

19 SEPTEMBER 2014

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, 19 September 2014.

p Cllr G C Beck (Chairman)
p Cllr W H Dow (Vice-Chairman)

Councillors:

Mrs S V Beeton
p S J Clarke
p J D Heron
p A N G Kilgour
ap Mrs A E McEvoy
p Mrs M McLean
p J Penwarden

Councillors:

p L R Puttock
ap R F Scrivens
p S S Wade
p Mrs C V Ward
p P R Woods
p Mrs P A Wyeth

Officers Attending:

Mrs R Rutins, Ms M Stephens, P Weston and Mrs A Wilson

Also in attendance:

Ms Compton-Bennett for Minute No 12

8. MINUTES.

RESOLVED:

That the minutes of the meeting held on 13 June 2014 be signed by the Chairman as a correct record.

9. DECLARATIONS OF INTEREST.

No declarations of interest were made by members in connection with an agenda item.

10. PUBLIC PARTICIPATION.

Ms Compton-Bennett for Minute No 12.

11. INCREASE IN MEMBERS ON ELLINGHAM, HARBRIDGE & IBSLEY PARISH COUNCIL – COMMUNITY GOVERNANCE REVIEW (REPORT A).

The Committee considered a request from Ellingham, Harbridge & Ibsley Parish Council to increase the number of members on the parish council from 8 to 10. The process for undertaking a community governance review in response to the request, which included significant consultation with the local community, was noted.

Some members referred to the fact that the Parish Council had previously experienced difficulties in filling places on the Council. Whilst they were pleased that interest in serving on the Parish Council appeared to have increased, they were concerned that the current interest would not be maintained and that the Parish Council could soon once again find it difficult to fill places. They noted that there had not been a contested election in the parish since 2003, and also that the Parish Council did not appear to have any duties and responsibilities over and above other parish councils of similar size which operated successfully with the same or fewer members. Given this, the majority of members did not support the Parish Council's request to increase their membership. However they felt that the views of parishioners should be sought and agreed that the first stage of the community governance review should commence.

The Committee requested that the Parish Council be informed of their concerns, as set out above.

RESOLVED:

That a community governance review be commenced in Ellingham, Harbridge and Ibsley Parish with a view to increasing the number of parish councillors from 8 to 10, with the terms of reference set out in Appendix 2 to Report A to the Committee.

Action: Rosemary Rutins

12. PRIVATE HIRE VEHICLES – LICENCE PLATE EXEMPTION (REPORT B).

Ms Compton-Bennett of Allports, a licensed operator and proprietor of private hire vehicles, addressed the Committee to request that the Council allow exemptions from the requirement to display the rear identification plate on 'executive style' private hire vehicles. At present the Council's licensing policy did not provide for exemptions.

Ms Compton-Bennett explained that she owned a luxury fleet of chauffeur driven vehicles that catered for the needs of executive clients. These clients required a more refined service where discretion and security were paramount. Feedback from current clients indicated that plated vehicles made them feel more vulnerable. Neighbouring licensing authorities allowed exemptions. Ms Compton-Bennett felt that the requirement to display an external licence plate had been detrimental to her business.

It was explained that the Council's private hire vehicle licence conditions required the display of a rear external licence plate as well as an identification badge on the inside of the front windscreen. The Local Government (Miscellaneous Provisions) Act 1976 allowed a licensing authority to exempt vehicles from the need to display a licence plate and, where that exemption applied, the driver was exempt from the requirement to wear a private hire driver's badge. The requirement to carry (as

opposed to wear) the driver's identification remained. The issue under consideration was removing the requirement for the external rear plate. There was no proposal to remove the need to display the inside identification badge.

The Committee discussed the advantages and disadvantages of allowing a rear plate exemption. The responses to the consultation with all licensed private hire operators in the district were considered. Some members felt that the rear plate on all private hire vehicles gave a level of reassurance to passengers and the general public. Others pointed out that there was a definite demand within the executive market for unplatd vehicles. They felt that as the requirement to display the identification badge in the front of the vehicles would remain, and that drivers would still carry (but not wear) driver identification, concerns regarding public safety should be allayed.

Members were also assured that the officers authorised to grant exemptions would assess each application on its own merits. The conditions set out in the proposed policy would have to be met before an exemption was granted.

RESOLVED:

That, under the provisions of Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976:

- (i) the Council's Taxi and Private Hire Licensing Policy be amended to allow private hire operators who operate "executive" type vehicles to apply for an exemption from the requirement to display the external rear private hire vehicle licence plate, as set out, and subject to the conditions, in Appendix 1 to these minutes;
- (ii) authority to exempt executive style private hire vehicles used exclusively for the executive market from the requirement to display a rear vehicle plate be delegated to:

Head of Public Health and Community Safety
Environmental Health Manager
Licensing Officer

Action: Paul Weston/Jan Debnam

13. PERMITTED TEMPORARY LICENSABLE ACTIVITIES (DELEGATIONS OF POWERS TO OFFICERS) (REPORT C).

The Committee considered proposed delegations to officers regarding permitted temporary licensable activities as authorised by Temporary Event Notices (TENs).

The Police Reform and Social Responsibility Act 2011 had, amongst other things, introduced changes to the administration of TENs. Revised officer delegations were required as a result.

In reply to questions, the Licensing Officer confirmed that Licensing Services, along with colleagues in Environmental Health and the Police, monitored all TEN applications, and consulted local members when appropriate. In particularly difficult or sensitive situations officers might choose not to exercise their delegations but to ask the Licensing Sub-Committee to make decisions.

Members were advised that only conditions attached to a premises licence could be imposed on a temporary event held at those premises.

RESOLVED:

That the following delegations to officers be approved:

Source	Power Delegated	Delegation To
Licensing Act 2003 s.100A	To give a copy of an original temporary event notice to each relevant person	Environmental Health Manager, Licensing Officer, Licensing Assistant
Licensing Act 2003 s.102	To give written acknowledgement of receipt of a temporary event notice	Environmental Health Manager, Licensing Officer, Licensing Assistant
Licensing Act 2003 s.104A	To give a counter notice following objection to a late temporary event notice	Environmental Health Manager, Licensing Officer, Licensing Assistant
Licensing Act 2003 s.105	To give a counter notice, if appropriate for the promotion of the licensing objectives to do so, where all parties agree a hearing is unnecessary	Environmental Health Manager, Licensing Officer, Licensing Assistant
Licensing Act 2003 s.106A	To carry out the functions of the licensing authority relating to the imposition of conditions on a standard temporary event notice following objection	Environmental Health Manager, Licensing Manager, Licensing Assistant

Action: Paul Weston/Jan Debnam

14. DATES OF MEETINGS 2015/16

RESOLVED:

That the Committee meets on the following dates in 2014/15 (all Fridays at 9.30 a.m.):-

12 June 2015
 11 September 2015
 13 November 2015
 15 January 2016
 4 March 2016

CHAIRMAN

Attachment: Appendix 1 – Min No. 12

Policy for the Determination of applications for Private Hire Vehicle Plate Exemption.

Applications should be made on the appropriate form. Each application will be considered on its individual merits by an appropriately authorised officer of the Council. Each vehicle will be inspected by the officer determining the application.

Vehicles

In view of the wide range of makes and models of vehicles available a definitive list of vehicle makes and models that might be approved has not been prepared. The granting of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle. However, the following will be the minimum requirements in relation to any vehicle in respect of which an exemption is sought:

1. Executive saloon, hatchback or estate vehicles designed to be licensed for 4 passengers, allowing sufficient space for adult passengers to travel comfortably.
2. Engine size 1900cc or greater.
3. A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet a higher specification for that make and model.
4. An exemption will be considered for a vehicle that can seat more than 4 passengers only where this is provided with comfort. Each seat must be of adequate dimensions and must permit direct access into and out of the vehicle without the need to move, remove, fold down, pass over or slide any seat. No vehicle modifications from the manufacturer's specification are acceptable.
5. The vehicle must have a minimum specification of at least air conditioning, climate control, electric windows, central locking and headrests for each passenger.
6. The vehicle must be in immaculate condition, without damage, dents, defects or blemishes to the external bodywork, trim or seating.

Type of work

Applications will be considered only from the proprietors of vehicles which undertake exclusively "executive" type work, with all bookings to be of an executive nature and made under written contract (which may include bookings made electronically and by email). For example:

1. Corporate bookings to transport employees and/or clients on corporate business journeys; and/or
2. Airport and other 'special' journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisable higher fee for that service compared to that charged for a non-exempt vehicle.

Additional Conditions Relating to Private Hire Vehicles with a Plate Exemption

The following conditions will apply to any private hire vehicle which is granted an exemption from the requirement to display the rear licence plate, and are in addition to the standard private hire vehicle licensing conditions applying at the time:

1. The vehicle must be used only for “executive” work, where the booking has been made by written contract and not for any other type of private hire work.
2. The following must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or a police officer:
 - A) The exemption notice.
 - B) The private hire vehicle licence plate.
 - C) The vehicle licence conditions.
3. The (small) internal vehicle identification badge must be displayed in the front window of the vehicle at all times.
4. The vehicle will NOT have a meter fitted.
5. The vehicle must not display any company or third party numbers, adverts or promotional material of any type.

Additional Conditions for Drivers of Exempted Private Hire Vehicles

1. Male drivers must wear a suit or jacket and trousers plus shirt and a tie at all times. Female drivers must follow an equivalent dress code, generally recognised as ‘smart office’. This dress code must be followed at all times the vehicle is used to undertake a booking or contract. Jackets may be removed where weather conditions require it.
2. The driver of an exempted vehicle is not required to wear their driver’s identification badge, but must carry their badge with them at all times.

Please Note: Drivers of private hire vehicles that do not display a private hire vehicle plate are not exempt from the seat belt legislation and MUST wear a seat belt at all times while driving the vehicle.