



## NOTICE OF MEETING

**Meeting:** Licensing Committee

**Date and Time:** Monday 18<sup>th</sup> October 2010 at 7.00 pm

**Place:** Council Chamber, Civic Offices, Fleet

**Telephone Enquiries to:** (01252) 622122 Ext 4133 (Mrs Sue Kirkwood)

**Members:** Butler C, Butler G, Davies, Evans, Harward, Healey, Henderson, Kennett, Ive, Murr, Radley JR.

G Bonner  
Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## AGENDA

**COPIES OF THIS AGENDA ARE AVAILABLE IN LARGE PRINT  
AND BRAILLE ON REQUEST**

### **I MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 20<sup>th</sup> September 2010 are attached for confirmation and signature as a correct record. (**Paper A**)

**2 APOLOGIES FOR ABSENCE**

To receive apologies for absence

**3 DECLARATIONS OF INTEREST (PERSONAL OR PERSONAL AND PREDJUDICIAL)**

**4 CHAIRMAN'S ANNOUNCEMENTS**

**5 AMENDMENT TAXI LICENSING POLICY IN RELATION TO VEHICLE AGE**

To seek approval from members on the amended taxi licensing policy in relation to the vehicle age of vehicles to considered for licensing as a Hackney Carriage or Private Hire vehicle as at 6.3 of the policy. **PAPER B**

**RECOMMENDATION**

That the amendment to paragraph 6.3 of the policy be adopted by members to ensure transparency of decision making.

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English Law. Any recommendations, either to take or not to take enforcement action, have been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.

**Date of Despatch: Tuesday 5<sup>th</sup> October 2010**

## LICENSING

**DATE OF MEETING:** 18<sup>th</sup> October 2010

**SUBJECT OF REPORT:** **AMENDMENT TAXI LICENSING POLICY  
IN RELATION TO VEHICLE AGE**

**Report of:** David King, Principal Licensing Officer

**Cabinet Member:** Councillor Nippy Singh, People and Partnerships

### **1 PURPOSE OF REPORT**

- 1.1 To seek approval from members on the amended taxi licensing policy in relation to the vehicle age of vehicles to be considered for licensing as a Hackney Carriage or Private Hire vehicle as at 6.3 of the policy. The amended version of 6.3 is attached appendix I.
- 1.2 Approval of this amendment to 6.3 of the policy will ensure consistency and transparency of approach to Hackney Carriage and Private Hire vehicle licensed by Hart District Council.

### **2 RECOMMENDATION**

That the amendment to paragraph 6.3 of the policy be adopted by members to ensure transparency of decision making.

### **3 BACKGROUND**

At the Licensing Committee meeting dated 19<sup>th</sup> July 2010, members requested officers review the relevant paragraph 6.3 of the Policy in order to consider permitting taxi licensing officers to exercise their discretion under exceptional circumstances.

### **4 RESOURCE IMPLICATIONS / CRIME & DISORDER**

None

### **5 FINANCIAL IMPLICATIONS**

None

**CONTACT:** David King, Principal Licensing Officer.

**EXTENSION:** 4277

**EMAIL:** [david.king@hart.gov.uk](mailto:david.king@hart.gov.uk)

**APPENDICES:**

Appendix 1: Revised 6.3 vehicle age Policy

Appendix 2: Current wording of 6.3 the Hackney Carriage and  
Private Hire Licensing Policy approved in March  
2009.

**BACKGROUND PAPERS:**

None

**Proposed amended paragraph 6.3 of the Taxi Licensing Policy**

Vehicle Age policies

6.3 Any new application or replacement vehicle for a hackney carriage or private hire vehicle will usually only be considered if the vehicle is less than three years old from the date of first registration for non purpose built vehicles, or less than four years from the date of first registration for a purpose built vehicle. In exceptional circumstances, discretion may be exercised for vehicles outside this range providing that safety is not prejudiced, and licences may be issued but only following a vehicle examination being carried out by a Hart District Council Licensing Enforcement Officer. Applications for a vehicle to be considered within the exceptional circumstances clause must be made in writing by the applicant giving reasons for the vehicle to be considered. The vehicle must also have a full service history. The vehicle may only continue to be licensed until it is seven years from its date of first registration for non purpose built vehicles and ten years from the date of registration for a purpose built vehicle.

Existing Paragraph 6.3 of the Taxi Licensing Policy

Vehicle Age policies

- 6.1 Any new application or replacement vehicle for a hackney carriage or private hire vehicle will **ONLY** be considered if the vehicle is less than three years old from the date of first registration for non purpose built vehicles, or less than four years from the date of first registration for a purpose built vehicle. The vehicle must also have a full service history. The vehicle may only continue to be licensed until it is seven years from its date of first registration for non purpose built vehicles and ten years from the date of registration for a purpose built vehicle.

## **LICENSING COMMITTEE**

Date and Time: Monday 18<sup>th</sup> October 2010 at 7pm

Place: Council Chamber, Civic Offices, Fleet

Present:

### **COUNCILLORS:**

Councillor T Davies (Chairman)

Councillors: Butler C, Butler G, Evans, Healey, Radley JR

### **OFFICERS IN ATTENDANCE**

D Anthony	Solicitor, Shared Legal Services
Sue Kirkwood	Democratic Services Officer
David King	Principal Licensing Officer

## **13 MINUTES OF THE PREVIOUS MEETING**

The attached minutes were agreed as an accurate record of the meeting held on 20<sup>th</sup> September 2010

## **14 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Harward, Ive and Murr

## **15 DECLARATION OF INTERESTS (PERSONAL OR PERSONAL AND PREJUDICIAL)**

There were no declarations of interest

## **16 CHAIRMAN'S ANNOUNCEMENTS**

None

## **17 AMENDMENT TO THE TAXI LICENSING POLICY IN RELATION TO VEHICLE AGE**

The Principal Licensing Officer offered guidance to the members on the role of a policy in relation to the granting of licences for Hackney Carriage and Private Hire vehicles and drivers and reminded the committee that every application of this type must be dealt with on its own merits even if the outcome is contradictory to an existing policy. He also confirmed that the Council should not fetter a decision by pre-judging an issue and must give reasons for all of their judgements.

The Chairman reminded the meeting that the current policy was too rigid in relation to the age restriction for vehicles and that it did not currently permit decisions to be made at the officers' discretion. Members discussed the wording of paragraph 6.3 at length and decided to amend the wording to permit the flexibility required.

Members were also reminded that there will be a need to review the policy again early in 2011 to reflect the changes currently being made to both the disability and equality legislation.

It was **RESOLVED** that:

- 1 In order to ensure transparency of decision making, members adopt the revised paragraph 6.3.
- 2 Paragraph 6.3 be amended to read  
“Any new application or replacement vehicle for a Hackney Carriage or Private Hire vehicle will usually only be considered if the vehicle is less than three years old from the date of first registration for non purpose built vehicles, or less than four years from the date of first registration for a purpose built vehicle. In exceptional circumstances, discretion may be exercised for vehicles outside this range providing that safety is not prejudiced, and licences may be issued but only following a vehicle examination being carried out by a Hart District Council Licensing Enforcement Officer. Applications for a vehicle to be considered within the exceptional circumstances clause must be made in writing by the applicant giving reasons for the vehicle to be considered. The vehicle must also have a full service history.  
The vehicle may usually only continue to be licensed until it is seven years from its date of first registration for non purpose built vehicles and ten years from the date of registration for a purpose built vehicle and again, in exceptional circumstances, discretion may be exercised for vehicles outside this range providing that safety is not prejudiced, and licences may be issued but only following a vehicle examination being carried out by a Hart District Council Licensing Enforcement Officer.”

*The meeting closed at 7.20pm*