the meeting was re-convened from its adjournment on 25th July 2019.

15. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. Councillor Abdul Amin made a non prejudicial declaration of interest in respect of Agenda Item No. 4 as he had a number of friends in the hackney carriage and private hire trade. Councillor Amin noted that this declaration also applied to the consideration of this item at the previous meeting.

Councillor Garry Perkins made a non prejudicial declaration of interest in respect of Agenda Item No. 4 as he had a number of friends in the hackney carriage and private hire trade.

16. Public Question Time

Mr Andy Lucas asked public questions relating to (i) the licensed capacity of wheel chair accessible Hackney Carriages (where hired as a hackney carriage), as confirmed by their hackney carriage plate, (ii) whether hackney carriages should be permitted to use the front seats for conveying passengers during journeys, where the vehicle has been hired as a hackney carriage, to bring them in line with private hire vehicles and salon car hackney carriage vehicles. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

Mr George Berares asked public questions in relation to the numbers and formula used for ascertaining the number of passengers permitted to use a hackney carriage vehicle during any journey as confirmed on the vehicles hackney carriage plate. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

Mr George Berares asked a supplemental question in relation to conveying passengers in the front seats of a wheel chair accessible hackney carriage vehicle during journeys where the maximum number of occupants was below the plated capacity. The Council's Licensing Manager responded, on behalf of the Chair, at the meeting.

17. Consideration to introduce conditions to restrict the seating capacity of wheelchair accessible Hackney Carriages to the number of rear seats behind the safety partition only and to reflect numbers where a wheelchair user is carried

The Council considered (a) a report of the Council's Licensing Manager setting out proposals for specific conditions in respect of (i) restricting the seating capacity of wheelchair accessible Hackney Carriages to the number of seats beyond the safety partition in the rear of the vehicle, and (ii) where a wheelchair is being carried within the vehicle, and (b) the comments of Messrs Berares and Lucas (Hackney Carriage Drivers) in respect of the proposed conditions.

Resolved – (1) That a condition be attached to every licence issued to a hackney carriage vehicle which has a safety partition to the effect of:

(a) Prohibiting passengers from being conveyed in seats in front of the safety partition; and

(b) Imposing limits on the number of passengers conveyed where one or more passengers is a wheelchair user.

(2) That, further to (1) above, the Council's Licensing Manager be authorised, in consultation with the Chair of the Committee, to agree the final wording of (a) and (b) above.

(3) That should a request be received from the Hackney Carriage trade in respect of a review of hackney carriage capacity figures this be brought to the Committee following a consultation with hackney carriage drivers.