

Licensing Committee – Meeting held on Wednesday, 4th November, 2009.

Present:- Councillors Davis (Chair), Chohan, Bains, Dale-Gough, Dodds, Jenkins, Long, Maclsaac (from 6.50pm), Rasib, Qureshi and Shine

Also present under Rule 30: Councillor Basharat

PART 1

11. Declaration of Interest

Councillor Davis declared a personal interest as a member of his family worked for Burnham Cabs.

12. Minutes

The Minutes of the meeting held on 29th September, 2009 were approved as a correct record.

13. Order of Business

The Committee were informed that a request had been received from Councillor Maclsaac to vary the order of business to consider the following item next: - agenda item 4 – Minimum Size of vehicles to be licensed for Hackney Carriage and Private Hire. The Chair, with the agreement of the Committee considered agenda item 4 first.

14. Minimum size of vehicles to be licensed for Hackney Carriage and Private Hire

Members were reminded that in August 2001, the Licensing Committee approved a policy that set out the minimum interior seating dimensions that must be met by all prospective Private Hire or Hackney Carriage vehicles. Since 2001 a number of vehicle brands and models available to current and prospective drivers had increased, with officers on occasion having to search the internet to find images of vehicle models that had not been licensed previously. Currently should a prospective licence holder present for licensing, a vehicle which was of a make and model that Licensing Officers were unfamiliar with, Officers had to take measurements of the interior dimensions to ascertain the vehicle's suitability.

Members were informed that using an industry-wide recognised method of classifying passenger vehicle into categories and then choosing the groups that are suitable to be licensed, allowed for clear and concise boundaries to be drawn. It would also allow the Licensing Office to be kept informed with changes that were being made to different vehicle manufacturers products.

Members were informed that the list of vehicles in the appendix to the report were considered to be suitable to be licensed as Private Hire and Hackney Carriage vehicles. In the ensuing discussion, Members highlighted the

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importance of making sure the revised minimum size of vehicles was available to all and Officers confirmed that the information would be available on the website and also included in the information pack given to all prospective drivers.

Recommendation to Council – That the Council approve the implementation of a new policy in respect of the minimum sizes to be met by Hackney Carriage and Private Hire saloon vehicles in that –

- (a) Any vehicle that is to be licensed by Slough Borough Council must be in the Euro NCAP or European classification groups as attached in Appendix A.
- (b) Only those vehicles that fall into the following Euro NCAP categories - Large family, Executive, Small MPV*, Large MPV, Large Off-Road 4x4 (European Commission classification D, E, F M and J).
- (c) In respect of the compact MPV categories, these vehicles shall only be licensed to carry four passengers.
- (d) Only the Large Off-Road 4x4 vehicles shall be licensed in the J segment.
- (e) Any vehicle that is presented for licensing by Slough Borough Council that does not meet these minimum standards, will not be licensed.

15. **Policy of not licensing Private Hire Operators outside the Borough of Slough.**

The Licensing Officer informed Members that Slough Borough Council currently had 85 licensed private hire operators. Of those operators, 25 were located outside of the Borough. Members were reminded that historically, private hire operator licenses had been granted to operators based outside of the Borough of Slough as there was nothing specific within the Local Government (Miscellaneous Provisions) Act 1976 that forbid this. However, it was noted that the three licence rule was still applicable, in that if the Operator was licensed by Slough Borough Council so must all the drivers and vehicles.

Members were informed that licensing Private Hire Operators who were not located in Slough presented a range of logistical problems. Enforcement had been and would remain impractical and costly due to the distances Officers would be required to travel to carry out routine inspections of the distant operating bases. Furthermore, with this logistical problem Officers were unaware if unlicensed drivers and vehicles were being used. It was also highlighted that some Private Hire Operators had Operator Licences not only for their physical base in Slough but also with neighbouring authorities for the same premises. These were referred to as dual operating licences and again had caused officers from both Slough and RBWM considerable problems in

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ensuring that companies were operating legally. It was clarified that where an operator was licensed with a district council i.e. Slough Borough Council then the operator must only use drivers and vehicles licensed by Slough Borough Council. The problems that had been encountered over the last year were that some Operators had failed to comply with the policies and in addition they had not been maintaining separate records for each Operators Licence with regards to taking bookings, licensed drivers, vehicles and call signs and also separate telephone numbers. This had necessitated officers carrying out regular time consuming inspections to advise and educate some operators to ensure that they are complying with the requirement of the relevant legislation.

Members were informed that the implementation of this policy for Slough Borough Council would negate this area of possible non-compliance. It was also brought to Members attention that South Bucks District Council and the Royal Borough of Windsor and Maidenhead had recently approved such policies.

Officers highlighted that a full consultation had been conducted with all Private Hire Operators licensed by Slough Borough Council. A number of responses had been received, many of which objected to the proposed policy. It was explained that the majority of objections had been registered by operators who were small companies or 'one man bands'.

In the ensuing discussion, Officers clarified that the physical location of the operating base would be looked at when determining whether or not to licence an operator. Members agreed that the implementation of such a policy would ensure that all operators were complying with the relevant legislation and result in greater public safety..

Recommended to Council -

- That the Council will not accept any new applications for Private Hire Operator Licences to be based outside the Borough boundaries.
- That any Private Hire Operator currently licensed by Slough Borough Council based outside the Borough boundary will be given written notice that their operators licence will only continue for maximum period of 12 months from the date of the Council's decision.
- That any Private hire Operator currently licensed by Slough Borough Council based outside the Borough boundary may renew their operator's licence but only for the maximum period of 12 months from the date of the Council's decision.

16. Best Practice Guidance in relation to Stretch Limousines and Introduction of a Vehicle Age Policy for Stretch Limousines.

The Licensing Officers reported that they had for some time been carrying out a review of existing policy documents pertaining to all aspects of Private Hire

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licensing in order to bring them in line with best practice guidance as well as neighbouring local authorities. Members were informed that in recent years there had been an influx of stretch limousines imported from North America. These vehicles were typically hired out for occasions such as weddings, funerals, hen nights and more recently, prom nights.

Members were informed that many local authorities had refused to licence stretch limousines as they did not meet the vehicle criteria in their policies. However, it was noted that the guidance circulated from the Department for Transport encouraged local councils not to impose a blanket ban on stretch limousines but to consider licensing them on a case by case basis.

The Local Government (Miscellaneous Provisions) Act 1976 made it clear that vehicles that are constructed to carry more than 8 passengers cannot be licensed by local authorities and as such it was noted that this policy would only apply to those vehicles that were constructed to carry a maximum of 8 passengers.

The proposed criteria to be met by stretch limousines to be licensed by the Borough was outlined. Members welcomed the report commenting that licensing such vehicles would ensure the safety of members of the public.

Recommended to Council - That there will be no limit on the age of the stretch limousines to be licensed, however, all vehicles must be presented for inspection by licensing officers prior to licensing and shall meet the following criteria:

- (a) All vehicles must be constructed to carry no more than 8 passengers.
- (b) A valid Single Vehicle Approval (SVA) certificate must accompany a licence application without which, no licence shall be issued.
- (c) All vehicles must obtain a Slough Borough Council issued Certificate of Compliance from a designated garage every six months so long as the vehicle is licensed.
- (d) Appropriate seat belts must be provided for all passengers in the forward and rearward facing seats.
- (e) All tyres and rims must comply with or exceed the vehicle manufacturer's requirements or specifications.
- (f) All windows in the drivers cab area shall conform to current legislation with regards to tints.
- (g) All glassware provided by the proprietor for use in the vehicle shall be in polycarbonate or shatter-proof glass.

Chair

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(Note: The Meeting opened at 6.30 pm and closed at 8.05 pm)