

Licensing and Appeals Committee

Minutes of the meeting held on 4 December 2017

Present

Councillor Longsdon (in the Chair)
Councillors Austin-Behan, Cookson, Grimshaw, Hughes, Ludford, Madeleine Monaghan, Paul and Stone.

Apologies

Councillors Barrett, Connolly, Evans, Hassan and Loughman.

LAP/17/24 Minutes

The minutes of the meeting on 6 November 2017 were submitted for consideration as a correct record.

Decision

To approve as a correct record the minutes of the meeting held on 6 November 2017

LAP/17/25 Private Hire Operator Licence Conditions: Proposed New Conditions for Consultation

The Committee considered a report of the Head of Planning, Building Control and Licensing which advised members that the of the current private hire operator conditions, have not been updated for a number of years.

Officers recommended that these should now be reviewed having regard to Manchester's ambition for a world class fleet and in line with the principals of Our Manchester. The report provided members with the legislative requirements and background surrounding 'Private Hire Operator Conditions'.

Officers also told the Committee that the proposed new condition had been completely re-written, and took into account all changes in legislation and changes in technology that have developed in recent years. Officers also confirmed that policy requirements have been updated and designed to make operators more responsible and more reliable.

Officers also confirmed that current legislation meant that operators only have to provide a basic DBS disclosure, unlike drivers who have to provide an enhanced DBS. The Committee expressed concern at this, and commented that operators should be subject to the same checks as drivers, but acknowledged that the legislation did not provide for this.

The Committee also asked for clarification on what constituted a "Good Conduct" letter, which may be required by a licensing authority in instances where applicants have not been in the UK for very long, and were told that this is a simple way of checking the background of an applicant in the absence of any other means of testing that an applicant was a fit and proper person to hold a licence. The

Committee expressed concern that this could potentially be exploited by some individuals, and expressed a wish that this issue be addressed at a Greater Manchester level as they had concerns that the issue could have a detrimental impact on public safety. Officers advised that such scrutiny could stray into breaches of several pieces of legislation concerned with freedom of movement and discrimination, and that any examination of this issue must be very carefully considered.

Decision

1. To agree to a 12 week consultation on the proposed Private Hire Operator Conditions.
2. That the 12 week consultation period should start as soon as possible.
3. To agree that Officers include any responses in a future report to the Committee for final consideration.

LAP/17/26 Exclusion of the public

Officers considered that the following item contains confidential information as provided for in the Local Government Access to Information Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Licensing and Appeals Committee Hearing Panel is recommended to agree the necessary resolutions excluding the public from the meeting during consideration of these items.

Decision

To exclude the public from the remainder of the meeting.

LAP/17/27 Consideration of the Suitability of Vehicles to be Licensed to Operate within Manchester as Hackney Carriage(s)

7A Mercedes Benz – Vito Taxi CDI Compact 114 Blue Tec

The Committee considered a report of the Head of Planning, Building Control and Licensing. The report requested that the Committee considered representations from individuals wishing the Committee to consider the suitability of vehicles to be licensed in Manchester as Hackney Carriage vehicles.

Officers confirmed that the applicant had sent apologies for his absence and requested that the application for an exemption be considered in his absence. Officers also confirmed that the vehicle in question would be Black in colour, as there had been some confusion as the vehicle was described as “Blue Tec”. Officers confirmed that this was the name of the model of vehicle, rather than the colour of the vehicle.

The Committee had previously agreed that the matter should be sent for a wide ranging consultation with members of the Trade, disabled people and their advocates

and representatives of age friendly Manchester before making a final decision as to the suitability of either vehicle to be licensed in Manchester as hackney carriage vehicles.

In the interim period the Committee agreed that the application from this individual driver to exempt this vehicle from the current policy to allow the Mercedes Benz - Vito Taxi CDI Compact 114 Blue Tec to be licensed as a Hackney Carriage on HV0528 pending the outcome of the wider Policy Consultation and Review. In addition the Committee agreed that this application would be allowed 'grandfather rights' in the event that it is not given wider exemption following the Policy Review.

Decision

1. To grant the application for the Mercedes Benz - Vito Taxi CDI Compact 114 Blue Tec to be licensed as a Hackney Carriage on HV0528.
2. To allow the Mercedes Benz - Vito Taxi CDI Compact 114 Blue Tec to be licensed as a Hackney Carriage on HV0528 with grandfather rights in the event that it is not given wider exemption following the Policy Review.

LAP/17/28 Consideration of the Suitability of Vehicles to be Licensed to Operate within Manchester as Hackney Carriage(s)

7B Mercedes Benz – Vito Taxi CDI Compact 114 Blue Tec

The Committee considered a report of the Head of Planning, Building Control and Licensing. The report requested that the Committee considered representations from individuals wishing the Committee to consider the suitability of vehicles to be licensed in Manchester as Hackney Carriage vehicles.

The applicant was present and told the committee that his current vehicle was a London Taxi Company TX4, which had become financially unviable due to its age and rising costs of repair and maintenance. Officers also confirmed that information received from London Taxi Company confirms that it is not possible to buy a new TX4 vehicle (except for an Electric hybrid). It is still possible to purchase second-hand TX vehicles, but the applicant said that he did not want a second-hand vehicle, he wanted to and was willing to invest in a brand new vehicle.

The Committee, when considering the application commented that in their view a brand new vehicle as an addition to the taxi fleet was a better option than a second-hand vehicle and could only be viewed as an enhancement to the fleet.

The Committee had previously agreed that the matter should be sent for a wide ranging consultation with members of the Trade, disabled people and their advocates and representatives of age friendly Manchester before making a final decision as to the suitability of either vehicle to be licensed in Manchester as hackney carriage vehicles.

In the interim period the Committee agreed that the application from this individual driver to exempt this vehicle from the current policy to allow the Mercedes Benz - Vito

Taxi CDI Compact 114 Blue Tec to be licensed as a Hackney Carriage on HV0290 pending the outcome of the wider Policy Consultation and Review. In addition the Committee agreed that this application would be allowed 'grandfather rights' in the event that it is not given wider exemption following the Policy Review.

Decision

1. To grant the application for the Mercedes Benz - Vito Taxi CDI Compact 114 Blue Tec to be licensed as a Hackney Carriage on HV0290.
2. To allow the Mercedes Benz - Vito Taxi CDI Compact 114 Blue Tec to be licensed as a Hackney Carriage on HV0290 with grandfather rights in the event that it is not given wider exemption following the Policy Review.

LAP/17/29 Application for a Hackney Carriage Vehicle Licence to be 'Renewed - Out of Time'

The Committee considered a report of the Head of Planning, Building Control and Licensing. The Committee also considered the representations made by the applicant and his associate in support of the application.

The Committee did not accept that an attempt had been made to renew the licence prior to the expiry on 2 September 2017. The Committee noted that the Licensing Unit had not received the application dated 21 August 2017, a photograph of which had been subsequently produced and the Committee also noted that no attempt had been made to chase up this application prior to the meeting on 23 November.

The Committee also took into account the fact that this application had not been referred to in any correspondence between the applicant and the Licensing Unit prior to 23 November 2017 and therefore in all the circumstances the Committee did not accept that it had been sent.

There was no evidence that the applicant had contacted the Licensing Unit in relation to this application until he sent an email on 29 September 2017. The Committee accepted that a reminder letter had not been sent out due to a fault in the system. However the Committee considered as a proprietor the applicant was responsible for being aware of the expiry date which is clearly marked on the face of the plate and as such he should have taken some steps to make an application prior to 2 September.

The Committee considered that the delay of 27 days prior to contacting the Licensing Unit was excessive in the circumstances and the absence of a reminder did not amount to exceptional circumstances to justify this delay.

Decision

To refuse to grant the application to renew out of time.