

14 NOVEMBER 2008

NEW FOREST DISTRICT COUNCIL

GENERAL PURPOSES AND LICENSING COMMITTEE

Minutes of a meeting of the General Purposes and Licensing Committee held at Appletree Court, Lyndhurst on Friday, 14 November 2008.

p Cllr L R Puttock (Chairman)
e Cllr A E J Shotter (Vice-Chairman)

Councillors:

p G C Beck
e W H Dow
p J A G Hutchins
p Mrs P Jackman
e Mrs M McLean
p J Penwarden
p A W Rice TD

Councillors:

e W S Rippon-Swaine
R F Scrivens
p Mrs B Smith
p M S Wade
p S S Wade
p Mrs P A Wyeth

In Attendance:

Councillor:

C A Wise – Finance and Efficiency Portfolio Holder

Officers Attending:

P Curran, G Gosheron, M Powell, Ms M Stephens and P Weston; and for part of the meeting, R Jackson and B Lennie.

Also in Attendance:

M Hunt and D Shearing, Hackney Carriage and Private Hire Owners' Association.

25. MINUTES.

RESOLVED:

That the minutes of the meeting held on 12 September 2008, having been circulated, be signed by the Chairman as a correct record.

26. DECLARATIONS OF INTEREST.

Cllr Mrs Smith in Minute No. 29.

27. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

28. PORTFOLIO PLAN DEVELOPMENT 2009/10 (REPORT A).

The Committee was inquorate for this item.

The Committee considered the Portfolio Plan Development for 2009/10 and medium term financial plan forecast.

The Executive Director was in attendance and briefly explained the purpose and aims of the Development Plans. The Plans would closely link in to the main aims of the Corporate Plan and would clearly show how the Council was performing against these objectives.

The Executive Director felt that members could make a real difference in influencing service budgets. This was particularly important in the current economic climate where recession would put pressure on the way in which the Council planned and managed its budget.

The revenue obtained through Council Tax and Government funding was minimal compared to monies received through the Council's fees and charges. As the Council was heavily dependent on this income, members played a significant role in shaping the future security of the Council's budget and ultimately delivery of services to the public.

The Committee understood that the Council would face future challenges as a result of the recession, however it was unable at this time to offer any additional savings or increases in charges as most of the fees under the Committee's remit were statutory. The Committee did recognise the need to be flexible with the budget. It was felt that the budget for the next 12 months should not be rigid and should allow for changes depending on the economic climate and any changes that might result from actions the Government might take.

Some members suggested that it would be prudent, in light of the current economic climate, to place a freeze on recruitment.

In response to the suggestion made by the Executive Director that savings could be made through re-examining the annual provision to the elections budget, members felt that the Elections team had faced difficulties in budget management owing to the new obligations under the Electoral Administration Act 2006.

29. FEES AND CHARGES 2009/10 (REPORT B).

Cllr Mrs Smith declared a personal and prejudicial interest in this item in that, as a candidate in local elections, she has purchased marked copies of the electoral registers. She withdrew from the meeting for the consideration of this matter.

The Committee considered the fees and charges for 2009/10.

Members recognised that the Electoral Administration Act 2006 had placed additional demands on the Elections Service budget.

Committee members recognised that many of the fees and charges within the Committee's remit were statutory and could not be altered. Many of the charges for licensing functions were limited to cost recovery only.

The proposed health service licence fees had been increased by inflation only. It had been decided to keep the fee for skin piercing licences as the same as comparisons had shown that the district's charges for these licences were higher than other authorities in the area.

RESOLVED:

That the proposed fees and charges for 2009/10 as set out in Appendix 1 to Report B to the Committee be supported.

30. PASSENGER LICENSING CAPACITY FOR CERTAIN MULTI PURPOSE VEHICLES (REPORT C).

The Committee considered the current policy for licensing of Multi Purpose Vehicles (MPVs).

The Council currently licensed MPVs to carry more than four passengers only where all passengers had direct access to a door without the need to climb over a seat or to lower the back of a seat. However it was suggested that recent changes to the design of seat deployment in cars might mean that it was easier for passengers to exit vehicles.

Representatives of the Hackney Carriage and Private Hire Owners' Association asked the Committee to re-examine its MPV licensing policy in the light of the new designs and that cars with these new mechanisms be licensed for their full seating capacity. They felt that the Council's current policy was outdated and too strict especially as other authorities in Hampshire were allowing the licensed passenger capacity to align with the manufacturer's recommended figure. The Association wished New Forest to do likewise.

The Committee inspected a vehicle with the new seat deployment mechanism. Members noted that where there was still no direct access to a door, the seats could be moved by the use of the new quick release mechanism. The vehicle was capable of carrying six passengers.

The Licensing Manager stated that the current policy of restricting passenger numbers and removing one seat from the 'middle row' was a safety measure based on means of escape from the vehicle in the event of an emergency/accident. When using all the available seating in the vehicle with the centre row of seats occupied, and passengers for whatever reason could not exit the vehicle (including incapability through injury), then passengers in the rear of the vehicle could not get to the side doors and could be effectively trapped within the vehicle. He suggested that the vehicle being examined would present the same problem.

Members expressed the view that the Council's current licensing conditions were stringent and noted that they did not allow for improvements in new technology. The Committee felt that vehicles with the new deployment mechanism were safe and in many respects safer than many older vehicles currently licensed by the Council.

Members remained firmly of the view that safety of passengers was paramount, but considered that the current policy needed to be more flexible to allow for newer vehicles with improved design features that maintained or improve safety standards.

The Committee was generally content with the Association's suggestion that the current policy be amended to make allowances for changes in seat deployment technology.

RESOLVED:

That the current policy for licensing vehicles with more than four passenger seats be amended to allow vehicles that use the said mechanism the opportunity to be licensed up to the manufacturer's full passenger capacity, as agreed by the Council's Licensing Services, providing the vehicles comply with all the remaining relevant policy conditions.

31. STRETCHED LIMOUSINES – LICENSING CONDITIONS FOR CONSIDERATION (REPORT D).

The Committee had resolved at its meeting on 12 September to examine further the licensing of stretched limousines as Private Hire Vehicles (PHV).

The Committee viewed a stretched limousine and discussed the conditions that should be attached licences for stretched limousines if they were to be licensed as PHVs.

Private Hire Vehicles were licensed by the Council for up to eight passengers plus 1 driver. The Council's current PHV licence conditions did not cover the licensing of stretched limousines. Factors such as left hand drive, tinted windows and seating capacity meant that limousines were unable to comply with traditional PHV conditions. Recent Department of Transport guidance advised local authorities to license these vehicles and also that licensing authorities should not impose conditions in conflict with the special character of limousines such as left hand drive and tinted windows.

The Committee were generally happy with all of the proposed conditions as set out in Appendix 2 to Report D to the Committee but stressed their concern regarding safety of passengers. In respect of the testing of vehicles, the Committee felt that vehicles over 5 years old should be tested biannually.

Members were informed that limousines had to comply with national speed limits which were enforceable by the Police.

The Committee discussed the seat configuration of limousines and the maximum number of passengers. Members agreed that a 'babe in arms' should be considered as a passenger and that suitable restraints or seats should be provided for children. In considering the safety of passengers, Members felt that those sitting in sideways facing seats should use lap-belts and that this should be a licensing condition.

Members expressed the view that there were positive crime and disorder implications arising from the licensing of stretched limousines, in that regulating the vehicles meant that the Council could impose proper controls for the safety of the public.

Members therefore supported the licensing of limousines provided that the appropriate conditions were formulated and the current PHV licensing policy was amended accordingly. The Committee would consider the final policy and licensing conditions at its meeting in March 2009.

RESOLVED:

- (a) That the Committee approves the principle of licensing stretched limousines as Private Hire Vehicles;
- (b) That additional requirements be added to the current policy which would be specific to the licensing of stretch limousines as detailed in Appendix 2 to Report D to the Committee;
- (c) That officers be authorised to formulate a draft policy;
- (d) That officers be authorised to circulate the draft policy to the Hackney Carriage and Private Hire Owners Association and to owners of stretched limousines in the NFDC area for comment, to include the fact that once a policy is in force any limousine used in contravention of the policy could render operators and drivers liable to prosecution; and
- (e) That a final report and policy document be submitted to the meeting of the Committee in March 2009 for adoption of the policy.

CHAIRMAN

(GPLC141108)