

19 OCTOBER 2017

NEW FOREST DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held in the Council Chamber, Appletree Court, Lyndhurst on Thursday, 19 October 2017

Present:

Cllr Steve Clarke
Cllr Allan Glass

Cllr Len Harris

Officers Attending:

Mrs C Ferguson, Mrs K Green and Mrs M Stephens

Also in Attendance:

Mr Adams, Applicant

8 ELECTION OF A CHAIRMAN

RESOLVED:

That Cllr Clarke be elected Chairman of the Sub-Committee for this meeting.

(Cllr Clarke in the Chair).

9 DECLARATIONS OF INTEREST

No declarations of interest were made by members in connection with any agenda items.

10 MINUTES

RESOLVED:

That the minutes of the meeting of the Licensing Sub-Committee held on 18 September 2017 be signed by the Chairman as a correct record.

11 APPLICATION FOR A GRANT OF A VEHICLE LICENCE

The Sub-Committee considered an application for a Vehicle Licence with a PHV plate exemption.

The Licensing Manager presented her report and responded to Members' questions. The Licensing Manager confirmed that the matter had been brought to the Sub-Committee because the vehicle had failed the Council's vehicle standards test as it did not meet the minimum requirement of four passenger seats according to national guidance, having only two rear seats instead of three. In addition, the application also sought a vehicle plate exemption. Members were reminded that the

Council's policy required vehicles to have four seats before being considered for plate exemptions. The vehicle was a three litre Audi A8 saloon with two rear seats divided by a central console, which provided various comfort devices for passengers.

The Sub-Committee adjourned in order to inspect the vehicle.

Upon resumption of the meeting, the Applicant in presenting his case informed the Sub-Committee the nature of the business was exclusive executive travel. The interiors of the car provided ample space for passengers allowing greater comfort as well as providing technologies to enable them to remote work. The Applicant also made Members aware that the seats fully reclined and had heat and massage facilities in-built. The Applicant explained that the vehicle was a factory standard model without modifications. He said that these exclusive vehicles were being used within London for executive clients and that he was not aware of a company providing a similar executive service in the New Forest. The Applicant explained that whilst the car provided for three passengers he would only carry two passengers as he felt that reaching any cars passenger capacity impinged on the safety of customers. He also stated that he would be the only chauffeur driving the vehicle.

In response to Members' questions, the Applicant explained that he already had a training procedure for all his drivers which included an element of using "mystery passengers" to verify the suitability of new drivers. Being trained by Rolls Royce, the Applicant intended to keep to those standards, given the high calibre of clients using his business. He explained that he would always, where possible, drop passengers to the kerbside, and where a passenger needed to exit roadside, he would exit the vehicle first, open the door, shielding the passengers from the traffic. He would always keep doors locked to dissuade clients from exiting the vehicle themselves. The Applicant regularly undertook customer satisfaction surveys to ensure continuous improvement in his business. The Applicant confirmed that he would be happy to comply with any conditions that the Sub-Committee considered appropriate to ensure passenger safety.

The Licensing Manager and the Applicant then withdrew while the Sub-Committee deliberated the matter.

In coming to their decision, the Sub-Committee took into consideration the representations made by the Applicant, and were of the view that the Applicant had demonstrated that the vehicle, despite not meeting the current vehicle specifications due to the number of passengers that it could carry, met the requirements of S.48 Local Government (Miscellaneous Provisions) Act 1976, namely that it was;

- a) Suitable in type, size and design for the use as a private hire vehicle
- b) Not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- c) Is in a suitable mechanical condition (as confirmed by the Council's vehicle inspection team)
- d) Safe, and
- e) Comfortable

The Sub-Committee considered that in these exceptional circumstances where the business was for exclusive executive use, it was appropriate to grant the application for the vehicle licence and the plate exemption. The Sub-Committee considered the

safety and comfort elements of licensing a three seat vehicle and felt that the Applicant, with his current robust measures to ensure passenger safety, the chauffeur style nature of the business for exclusive use and the construction of the car, that the application should be granted subject to conditions. The Sub-Committee took note that the Applicant confirmed that he would only ever carry a maximum of two passengers. The Sub-Committee considered that the imposition of conditions would further enhance the controls for the safety of passengers.

As such it was:

RESOLVED:

1. That the application for a vehicle plate display exemption be granted;
2. That the application for a vehicle licence be granted subject to the following conditions;
 - a) Where practical, rear locks of the vehicle are to be engaged;
 - b) The Chauffeur must open the door for passengers exiting the vehicle on the roadside;
 - c) A training policy to cover passenger safety for all drivers to adhere to, must be submitted to the Licensing Authority, and be approved by the Licensing Manager;
 - d) The vehicle is to be used for Executive travel only;
 - e) The vehicle must not carry more than three (3) passengers;
 - f) The vehicle's registration plate must be legally compliant; and
 - g) No further modifications may be made to the vehicle without the prior written approval of the Licensing Authority.

CHAIRMAN