

Open

# Licensing and Environmental Committee

## Agenda

10.30 am  
Monday, 10th October 2011  
The Council Chamber  
Civic Centre  
Stourport-on-Severn



## Licensing and Environmental Committee

### **Members of Committee:**

	<b>Chairman: Councillor J Baker</b>
	<b>Vice-Chairman: Councillor P B Harrison</b>
<b>Councillor R Bishop</b>	<b>Councillor A J Buckley</b>
<b>Councillor B T Glass</b>	<b>Councillor J Greener</b>
<b>Councillor P V Hayward</b>	<b>Councillor V Higgs</b>
<b>Councillor A T Hingley</b>	<b>Councillor M B Kelly</b>
<b>Councillor M Price</b>	<b>Councillor M A Salter</b>

### **Information for Members of the Public:**

**Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.**

**Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.**

**There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:**

**Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.**

**Information which is subject to any obligation of confidentiality.**

**Information which relates in any way to matters concerning national security.**

### **Declarations of Interest - Guidance Note**

#### **Code of Conduct**

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

#### **Section 106 of the Local Government Finance Act 1992**

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

### **For further information:**

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Democratic Services Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732763 or email [louisa.bright@wyreforesdc.gov.uk](mailto:louisa.bright@wyreforesdc.gov.uk)

Wyre Forest District Council

Licensing and Environmental Committee

Monday, 10th October 2011

The Council Chamber, Civic Centre, Stourport-on-Severn

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Legal & Corporate Services, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interest</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered.  Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992.  (See guidance note on cover.)	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 14th September 2011.	5
5.	<b>Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)</b>  To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asks the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr R. Dyer, 4, Forester Way, Kidderminster, Worcestershire, DY10 1NT, which falls outside of the Age Criteria Policy set by the Council in 1997.	15
6.	<b>Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)</b>  To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asks the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, which falls outside of the Age Criteria Policy set by the Council in 1997.	27

7.	<b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
8.	<p><b>Exclusion of the Press and Public</b></p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

9.	<p><b>Application for the Grant of a Hackney Carriage / Private Hire Drivers Licence</b></p> <p>To receive a report from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asks the Committee to consider an application for the Grant of a Hackney Carriage / Private Hire Drivers Licence.</p>	39
10.	<b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

THE CIVIC HALL, CIVIC CENTRE, STOURPORT-ON-SEVERN

WEDNESDAY, 14TH SEPTEMBER 2011 (10AM)

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**Present:**

Councillors: J Baker (Chairman), P B Harrison (Vice-Chairman), R Bishop, A J Buckley, B T Glass, J Greener, P V Hayward, V Higgs, A T Hingley, M B Kelly, M Price and M A Salter.

**Observers:**

There were no members present as observers.

**LIC.22 Apologies for Absence**

There were no apologies for absence.

**LIC.23 Appointment of Substitutes**

No substitutes were appointed.

**LIC.24 Declaration of Interests**

No declarations of interest were made.

**LIC.25 Minutes**

**Decision: The minutes of the meeting held on 7th September 2011 be confirmed as a correct record and signed by the Chairman.**

Before the meeting continued, the Solicitor informed Members that the Committee would inspect each taxi individually, making a decision and then moving onto the next taxi. They were reminded that matters should not be discussed whilst outside either with each other or the taxi drivers and to keep any debate for the Civic Hall when they returned. Members were also asked to take a consistent approach with the previous applications that had been considered.

**LIC.26 Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr Lee Bianco of P & P Central Taxis, Unit G14, Paddington House, New Road, Kidderminster, Worcestershire, DY10 1AS, as it fell outside of the Age Criteria Policy set by the Council in 1997.

#### **Agenda Item No. 4**

The Licensing Officer informed Members that the applications to renew the Hackney Carriage Proprietor Licences that were being presented to the Committee fell outside of the Policy adopted by the Council and that they were being asked to assess whether or not the vehicles presented could be an exception to the Policy on the grounds of quality safety and accessibility, mileage and the protection of the travelling public. The Committee were reminded that their decision was to be based on the prime aim of the Council, which was to make travelling in Wyre Forest as safe as possible. He also reminded Members that the Council had a duty to protect the travelling public. All of the taxis before the Committee had been inspected by Licensing Officers and it was felt that none of them were exceptional to the Council's policy. He advised Members that they would have to make a decision as to whether or not they should depart from the policy set in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number DV51 LCO.

Members of the Committee left the Civic Hall to inspect the vehicle registration number DV51 LCO at this point, (10.19am) and returned at 10.25am.

Mr Owen spoke in support of this application and confirmed that his comments applied to all of his other applications and those of Mr Bianco on whose behalf he had been appointed to speak.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number DV51 LCO, the Committee decided that the application for renewal of the Hackney Carriage Proprietors Licence HC074 for Vehicle Registration Number DV51 LCO be refused as it fell outside the Age Criteria Policy set by the Council in 1997 and on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, the vehicle was not presented in an exceptional condition: in particular, there was excessive wear and tear of the condition of the vehicle, especially the interior and the seating and therefore there were no grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.27**

#### **Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Albany Taxi's, 5 Comberton Terrace, Kidderminster, as it fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number KC04 ZKS.

#### **Agenda Item No. 4**

Members of the Committee left the Civic Hall to inspect the vehicle registration number KC04 ZKS at this point, (10.47am) and returned to the meeting at 10.51am.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number KC04 ZKS, the Committee decided that a Hackney Carriage Proprietor's Licence HC053 vehicle registration number KC04 ZKS be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

Councillor R Bishop joined the meeting at this point, (10.58am).

#### **LIC.28 Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, as it fell outside of the Age Criteria Policy set by the Council in 1997

The Licensing Officer led Members through the report relating to vehicle registration number DS51 FYR.

Members of the Committee left the Civic Hall to inspect the vehicle registration number DS51 FYR at this point, (11.03am) and returned to the meeting at 11.08am

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number DS51 FYR, the Committee has decided that a Hackney Carriage Proprietor's Licence HC040 vehicle registration number DS51 FYR, subject to the following works being carried out to the satisfaction of the Licensing Officer within 7 days of this meeting:**

- 1. the offside back passenger door speaker cover be replaced,**

**be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because, otherwise, on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle**

**presented in an exceptional condition: where the body work was good and that the interior is exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.29      Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr Thomas Poole, 19, Carlyle Avenue, Kidderminster, Worcestershire, DY10 3QZ, as it fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number LS51 GXD.

Mr Caulfield, joint proprietor of the vehicle, spoke in support of his application.

Members of the Committee left the Civic Hall to inspect the vehicle registration Number LS51 GXD at this point, (11.25am) and returned to the meeting at 11.32am.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco, Mr Caulfield and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number LS51 GXD, the Committee decided that the application for renewal of the Hackney Carriage Proprietors Licence HC044 for Vehicle Registration Number LS51 GXD be refused as it fell outside the Age Criteria Policy set by the Council in 1997 and on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was not presented in an exceptional condition: in particular, there was excessive wear and tear on the condition of the vehicle, and therefore there were no grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.30      Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, as it fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number YK02 ZTB.

Members of the Committee left the Civic Hall to inspect the vehicle registration number YK02 ZTB at this point, (11.45am) and returned to the meeting at 11.50am.

#### **Agenda Item No. 4**

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number YK02 ZTB, the Committee decided that a Hackney Carriage Proprietor's Licence HC055 vehicle registration number YK02 ZTB, subject to the following works being carried out to the satisfaction of the Licensing Officer within 7 days of this meeting:**

- 1. the cover to the boot be reinstated; and**
- 2. the clips to the seat belt retainer to be reinstated on the two offside passenger seat belts,**

**be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because, otherwise, on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.31**

**Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Albany Taxi's, 5 Comberton Terrace, Kidderminster, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number KS53 OCF.

Members of the Committee left the Civic Hall to inspect the vehicle registration number KS53 OCF at this point, (12.01pm) and returned to the meeting at 12.05pm.

The Chairman announced that when going out to inspect the taxi he discovered the taxi driver was personally known to him. He declared a prejudicial interest in the item and left the meeting at this point, (12.08pm).

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number KS53 OCF, the Committee decided that the application for renewal of the Hackney Carriage Proprietors Licence HC059 for Vehicle Registration Number KS53 OCF be refused as it fell outside the Age Criteria Policy set by the Council in 1997 and on inspection of the vehicle the Committee found, in considering**

**Agenda Item No. 4**

**quality, safety and accessibility, that the vehicle was not presented in an exceptional condition: in particular, there was excessive wear and tear of the condition of the vehicle, and therefore there were no grounds to depart from the Age Criteria Policy in relation to this application.**

The Chairman returned to the meeting at this point, (12.13pm).

Councillor B Glass left the meeting at this point, (12.14pm).

**LIC.32**

**Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number YL51 DWO.

Members of the Committee left the Civic Hall to inspect the vehicle registration number YL51 DWO at this point, (12.15pm), and returned to the meeting at 12.21pm.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number YL51 DWO, the Committee decided that a Hackney Carriage Proprietor's Licence HC064 vehicle registration number YL51 DWO, subject to the following works being carried out to the satisfaction of the Licensing Officer within 28 days of this meeting:**

**1. the damage to the front bumper be repaired or replaced (as appropriate),**

**be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because, otherwise, on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.33**

**Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

Members were informed that this vehicle (registration number GN52 VXX) was unavailable for inspection and would be deferred until a later date.

**Agreed: The Committee agreed to defer Agenda Item 12.**

**LIC.34**

**Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr Stephen Sean Sarvonio, Lucerne, Aggborough Crescent, Kidderminster, Worcestershire, DY10 1LQ, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number NU52 CZC.

Members of the Committee left the Civic Hall to inspect the vehicle registration number NU52 CZC at this point, (12.32pm) and returned to the meeting at 12.36pm.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco, Mr Sarvonio and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number NU52 CZC, the Committee decided that a Hackney Carriage Proprietor's Licence HC035 vehicle registration number NU52 CZC, subject to the following works being carried out to the satisfaction of the Licensing Officer within 7 days of this meeting:**

**1. the paintwork on the nearside rear door be repaired,**

**be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because, otherwise, on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior is exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.35**

**Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Trevor John Owen of Holland Taxi's, 5 Comberton Terrace, Kidderminster, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number Y238 LUM.

Members of the Committee left the Civic Hall to inspect the vehicle registration number Y238 LUM at this point, (12.43pm) and returned to the meeting at 12.48pm.

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Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number Y238 LUM, the Committee decided that a Hackney Carriage Proprietor's Licence HC078 vehicle registration number Y238 LUM be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

### LIC.36 **Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr Lee Bianco, P & P Central Taxis, Unit G14, Paddington House, Kidderminster, Worcestershire, DY10 1AS, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number BF02 MLZ.

Members of the Committee left the Civic Hall to inspect the vehicle registration number BF02 MLZ at this point, (12.55pm) and returned to the meeting at 13.00pm.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number BF02 MLZ, the Committee decided that a Hackney Carriage Proprietor's Licence HC077 vehicle registration number BF02 MLZ be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

### LIC.37 **Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services

#### **Agenda Item No. 4**

on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr Lee Bianco, P & P Central Taxis, Unit G14, Paddington House, Kidderminster, Worcestershire, DY10 1AS, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number VN04 GHV.

Members of the Committee left the Civic Hall to inspect the vehicle registration number VN04 GHV at this point, (13.12pm) and returned to the meeting at 13.17pm.

Members of the Committee, the Solicitor, Democratic Services Manager and Democratic Services Officer stayed in the meeting to deliberate their decision and Mr Owen, Mr Bianco and the Licensing Officers left the meeting whilst the Committee reached their decision.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number VN04 GHV, the Committee decided: that a Hackney Carriage Proprietor's Licence HC036 vehicle registration number VN04 GHV be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented in an exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

LIC.38

#### **Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Trevor John Owen of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number DK02 LMF.

Members of the Committee left the Civic Hall to inspect the vehicle registration number DK02 LMF at this point, (13.22pm) and returned to the meeting at 13.26pm.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number DK02 LMF, the Committee decided that a Hackney Carriage Proprietor's Licence HC070 vehicle registration number DK02 LMF be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented was in exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

**LIC.39 Application to Renew a Hackney Carriage Proprietor's Licence Beyond the Council's adopted Policy of Age Criteria (1997)**

A report was considered from the Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council that asked the Committee to consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, which fell outside of the Age Criteria Policy set by the Council in 1997.

The Licensing Officer led Members through the report relating to vehicle registration number BD03 FUW.

Members of the Committee left the Civic Hall to inspect the vehicle registration number BD03 FUW at this point, (13.32pm) and returned to the meeting at 13.35pm.

**Decision: Having carefully considered the application to grant a Hackney Carriage Proprietor's Licence in respect of vehicle registration number BD03 FUW, the Committee decided that a Hackney Carriage Proprietor's Licence HC054 vehicle registration number BD03 FUW, subject to the following works being carried out to the satisfaction of the Licensing Officer within 14 days of this meeting:**

1. the front bumper can be repaired or replaced (as appropriate),

**be granted for twelve months from 1<sup>st</sup> July 2011 to 30<sup>th</sup> June 2012 because, otherwise, on inspection of the vehicle the Committee found, in considering quality, safety and accessibility, that the vehicle was for the age of the vehicle presented was in exceptional condition: where the body work was good and that the interior was exceptional and clean, which gave the Committee grounds to depart from the Age Criteria Policy in relation to this application.**

There being no further business, the meeting closed at 13.42pm.

**WYRE FOREST DISTRICT COUNCIL**

**LICENSING AND ENVIRONMENTAL COMMITTEE**

**10<sup>th</sup> OCTOBER 2011**

**Application to Renew a Hackney Carriage Proprietor's Licence  
Beyond the Council's adopted Policy of Age Criteria (1997)**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
<b>CONTACT OFFICER:</b>	Niall McMenamin – 01527 881454 <a href="mailto:Niall.mcmenamin@worsregservices.gov.uk">Niall.mcmenamin@worsregservices.gov.uk</a>
<b>APPENDICES:</b>	Appendix 1 - Council's Resolution on Age Policy 1997 Appendix 2 - Application for Vehicle Licence Appendix 3 - Hackney Carriage Garage Inspection Form Appendix 4 - Hackney Carriage Licensing Officer Inspection Form

**1. PURPOSE OF REPORT**

- 1.1 To consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Mr R. Dyer, 4, Forester Way, Kidderminster, Worcestershire, DY10 1NT, which falls outside of the Age Criteria Policy set by the Council in 1997.

**2. RECOMMENDATION**

**The Committee is asked to DECIDE that:**

- 2.1 **The application for renewal of a Hackney Carriage Proprietor's Licence for Vehicle Registration Number GN52 VXK be refused as it falls outside the Age Criteria Policy set by the Council in 1997 and there are no material grounds to depart from the Age Criteria Policy in relation to this application.**

**3. BACKGROUND**

- 3.1 Hackney Carriage / Private Hire Vehicles cease to be re-licensed with Wyre Forest District Council after seven years from the date of first registration.
- 3.2 The Council introduced the age limit policy on its Hackney Carriages and Private Hire Vehicles a number of years ago due to the poor and unreliable state of its licensed vehicles.
- 3.3 The Wyre Forest District Council Licensing Committee meeting on the 29<sup>th</sup> July 1997 resolved the following principles relating to the Age Criteria:

*The Council's policy on age limits on Hackney Carriage and Private Hire vehicles be retained as:*

## **Agenda Item No. 5**

- (a) *only vehicles under the age of four years can be licensed for the first time; and*
- (b) *seven years for the renewal of a Licence. However a vehicle would cease to be licensed after seven years from the date of first registration.*

*Exceptions to the age limit are, London styled taxis (black cab type) and mini buses (Appendix 1)*

- 3.4 This application was originally due to be considered by the Committee at the meeting on the 14<sup>th</sup> September 2011, however on that occasion Mr Dyer was unable to attend due to a previously arranged Hospital appointment. The committee therefore decided to defer the matter until the next available committee meeting.

### **4. KEY ISSUES**

- 4.1 The policy is flexible and grants exception to the following classes of vehicle, London style Taxis and Mini-buses. These models were considered to be special cases because of their quality build providing greater durability.
- 4.2 The Council does not specify particular makes of vehicle which can be licensed as hackney carriages. It recognises that motor manufacturers continually improve standards of their product and new cars have additional safety equipment compared with older models.
- 4.3 The age of a vehicle is considered from the date of first registration with the Driver and Vehicle Licensing Agency, according to the registration document relating to the vehicle.
- 4.4 The Hackney Carriage (HC 039) which is the subject of this application is a Vauxhall Vectra, Vehicle Registration Number GN52 VXX. This vehicle was first registered on the 18<sup>th</sup> September 2002.
- 4.5 This vehicle was previously presented to the Licensing and Environmental Committee on 20<sup>th</sup> August 2010. At this time the Committee made the decision to extend the licence for a further year.
- 4.6 On the 7th June 2011 an application was received by Licensing Officers from Mr R Dyer (*Appendix 2*).
- 4.7 The vehicle was examined on the 17<sup>th</sup> June 2011, at the Council's vehicle testing Station in Green Street, Kidderminster where the mileage was recorded at 302,668. The vehicle was found to be fit for use as a Hackney Carriage and a copy of the Inspection Form is attached at *Appendix 3*.
- 4.8 The vehicle was further inspected at Duke House by Licensing Officers, where it was found **not** to be of a suitable quality. A vehicle which is of suitable quality may have provided grounds for it to be an exception to the current Wyre Forest District Council age policy. A copy of the inspection form is attached at *Appendix 4*.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this report.

**6. LEGAL AND POLICY IMPLICATIONS**

6.1 Every case should be decided on its merits. The Council's Policy is designed to assist with consistent decision making but Members are reminded that the Policy is set to guide, not bind, the Council.

6.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976, gives the local authority discretionary powers in relation to Hackney Carriage Proprietors' Licences.

**“Licensing of Hackney Carriages**

**Section 47**

(1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may reasonably consider necessary.

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 (Town Police Clauses Act 1847) to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to the Magistrate's Court.”

6.3 In October 2006 the Department for Transport published

**“Best Practice Guidance to Local Authorities in respect of Taxi and Private Hire Vehicle licensing”.**

In the Introduction it states:

*“It is for individual authorities to reach their own decisions both on overall policies and on individual licensing matters, in light of their own views of the relevant considerations.”*

**VEHICLES – AGE LIMITS**

*“It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old.”*

**Wyre Forest Policy**

6.4 Wyre Forest Council Policy is more stringent and requires all Hackney Carriages and Private Hire Vehicles to be tested twice per annum at the Council's testing station with an MOT also required to be undertaken at the time of one of the inspections.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

7.1 There are no issues over Equality Impact Assessment.

**8. RISK MANAGEMENT**

8.1 There are no risk management issues arising from this report.

**9. CONCLUSION**

9.1 The licensing of vehicles and drivers has the prime aim of protecting the public safety and the vehicle licence conditions ensure that the public of Wyre Forest can use Hackney Carriages and Private Hire Vehicles in the knowledge that they are as safe as the Council can make them.

9.2 Taxis generally cover a high mileage throughout their years of public service. Wear and tear is considerable and vehicles require exchanging for newer models.

9.3 The Vauxhall Vectra, Vehicle Registration Number GN52 V XK is:

- in excess of the seven year age policy (eight years and eleven months).
- not considered to be of the quality which would provide grounds to be an exception to the policy.

**10. CONSULTEES**

10.1 Director of Legal and Corporate Services.

**11. BACKGROUND PAPERS**

11.1 Department for Transport Best Practice Guidance.

5 Licencing Committee Meeting 29.7.97

Appendix 1

- (a) Wyre Forest Taxi Drivers' Association;
- (b) Mr. T. Owen of Holland, Regency and Albany Taxis, Kidderminster;
- (c) Mr. D. McCawley, Stourport Taxis;
- (d) Mr. V. Price, Taxi Proprietor;
- (e) Mr. G. Blanco, Mr. G. Sorocco, P. & P. Central Taxis, Kidderminster; and
- (f) Mr. M. Young, Magnum Travel, Kidderminster.

Replies were received from Wyre Forest Drivers' Association (which included Mr. V. Price's views) and Magnum Travel. The respective Taxi Trade views were included in the report.

RESOLVED that

- (i) this Authority continue to test all its licensed vehicles, irrespective of age, on three separate occasions during any period of twelve months. This would be in addition to the requirement of an MOT Certificate which the proprietor pays for at his/her garage. Tests continue to be conducted in (when Licence fee is paid) October and February in a twelve month period;
- (ii) this Authority continue to issue drivers' licences on a two year fixed date period;
- (iii) the proposal to reduce drivers' licence fees with an appropriate increase to vehicle licence fees be not adopted;
- (iv) the current policy of the Council be continued in that all new applicants for Hackney Carriage/Private Hire Vehicle Drivers' Licence also drivers failing to renew their licences within seven days of the requisite date, and in other cases of an appropriate nature, have to take and successfully pass a Knowledge Test; and
- (v) the Council's current policy regarding age limits on its Hackney Carriage/Private Hire Vehicles be retained as:-
  - (a) the age limits are:-
    - (a) only vehicles under the age of four years can be licensed for the first time; and
    - (b) seven years for the renewal of a Licence. However a vehicle would cease to be licensed after seven years from the date of first registration.

Exceptions to the age limit were, London-style taxis (black cab type), minibus and Volvo 940 vehicles.

CM.194

**EXEMPT INFORMATION**

RESOLVED that under Section 100(A)(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "Exempt Information" as defined in paragraph 7 of Part I of Schedule 12A of the Act.

CM.195

**SUMMARY OF MINUTES**

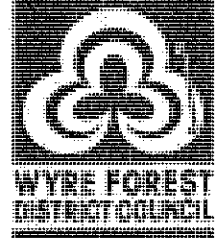
The following item was considered after the press and public had been excluded from the meeting. A summary of the Minutes relating to this item has been made as "Exempt Information" would be disclosed if the Minutes were published in full.

Incident Involving a Taxi Driver

The Committee received and noted an oral report from the Taxi Licensing Officer regarding an incident that had taken place over the preceding weekend.

**CHAIRMAN**

The meeting ended at 11.36 a.m.



**Vehicle Licence  
Application  
Hackney Carriage or  
Private Hire Vehicle**

Worcestershire Hub  
Wyre Forest Customer Service Centre  
Kidderminster Town Hall, Vicar Street,  
Kidderminster, Worcs. DY10 1DA

Tel: 01562 732928  
Email: worcestershirehub@wyreforestdc.gov.uk  
Web: www.wyreforestdc.gov.uk

**Hackney Carriage Vehicle Licence: 01/07/2010 – 30/06/2011  
Private Hire Vehicle Licence : 01/08/2010 – 31/07/2011**

**VEHICLE DETAILS**

Plate No (if applicable)	<input type="text" value="TX39"/>	Grant	<input type="checkbox"/>	Renewal	<input checked="" type="checkbox"/>
Registration No	<input type="text" value="GNS2VXK"/>	Model	<input type="text" value="VECTRA"/>		
Date of First Registration	<input type="text" value="18/09/02"/>	Colour	<input type="text" value="GREY"/>		
Make of Vehicle	<input type="text" value="VAUXHALL"/>	Number of Passenger Seats 4 - 8 (This does not include the driver)	<input type="text" value="4"/>		

**APPLICANT DETAILS**

Name of Applicant (company name, trading name or proprietor of vehicle if not a company).	<input type="text" value="MR R. DYER"/>	
National Insurance Number	<input type="text"/>	
Business Address (or home address if not a company)	<input type="text" value="4 FORESTLE WAY&lt;br/&gt;KIDDERMINSTER"/>	
Operating Address (address from where the business is operated)	<input type="text" value="AS ABOVE"/>	
Business Telephone No/s	<input type="text" value="01562 524238"/>	Mobile <input type="text"/>
I apply to licence the above vehicle as a	Hackney Carriage <input checked="" type="checkbox"/>	Private Hire <input type="checkbox"/>

**RETURN YOUR FULLY COMPLETED APPLICATION FORM AND FEE TO:**

Worcestershire Hub, Wyre Forest Customer Service Centre, Kidderminster Town Hall, Vicar Street, Kidderminster, Worcs.  
DY10 1DA

**I enclose the fee of £368.00 for this vehicle**

**DECLARATION**

I declare that the above vehicle is not licensed by any other authority and that the statements on this form are true.

Signature

Date

7/10/11

Appendix 2

### WARNING

You can be prosecuted for making a false statement in order to obtain a licence

### STEP 1

#### How to apply for a licence:

- Answer the questions on this licence application form.
- Return it to the Worcestershire Hub, Kidderminster Town Hall, Vicar street Kidderminster, Worcs., DY10 1DA

You will incur the following cost in order to begin your application:

Licence application: **£377.00 (annual cost)**

**Please make all cheques payable to Wyre Forest District Council.**

### STEP 2

You will need to make an appointment for your vehicle to be tested on 01562 732596.

**Once an appointment has been made, bring the following to the mechanical vehicle test:**

- The licence fee receipt.
- Vehicle registration document (logbook).
- MOT certificate.
- Your insurance certificate or insurance cover note.
- The vehicle you want to licence in a clean and tidy condition, inside and out.

**(Please note your vehicle will not be tested without the appropriate paperwork)**

Wyre Forest District Council may share this information with other departments within the Council and other bodies administering or auditing public funds for the prevention and detection of fraud, the investigation of any criminal offence or in the performance of its statutory duties for the exercise of public functions.

### TO BE COMPLETED BY THE HUB

Receipt Number

CSA (sign)

Date

**FOR OFFICE USE**

Date Received	<input type="text"/>	Date Vehicle Inspected	<input type="text"/>
MOT Expiry Date	<input type="text"/>	Plate No issued	
Insurance Type	Public Hire <input type="checkbox"/>	Private Hire <input type="checkbox"/>	Insurance Expiry Date <input type="text"/>

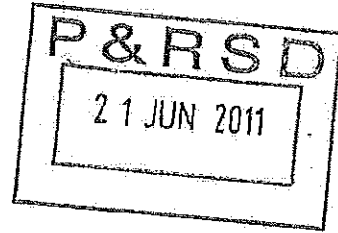
Receipt Number ZZKP000004617  
PAID 07/08/11.



**Wyre Forest District Council**

**RESOURCES**

Green Street, Kidderminster, Worcs. DY10 1HA  
Tel. 01562 732927 Fax. 01562 732904



**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE INSPECTION FORM**

Vehicle Registration No.: GNS2 VXL Mileage: 302668  
 Plate No.: TX 39 Seats: 4  
 Meter Serial No.: 170289 Mileage: \_\_\_\_\_

The above vehicle was today examined by a mechanic of Wyre Forest District Council's Garage at Green Street for compliance with the Hackney Carriage/Private Hire Byelaws.

The condition of the vehicle was as follows:

**PARTICULARS OF VEHICLE**

1. Name of Owner: MR BOB DYER
2. Address of Owner: 14 FORESTER WAY KID
3. Make: VAUXHALL
4. Type: VECTRA
5. Horsepower: 2171cc Colour: GREY
6. Expiry Date of Insurance Certificate: 31/01/12
7. Date of Issue of Ministry Certificate: 7.6.11
8. Issuing Garage: W.F.D.C.
9. Date of Original Registration: 18/09/02
10. Hackney Carriage/Private Hire Licence Details Displayed: Inside  Outside
11. Statement of Fares Legibly Displayed Inside:
12. Road Tax Licence Displayed:

Renewal Fee Receipt No. .... <u>2342</u>	Receipt No. .... (If tested within 24 hours of failure)	Receipt No. .... (If tested within 48 hours of failure)
---	--	--

	(✓)	No.
<b>Inside Cab</b>		
Seat Belts condition	/	1
Cab floors, steps, covering	/	2
Driving seat condition	/	3
Other seats condition	/	4
Mirrors (Internal)	/	5
View to Front	/	6
Condition of glass (screens/windows)	/	7
Windows – operation	/	8
Screen wipers and washers	/	9
Speedometer	/	10
Horn	/	11
Driving controls (pedal pads etc.)	/	12
Steering wheel – free play	/	13
Steering wheel – security condition	/	14
Steering column	/	15
Warning devices	/	16
Park Brake control lever/switch	/	17
Service Brake – excessive travel – operation	/	18
Light switches – operation – security	/	19
Interior lamps – operation	/	20
Cab heater	/	21
Statement of fares	/	22
Plate number	/	23
No smoking signs	/	24
Meter-illuminate roof sign/tariff	/	25
First aid kit	/	26
Fire extinguisher	/	27
<b>Cab Exterior</b>		
Bumpers – security – condition	/	28
Body panels – condition – colour	/	29
Doors – security – operation	/	30
Mirrors	/	31
Vehicle ramps – if required	N/A	32
Fuel filler cap and seal	/	33
Wipers – washers – condition – operation	/	34
Headlights	/	35
Sidelights – front and rear	/	36
Fog lights	/	37
Brake lights	/	38
Indicators	/	39
Hazard warning lights	/	40
Reverse lights	/	41
Number plates – condition – illumination	/	42
Illuminated roof sign (Hackney Carriage only)	/	43
Door licence number	/	44
Rear licence plate – condition	/	45

	(✓)	No.		
<b>Engine Compartment</b>				
Engine and gearbox mountings	/	46		
Oil leaks	/	47		
Coolant leaks	/	48		
Exhaust - security – leaks	/	49		
Battery – security	/	50		
Brake master cylinder – security – leaks	/	51		
<b>Under Vehicle</b>				
Oil leaks	/	52		
Fuel tank and systems – security – leaks	/	53		
Exhaust system – security – leaks	/	54		
Suspension pins and bushes condition security	/	55		
Suspension units and sub frames – condition – security	/	56		
Spring units and sub frames – condition – security	/	57		
Shock absorbers – leaks – security	/	58		
Wheel bearings – excessive play	/	59		
Stub axles – excessive play	/	60		
Steering mechanism – play – security – leaks	/	61		
Clutch – operation – leaks	/	62		
Transmission – drive line – security – leaks	/	63		
<b>Brakes</b>				
Mechanical brake components	/	64		
Drums and linings	/	65		
Discs and pads	/	66		
Load sensing/anti-lock system	/	67		
Anti-lock – operation – warning	/	68		
<b>Tyres</b>				
Size	/	69		
Condition	/	70		
Tariff Meter	/	71		
Operation/Security	/	71		
Tread Wear: State tread depth left in mm	/	72		
N/S/F	O/S/F	N/S/R	O/S/R	SPARE
<b>Vehicle examined and found to be Fit for purpose</b>				
Signature of <i>[Signature]</i> Vehicle.....				
Print name in capitals..... <i>D. SIMMONS</i>				
Transport Manager Signature.....				
Print Name in Capitals ... <i>P.H. [Signature]</i>				
Date <i>17-6-11</i>				



## Hackney Carriage/Private Hire Vehicle Inspection Form for Licensing and Environmental Committee Members

HC 39	Satisfactory (please ✓)	Unsatisfactory (please ✓)	NOTES
<b>INSIDE CAB</b>			CONDITIONS OF VEHICLE REQUIRE ACTION AND USE
Seat belts condition	✓		
Cab floors, steps, covering	✓		SPLIT
Driving seat condition			SPLIT - WORN
Other seats condition			Maintained / Satisfactory
Mirrors (internal)	✓		
View to front	✓		
Condition of glass (screens/windows)	✓		
Windows - operation	✓		
Screen wipers and washers	✓		
Speedometer	✓		
Horn	✓		
Driving controls (pedal pads etc.)	✓		
Part brake control lever/switch	✓		
Light switches - operation - security	✓		
Interior lamps - operation	✓		
Cab heater	✓		
Statement of fares	✓		
Plate number	✓		
No smoking signs	✓		
Meter - illuminate roof sign/tariff	✓		
First aid kit	✓		
Fire extinguisher	✓		
<b>CAB EXTERIOR</b>			Marks - Scratches Bluish tint on Red Paintwork.
Bumpers - security - condition	✓		
Body panels - condition - colour	✓		
Doors - security - operation	✓		
Mirrors	✓		
Fuel filler cap and seal	✓		
Wipers - washers - condition - operation	✓		
Headlights	✓		
Sidelights - front and rear	✓		
Fog lights - front and rear	✓		
Brake lights	✓		
Indicators	✓		
Hazard warning lights	✓		
Reverse lights	✓		
Number plates - condition and illumination			
Illuminated roof sign (Hackney carriage only)	✓		
Door licence number	✓		
Rear licence plate - condition	✓		
<b>TYRES</b>			
Condition	✓		

NOT EXCEPTIONAL CONDITION

**WYRE FOREST DISTRICT COUNCIL**

**LICENSING AND ENVIRONMENTAL COMMITTEE**

**10<sup>th</sup> OCTOBER 2011**

**Application to Renew a Hackney Carriage Proprietor's Licence  
Beyond the Council's adopted Policy of Age Criteria (1997)**

<b>OPEN</b>	
<b>DIRECTOR:</b>	Director of Worcestershire Regulatory Services on behalf of Wyre Forest District Council
<b>CONTACT OFFICER:</b>	Niall McMenamin – 01527 881454 <a href="mailto:niall.mcmenamin@worscsregservices.gov.uk">niall.mcmenamin@worscsregservices.gov.uk</a>
<b>APPENDICES:</b>	Appendix 1 - Council's Resolution on Age Policy 1997 Appendix 2 - Application for Vehicle Licence Appendix 3 - Hackney Carriage Garage Inspection Form Appendix 4 - Hackney Carriage Licensing Officer Inspection Form

**1. PURPOSE OF REPORT**

- 1.1 To consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Robert Edward Ingle of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster, which falls outside of the Age Criteria Policy set by the Council in 1997.

**2. RECOMMENDATION**

**The Committee is asked to DECIDE that:**

- 2.1 **The application for renewal of a Hackney Carriage Proprietor's Licence for Vehicle Registration Number YK52 WDG be refused as it falls outside the Age Criteria Policy set by the Council in 1997 and there are no material grounds to depart from the Age Criteria Policy in relation to this application.**

**3. BACKGROUND**

- 3.1 Hackney Carriage / Private Hire Vehicles cease to be re-licensed with Wyre Forest District Council after seven years from the date of first registration.
- 3.2 The Council introduced the age limit policy on its Hackney Carriages and Private Hire Vehicles a number of years ago due to the poor and unreliable state of its licensed vehicles.
- 3.3 The Wyre Forest District Council Licensing Committee meeting on the 29<sup>th</sup> July 1997 resolved the following principles relating to the Age Criteria:

*The Council's policy on age limits on Hackney Carriage and Private Hire vehicles be retained as:*

## Agenda Item No. 6

- (a) *only vehicles under the age of four years can be licensed for the first time; and*
- (b) *seven years for the renewal of a Licence. However a vehicle would cease to be licensed after seven years from the date of first registration.*

*Exceptions to the age limit are, London styled taxis (black cab type) and mini buses (Appendix 1)*

- 3.4 This application was originally due to be considered by the Committee at the meeting on the 7<sup>th</sup> September 2011, however on that occasion the vehicle could not be presented to the committee as it had been involved in a road traffic collision and was awaiting repaired. The committee therefore decided to defer the matter until the next available committee meeting.

### 4. KEY ISSUES

- 4.1 The policy is flexible and grants exception to the following classes of vehicle, London style Taxis and Mini-buses. These models were considered to be special cases because of their quality build providing greater durability.
- 4.2 The Council does not specify particular makes of vehicle which can be licensed as hackney carriages. It recognises that motor manufacturers continually improve standards of their product and new cars have additional safety equipment compared with older models.
- 4.3 The age of a vehicle is considered from the date of first registration with the Driver and Vehicle Licensing Agency, according to the registration document relating to the vehicle.
- 4.4 The Hackney Carriage (HC 030) which is the subject of this application is a Vauxhall Astra, Vehicle Registration Number YK52 WDG. This vehicle was first registered on the 4<sup>th</sup> December 2002.
- 4.5 This vehicle was previously presented to the Licensing and Environmental Committee on 13<sup>th</sup> August 2010. At this time the Committee made the decision to extend the licence for a further year.
- 4.6 On the 25<sup>th</sup> May 2011 an application was received by Licensing Officers from Robert Ingle (*Appendix 2*).
- 4.7 The vehicle was examined on the 2<sup>nd</sup> June 2011, at the Council's vehicle testing station in Green Street, Kidderminster where the mileage was recorded at 484,047. The vehicle was found to be fit for use as a Hackney Carriage and a copy of the Inspection Form is attached at *Appendix 3*.
- 4.8 The vehicle was further inspected at Duke House by Licensing Officers, where it was found **not** to be of a suitable quality. A vehicle which is of suitable quality may have provided grounds for it to be an exception to the current Wyre Forest District Council age policy. A copy of the inspection form is attached at *Appendix 4*.

5. **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

6. **LEGAL AND POLICY IMPLICATIONS**

6.1 Every case should be decided on its merits. The Council's Policy is designed to assist with consistent decision making but Members are reminded that the Policy is set to guide, not bind, the Council.

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**"Licensing of Hackney Carriages**

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**VEHICLES – AGE LIMITS**

*"It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old."*

**Wyre Forest Policy**

6.4 Wyre Forest Council Policy is more stringent and requires all Hackney Carriages and Private Hire Vehicles to be tested twice per annum at the Council's testing station with an MOT also required to be undertaken at the time of one of the inspections.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

7.1 There are no issues over Equality Impact Assessment.

**8. RISK MANAGEMENT**

8.1 There are no risk management issues arising from this report.

**9. CONCLUSION**

9.1 The licensing of vehicles and drivers has the prime aim of protecting the public safety and the vehicle licence conditions ensure that the public of Wyre Forest can use Hackney Carriages and Private Hire Vehicles in the knowledge that they are as safe as the Council can make them.

9.2 Taxis generally cover a high mileage throughout their years of public service. Wear and tear is considerable and vehicles require exchanging for newer models.

9.3 The Vauxhall Astra, Vehicle Registration Number YK52 WDG is:

- in excess of the seven year age policy (nine years and six months).
- not considered to be of the quality which would provide grounds to be an exception to the policy.

**10. CONSULTEES**

10.1 Director of Legal and Corporate Services.

**11. BACKGROUND PAPERS**

11.1 Department for Transport Best Practice Guidance.

5 Hackney Committee Meeting 29.7.97

Appendix 1

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- (b) Mr. T. Owen of Holland, Regency and Albany Taxis, Kidderminster;
- (c) Mr. D. McCawley, Stourport Taxis;
- (d) Mr. V. Price, Taxi Proprietor;
- (e) Mr. G. Bianco, Mr. G. Sorocco, P. & P. Central Taxis, Kidderminster; and
- (f) Mr. M. Young, Magnum Travel, Kidderminster.

**APPENDIX 1**

Replies were received from Wyre Forest Drivers' Association (which included Mr. V. Price's views) and Magnum Travel. The respective Taxi Trade views were included in the report.

**RESOLVED that**

- (i) this Authority continue to test all its licensed vehicles, irrespective of age, on three separate occasions during any period of twelve months. This would be in addition to the requirement of an MOT Certificate which the proprietor pays for at his/her garage. Tests continue to be conducted in (when Licence fee is paid) October and February in a twelve month period;
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APPENDIX 1

6

Exceptions to the age limit were, London-styled taxis (black cab type), mini buses and Volvo 940 vehicles.

CM.194 EXEMPT INFORMATION

RESOLVED that under Section 100(A)(4) of the Local Government Act, 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "Exempt Information" as defined in paragraph 7 of Part I of Schedule 12A of the Act.

CM.195 SUMMARY OF MINUTES

The following item was considered after the press and public had been excluded from the meeting. A summary of the Minutes relating to this item has been made as "Exempt Information" would be disclosed if the Minutes were published in full.

Incident Involving a Taxi Driver

The Committee received and noted an oral report from the Taxi Licensing Officer regarding an incident that had taken place over the preceding weekend.

CHAIRMAN

The meeting ended at 11.36 a.m.



**Vehicle Licence  
Application  
Hackney Carriage or  
Private Hire Vehicle**

Worcestershire Hub  
Wyre Forest Customer Service Centre  
Kidderminster Town Hall, Vicar Street,  
Kidderminster, Worcs. DY10 1DA

Tel: 01562 732928  
Email: worcestershirehub@wyreforestdc.gov.uk  
Web: www.wyreforestdc.gov.uk

**Hackney Carriage Vehicle Licence: 01/07/2011 – 30/06/2012**  
**Private Hire Vehicle Licence : 01/08/2011 – 31/07/2012**

**VEHICLE DETAILS**

Plate No (if applicable)	WC 030	Grant	<input type="checkbox"/>	Renewal	<input checked="" type="checkbox"/>
Registration No	YK 52 WDG	Model	ASTRA RUB DTI		
Date of First Registration	04-12-2002	Colour	WHITE		
Make of Vehicle	VAUXHALL	Number of Passenger Seats 4 - 8 (This does not include the driver)	4		

**APPLICANT DETAILS**

Name of Applicant (company name, trading name or proprietor of vehicle if not a company).	REGENCY VEHICLE HIRE	
National Insurance Number		
Business Address (or home address if not a company)	5 CUMBERTON TERRACE KIDDERMINSTER DY10 1QP	
Operating Address (address from where the business is operated)		
Business Telephone No/s	01562-66666	Mobile
I apply to licence the above vehicle as a	Hackney Carriage <input checked="" type="checkbox"/>	Private Hire <input type="checkbox"/>

**RETURN YOUR FULLY COMPLETED APPLICATION FORM AND FEE TO:**

Worcestershire Hub, Wyre Forest Customer Service Centre, Kidderminster Town Hall, Vicar Street, Kidderminster, Worcs.  
DY10 1DA

I enclose the fee of £377.00 for this vehicle

### DECLARATION

I declare that the above vehicle is not licensed by any other authority and that the statements on this form are true.

Signature

Date

25.05.2011.

### WARNING

You can be prosecuted for making a false statement in order to obtain a licence

### STEP 1

#### How to apply for a licence:

- Answer the questions on this licence application form.
- Return it to the Worcestershire Hub, Kidderminster Town Hall, Vicar street Kidderminster, Worcs., DY10 1DA

You will incur the following cost in order to begin your application:

**Licence application: £377.00 (annual cost)**

**Please make all cheques payable to Wyre Forest District Council.**

### STEP 2

You will need to make an appointment for your vehicle to be tested on 01562 732596.

**Once an appointment has been made, bring the following to the mechanical vehicle test:**

- The licence fee receipt.
- Vehicle registration document (logbook).
- MOT certificate.
- Your insurance certificate or insurance cover note.
- The vehicle you want to licence in a clean and tidy condition, inside and out.

**(Please note your vehicle will not be tested without the appropriate paperwork)**

Wyre Forest District Council may share this information with other departments within the Council and other bodies administering or auditing public funds for the prevention and detection of fraud, the investigation of any criminal offence or in the performance of its statutory duties for the exercise of public functions.

**TO BE COMPLETED BY THE HUB**

Receipt Number

28246

CSA (sign)

28247

Date

28248.

**FOR OFFICE USE**

Date Received

25.05.2011.

Date Vehicle Inspected

MOT Expiry Date

17.05.2012.

Plate No issued

HC 030

Insurance Type

Public Hire

Private Hire

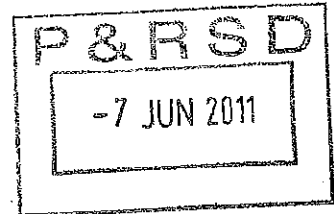
Insurance Expiry Date



**Wyre Forest District Council**

**RESOURCES**

Green Street, Kidderminster, Worcs. DY10 1HA  
Tel. 01562 732927 Fax. 01562 732904



**HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE INSPECTION FORM**

Vehicle Registration No.: YK52WDSG Mileage: \_\_\_\_\_  
 Plate No.: TY30 Seats: 4  
 Meter Serial No.: 25122 Mileage: 484047

The above vehicle was today examined by a mechanic of Wyre Forest District Council's Garage at Green Street for compliance with the Hackney Carriage/Private Hire Byelaws.

The condition of the vehicle was as follows:

**PARTICULARS OF VEHICLE**

1. Name of Owner: REGENCY
2. Address of Owner: COMBEYON TOLL KIDS
3. Make: VAUXHALL
4. Type: ASTRA
5. Horsepower: 1680cc Colour: WHI
6. Expiry Date of Insurance Certificate: 29/07/11
7. Date of Issue of Ministry Certificate: 26/4/11
8. Issuing Garage: FMS AT DIXON ST. KIDS
9. Date of Original Registration: 01/12/02
10. Hackney Carriage/Private Hire Licence Details Displayed: Inside  Outside
11. Statement of Fares Legibly Displayed Inside:
12. Road Tax Licence Displayed:

Renewal Fee Receipt No. ....	Receipt No. ....	Receipt No. ....
	(if tested within 24 hours of failure)	(if tested within 48 hours of failure)

	(✓)	No.
<b>Inside Cab</b>		
Seat Belts condition	/	1
Cab floors, steps, covering	/	2
Driving seat condition	/	3
Other seats condition	/	4
Mirrors (Internal)	/	5
View to Front	/	6
Condition of glass (screens/windows)	/	7
Windows – operation	/	8
Screen wipers and washers	/	9
Speedometer	/	10
Horn	/	11
Driving controls (pedal pads etc.)	/	12
Steering wheel – free play	/	13
Steering wheel – security condition	/	14
Steering column	/	15
Warning devices	/	16
Park Brake control lever/switch	/	17
Service Brake – excessive travel – operation	/	18
Light switches – operation – security	/	19
Interior lamps – operation	/	20
Cab heater	/	21
Statement of fares	/	22
Plate number	/	23
No smoking signs	/	24
Meter-illuminate roof sign/tariff	/	25
First aid kit	/	26
Fire extinguisher	/	27
<b>Cab Exterior</b>		
Bumpers – security – condition	/	28
Body panels – condition – colour	/	29
Doors – security – operation	/	30
Mirrors	/	31
Vehicle ramps – if required	N/A	32
Fuel filler cap and seal	/	33
Wipers – washers – condition – operation	/	34
Headlights	/	35
Sidellights – front and rear	/	36
Fog lights	/	37
Brake lights	/	38
Indicators	/	39
Hazard warning lights	/	40
Reverse lights	/	41
Number plates – condition – illumination	/	42
Illuminated roof sign (Hackney Carriage only)	/	43
Door licence number	/	44
Rear licence plate – condition	/	45

	(✓)	No.		
<b>Engine Compartment</b>				
Engine and gearbox mountings	/	46		
Oil leaks	/	47		
Coolant leaks	/	48		
Exhaust - security – leaks	/	49		
Battery – security	/	50		
Brake master cylinder – security – leaks	/	51		
<b>Under Vehicle</b>				
Oil leaks	/	52		
Fuel tank and systems – security – leaks	/	53		
Exhaust system – security – leaks	/	54		
Suspension pins and bushes condition security	/	55		
Suspension units and sub frames – condition – security	/	56		
Spring units and sub frames – condition – security	/	57		
Shock absorbers – leaks – security	/	58		
Wheel bearings – excessive play	/	59		
Stub axles – excessive play	/	60		
Steering mechanism – play – security – leaks	/	61		
Clutch – operation – leaks	/	62		
Transmission – drive line – security – leaks	/	63		
<b>Brakes</b>				
Mechanical brake components	/	64		
Drums and linings	/	65		
Discs and pads	/	66		
Load sensing/anti-lock system	/	67		
Anti-lock – operation – warning	/	68		
<b>Tyres</b>				
Size	/	69		
Condition	/	70		
Tariff Meter	/	71		
Operation/Security	/	71		
Tread Wear: State tread depth left in mm	/	72		
N/S/F	O/S/F	N/S/R	O/S/R	SPARE

Vehicle examined and found to  
Fit for purpose

Signature of person examining  
Vehicle.....

Print name in  
capitals.....

A. EDWARDS

Transport Manager  
Signature.....

Print Name in Capitals.....

Date.....

2/6/11

## Hackney Carriage/Private Hire Vehicle Inspection Form for Licensing and Environmental Committee Members

HC 30 YK 52 WDC	Satisfactory (please ✓)	Unsatisfactory (please ✓)	NOTES
<b>INSIDE CAB</b>			CONDITION OF VEHICLE REFLECTS AGE AND USE.
Seat belts condition	✓		
Cab floors, steps, covering	✓	✓	WORN / SHABBY
Driving seat condition	✓		
Other seats condition	✓	✓	LEATHER SEATS DIRT
Mirrors (internal)	✓		
View to front	✓		
Condition of glass (screens/windows)	✓		
Windows – operation	✓		
Screen wipers and washers	✓		
Speedometer	✓		
Horn	✓		
Driving controls (pedal pads etc.)	✓		
Part brake control lever/switch	✓		
Light switches – operation – security	✓		
Interior lamps – operation	✓		
Cab heater	✓		
Statement of fares	✓		
Plate number	✓		
No smoking signs	✓		
Meter – illuminate roof sign/tariff	✓		
First aid kit	✓		
Fire extinguisher	✓		
<b>CAB EXTERIOR</b>			WORN FRONT SCREWS ON CHASSIS.
Bumpers – security – condition	✓	✓	
Body panels – condition – colour	✓		
Doors – security – operation	✓		
Mirrors	✓		
Fuel filler cap and seal	✓		
Wipers – washers – condition – operation	✓		
Headlights	✓		
Sidelights – front and rear	✓		
Fog lights – front and rear	✓		
Brake lights	✓		
Indicators	✓		
Hazard warning lights	✓		
Reverse lights	✓		
Number plates – condition and illumination	✓		
Illuminated roof sign (Hackney carriage only)	✓		
Door licence number	✓		
Rear licence plate – condition	✓		
<b>TYRES</b>			
Condition	✓		

NOT EXCEPTIONAL CONDITION.