

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

THE COUNCIL CHAMBER, CIVIC CENTRE, STOURPORT-ON-SEVERN

FRIDAY, 25TH SEPTEMBER 2009 (10.30AM)

Present:

Councillors: J Baker (Chairman), Mrs P V Hayward (Vice-Chairman), P B Harrison, M B Kelly, Mrs T L Onslow, J Phillips, M Price, D R Sheppard and G C Yarranton.

Observers:

There were no members present as observers.

LIC.48 Apologies for Absence

Apologies for absence were received from Councillors: A J Buckley, Mrs J Greener and H J Martin.

LIC.49 Appointment of Substitutes

Councillor J Phillips was appointed as a substitute for Councillor Mrs J Greener. Councillor G C Yarranton was appointed as a substitute for Councillor A J Buckley.

LIC.50 Declaration of Interests

No declarations of interest were made.

LIC.51 Minutes

Decision: The minutes of the meeting held on 20th July 2009 be confirmed as a correct record and signed by the Chairman.

LIC.52 Statement of Gambling Policy

A report was considered from the Director of Planning and Regulatory Services that outlined the requirements of the Council with regard to the Statement of Gambling Policy.

The Principal Licensing Officer advised Members that the Council, as the Licensing Authority, was required to prepare every three years, a statement of gambling policy which it proposed to apply and publish. The document provided information and guidance on the general approach to licensing and it was noted that all applications would be considered on their merits.

Members were informed that the previous Statement of Gambling Policy had presented no issues or complaints. The new Policy had been written in liaison with officers from neighbouring authorities and had resulted in the production of a generic policy which was consistent with other authorities but with added comments from relevant stakeholders.

It was noted that 7 responses had been received from the consultation on the Policy and all the responses had been complimentary. Members were advised that if any further comments were received before the end of September they would be incorporated into the Policy.

RECOMMENDED TO COUNCIL:

The Draft Statement of Gambling Policy for Wyre Forest District be approved following consultation with relevant stakeholders (Appendix 1).

LIC.53

Draft Policy for the Licensing of Novelty Vehicles to operate as Private Hire Vehicles in the District

A report was considered from the Director of Planning and Regulatory Services that outlined a policy to allow licensing of Novelty Vehicles to operate within the District as Private Hire Vehicles under the provision of the Local Government (Miscellaneous Provisions) Act 1976.

The Principal Licensing Officer informed Members that recently there had been an increase in the use of 'novelty' vehicles and interest had been expressed to use a Tuk Tuk to promote a local public house and restaurant.

Members were advised that currently the Council's Private Hire Policy did not permit the licensing of 'novelty' vehicles but that members might consider it appropriate to introduce a policy to allow such vehicles to operate as private hire vehicles on a case by case basis.

Members were reminded of the requirements for Private Hire Vehicles:

- Unaltered from manufacturer's specification and documentation
- Red in colour, suitably finished to a high quality
- Less than 2 years of age (upper limit being 7 years at the time of application for renewal)

However, it was not possible to be prescriptive in terms of the Conditions of Licence for novelty vehicles due to the range of vehicles that might be put forward for licensing and it was noted that although some Councils had licensed novelty vehicles far more Councils had refused them almost exclusively on the grounds of safety.

A long debate ensued on the safety of novelty vehicles such as Tuk Tuks. Members were made aware of the safety considerations of such vehicles owing to the absence of doors, the stability of the vehicle and the provision of seat belts.

A number of issues were raised by Members as follows:

- Whether it was possible to restrict the operation of the vehicle to certain areas. (It was confirmed that this was not possible once a private hire licence had been issued it was not possible to be prescriptive in this manner).
- Concerns about the safety of the public and whether the Council would be sued in the event of an accident where a fatality occurred.
- Concern whether a 'catch all' policy was sufficient.
- The impact of these vehicles on the taxi trade in the district.

Recommended to Council:

- 1. The introduction of a policy to allow the licensing of Novelty Vehicles in the district as private hire vehicles on a case by case basis subject to the Licensing and Environmental Committee being satisfied that conditions can be attached ensuring that safety criteria are met.**
- 2. Decision: That Auto Rickshaws are safe and suitable vehicles to be licensed as Novelty Private Hire vehicles.**
- 3. Recommended to Council: The conditions set out in Appendix 2 be adopted to ensure the safety of the general public using such vehicles.**

LIC.54

Application by Mr Roger Arthur Winfield to Licence a Tuk Tuk Motor Vehicle as a Private Hire Vehicle

Decision: The item be deferred until the next meeting of the Committee on 30th October 2009.

The meeting ended at 11.25 am.