

EXTRAORDINARY PUBLIC PROTECTION LICENSING COMMITTEE

Minutes of a meeting held on 17th October, 2019.

Present: Councillor J.W. Thomas (Chairman); Councillors R. Crowley, Mrs. P. Drake, Dr. I.J. Johnson, Mrs. A. Moore, M.J.G. Morgan, Mrs. R. Nugent-Finn, L.O. Rowlands and Ms. M. Wright.

Also present: Councillor A.D. Hampton.

386 APOLOGIES FOR ABSENCE –

These were received from Councillors Ms J. Aviet, Mrs. J.E. Charles, K.F. McCaffer, Mrs. J.M. Norman and Mrs. M.R. Wilkinson.

387 DECLARATIONS OF INTEREST –

No declarations were received.

388 APPLICATION TO WAIVE THE AGE POLICY GUIDELINES FOR FIRST LICENSING OF PRIVATE HIRE VEHICLES (DEH) –

The Licensing Team Manager presented the report the purpose of which was to determine an application for the grant of two vehicles which fell outside the current age policy guidelines approved by the Public Protection Licensing Committee.

The Officer began by advising that at the Public Protection Licensing Committee meeting on 2nd July, 2019, the Committee considered a review of the Age Policy Guidelines for the first licensing of vehicles termed Class One: hackney carriage and private hire vehicles. However, no changes were made to the policy in respect of the category of vehicles termed Class Two which includes Wheelchair accessible Minibus Type vehicles with an automated tail lift.

Therefore, the policy for the type of vehicles under consideration was that they must be under 10 years old at the time of first licensing. Vehicles of this type were also issued with a four month licence which meant that they were tested more frequently to MOT standards. The Officer advised that the applications before members fell outside these criteria and were therefore reported to Committee for determination.

C. J. Contract Travel had submitted two applications for the grant of private hire vehicle licences as follows:

AE06 GXM, an Iveco Iris bus Diesel which was first registered at the DVLA on 1st April, 2006 (13 years 5 months). The vehicle was fitted with a tail lift and a Certificate had been provided under the Lifting Operations and Lifting Equipment Regulations (LOLER) confirming that the tail lift had been examined and met the

current regulations (expiry 17th December, 2019). The vehicle was tested at Fleet Services on 3rd October, 2019 and the Officer drew the Committee's attention to the copy of the MOT pass certificate attached at Appendix A to the report.

With regards to the second vehicle under consideration, MX55 HDK a Ford Transit 330 MWB Diesel, was first registered at the DVLA on 14th October, 2005 (13 years 11 months) and was also fitted with a tail lift. A Certificate had been provided under the LOLER regulations confirming that the tail lift had been examined and met the current regulations (valid to 8th October, 2019). This vehicle was tested at Fleet Services on 3rd October, 2019, and a copy of the MOT pass certificate/record was attached at Appendix B to the report. The Officer added that a further LOLER test was carried out on 2nd October, 2019 wherein a defect on the left-hand stop spring was identified, with an estimated timeframe of one month before the defect became a danger. Following no further questions from the Committee Members in relation to the Officer's report, the Chairman invited the Applicant's Representative to address the Committee.

The Applicant's Representative briefly advised that C.J. Contract Travel's vehicles had been plated in the past, and were now being re-presented. He assured the Committee that, in relation to the fault identified in the stop spring of the second vehicle, a new part had been fitted but not yet re-tested. In response, the Chairman asked whether the re-test would be carried out by the Local Authority to which the Officer answered no, obtaining a LOLER certificate was the responsibility of the licensee, and was separate to the MOT test, with the next test being due in April 2020.

Following no further questions being put to the Applicant's Representative, Mr. Thomas was invited to address the Committee in his capacity as the Trade Representative. Mr. Thomas advised the Committee that there were a number of vehicles of this type on the road, and that within the Trade community these were frequently referred to as Ambulance Buses rather than taxis due to their frequent use by disabled clients for various journeys. He noted that when the Local Authority Policy was originally endorsed the point of these vehicles not fitting exactly with the guidelines for Private Hire Vehicles was raised as in reality they did not operate on the same basis as taxis and private hire vehicles but were used mainly for school transport and were also subject to testing every four months. Mr. Thomas therefore advised that the Trade community had no objections to the applications in question and stated that they would welcome an update to the Local Authority's policy guidelines in relation to this particular type of vehicle in the future.

The Chairman then advised that the extraordinary meeting of the Committee was taking place due to the unique circumstance of the Local Authority needing to urgently replace the service provided by the previous contract provider. However, when policy guidelines were next considered by the Licensing Committee, the Trade's comments could be taken into consideration.

A Committee Member asked whether the LOLER test was the same or as rigorous as the local authority's testing to which the officer advised that the LOLER regulations were separate to MOT mechanical testing and related to tail lifts and

other lifting equipment. The local authority is not the enforcing agency for LOLER testing and it was the responsibility of the licensee to commission a test and certificate from a competent person.

A Member expressed concern in relation to Appendix A to the report (an MOT test certificate), which identified that the power-steering pipe/hose of AE06 GXM was demonstrating slight seepage and queried whether this would be automatically repaired, to which, the Applicant's Representative confirmed that the repair would be made as it would also be in the Applicant's own interest to do so.

It was subsequently

RESOLVED – T H A T the applications to waive the age policy guidelines for two first licensing of private hire vehicles, registrations AE06 GXM (an Iveco Irisbus) and MX55 HDK (a Ford Transit) be approved pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

Reason for decision

The Committee, having had regard to the facts presented by the Officer, Applicant's Representative and Trade Representative and the guidelines in the Council's Age Policy agreed it appropriate to approve the applications given the regular testing of the vehicles as standard and the prohibitive costs of comparative younger vehicles.