

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

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

THURSDAY, 21ST APRIL 2011 (10.30AM)

Present:

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

Observers:

There were no members present as observers.

LIC.70 Apologies for Absence

Apologies for absence were received from Councillor H E Dyke.

LIC.71 Appointment of Substitutes

No substitutes were appointed.

LIC.72 Declaration of Interests

No declarations of interest were made.

LIC.73 Minutes

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

LIC.74 Application for a new Private Hire Vehicle Licence beyond the Council's Adopted Policy of Age Criteria

A report was considered from the Director of Worcestershire Regulatory Service regarding an application for a new private hire vehicle licence from Mr Terry Phillips for a vehicle which now fell outside of the Age Criteria set by the Council in 2007.

Members were advised that vehicles were required to be under two years of age from the date of first registration. Mr Phillips' vehicle was first registered on 19th March 2009. An application had been received by Wyre Forest District Council from Mr Phillips for vehicle registration number V009 VKJP on 5th April 2011. The vehicle had been previously licensed by Wyre Forest District Council as a new Private Hire Vehicle on 1st April 2009 and was due to be relicensed on the licence renewal date of 31st July 2009. However, on 3rd June the vehicle was stolen and not recovered, subsequently Mr Phillips was unable to present the vehicle for relicensing. The Committee was therefore advised that the vehicle was two years and four days old since the date of first registration and it did not meet the Council's age limit policy for

Agenda Item No. 4

new vehicles. However, due to the extenuating circumstances Mr Phillips had asked that the matter be considered by the Council's Licensing and Environmental Committee.

Mr Phillips was in attendance at the Committee meeting and circulated a letter to all Members which outlined the reasons why he was asking the committee to consider granting him a licence for his minibus. He also advised Members that safety was a major concern to him and advised Members that the car had only done 20,000 whereas he would have expected a vehicle that was used for private hire to have travelled approximately 60 to 70,000 miles per annum.

Officers advised Members that every case should be decided on its merits and drew Members' attention to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which gave the Council discretionary powers in relation to Private Hire Vehicle Licences.

Members of the Committee left the Council Chamber to inspect vehicle registration number V009 VKP.

Members of the Committee, the Solicitor and Principal Committee Officer returned to the meeting to deliberate their decision. Mr Phillips and the Licensing Officers remained outside whilst the Committee reached their decision.

Decision: Having carefully considered the application to grant a Private Hire Vehicle Licence in respect of vehicle registration number V009 VKP, the Committee has decided that a Private Hire Vehicle Licence for vehicle registration number V009 VKP be granted for the period 21 April 2011 to 31 July 2011.

The reasons for the decision are as follows:

- 1. The good condition of the vehicle as shown by the inspection of it by the Committee on the day.**
- 2. The extenuating circumstances due to the vehicle being stolen 2 months after it was originally licensed by the Council, not recovered by the applicant until March 2011 and not within his control during the intervening period.**
- 3. The low mileage of the vehicle, 20,000 miles, for a minibus of this age (just over 2 years old) in use as a taxi.**

LIC.75 Hackney Carriage and Private Hire Vehicle Testing

A report was considered from the Director of Worcestershire Regulatory Service regarding a proposed change to the current licensing conditions relating to the number of annual mechanical inspections of taxis operating within the district of Wyre Forest.

The Licensing Officer reported that a request had been received from Members of the Taxi Trade and also from the Council's Fleet Depot to change the Council's existing policy of requiring every taxi to be tested every four months as it was

Agenda Item No. 4

causing operational problems to both the taxi trade and the Council's testing station. It was therefore proposed that the number of tests be reduced to two per annum rather than 3 plus an M.O.T. test. Such arrangements would be consistent with other Councils in the district. Further, it was proposed that the cost of an M.O.T. test be reduced to £10 and taxi owners could represent their vehicles on any day to ensure that they were operational.

The proposal would not mean less licensing income for the Council and Members noted that the annual fee for licensing would remain the same but there would be additional income generated at the Council's testing centre. Members were advised that a consultation exercise had been conducted with the taxi trade and positive responses had been received.

Recommended to Council: To change the current system of mechanical Taxi inspections from the requirement to have 3 annual inspections carried out by the Council's testing station at Green Street and an M.O.T. carried out by an external testing station to 2 annual inspections and an M.O.T. test carried out by the Council's testing station.

LIC.76 Scheme of Delegation

A report was considered from the Director of Planning and Regulatory Services that asked the Committee to consider and comment upon a revised scheme of delegation for incorporation into the Constitution as part of the review of the Constitution which was due to be considered by Council on 18th May 2011.

Members of the Committee were advised that the Council's Transformation Board had been considering proposals to amend and streamline the current constitution. As part of the review of the constitution responsibilities and delegation were considered and this had highlighted the need to review the scheme of delegation for the regulatory committees. Further it was noted that the scheme of delegation for the Licensing and Environmental Committee was currently an 'inclusive' scheme and it was proposed that the scheme of delegation for licensing be amended to an 'exclusive' scheme to mirror the scheme of delegations for dealing with planning applications. The proposed scheme of delegation would mean that officers were enabled to exercise authority in a variety of decision making capacities, including refusing and approving applications under various pieces of legislation except in the circumstances listed in the report to the Committee. Exceptions would be dealt with by the Licensing and Environmental Committee.

Recommended to Council: The Proposed scheme of delegation contained in Appendix 1 of the report to the Licensing and Environmental Committee be incorporated into the Council's Constitution.

LIC.77 Increase of Hackney Carriage/Private Hire Licensing Fees and Charges for 2011/2012

A report was considered from the Director of Worcestershire Regulatory Services that asked the Committee to consider an objection received by the Licensing Office from Members of the Wyre Forest Taxi Trade relating to the proposed increase in Hackney Carriage/Private Hire Licensing Fees and Charges for 2011/2012.

Agenda Item No. 4

Mrs Camprell, a member of the taxi trade was present at the Committee meeting and addressed Members. She asked that reconsideration be given to the proposed 3% increase in fees. She advised Members that the Wyre Forest's charges were the highest in Worcestershire and thus the taxi trade found it difficult to compete with other firms in Worcestershire for work from the County Council associated with education. She highlighted the differences in the charges such as the fees for a CRB check and the admin charge.

In response the Licensing Officer advised Members that Wyre Forest's charges were not the highest in Worcestershire but agreed there were differences in the charges. He clarified that some Councils did not recharge for their costs like Wyre Forest did and this explained the disparity. However, it was likely that there would be a review of admin charges in the near future.

Decision:

- 1. The objections received in response to the public notice dated 10th March 2010 be noted.**
- 2. The Committee endorses the increase of 3% in Hackney Carriage and Private Hire licensing fees and charges and also agreed that the increase will take effect on 26th April 2011.**

The meeting ended at 11.20 am.