

## LICENSING BOARD

**Venue:** Town Hall, Moorgate  
Street, Rotherham. S60  
2TH

**Date:** Wednesday, 10 October  
2012

**Time:** 9.30 a.m.

### A G E N D A

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence.
4. Minutes of the previous meeting held on 12th September, 2012. (Pages 1 - 2)
5. Proprietor's Request for Individual Exemption to Licensed Vehicle Conditions - Display of Plate/Licence Signage - ASAP Executive Travel. (Pages 3 - 8)
  - Senior Licensing Officer to report.
6. Proprietor's Request for Individual Exemption to Licensed Vehicle Conditions - Advertisements - HRB Travel. (Pages 9 - 15)
  - Senior Licensing Officer to report.
7. Exclusion of the Press and Public.

The following items are likely to be considered in the absence of the Press and Public as being exempt under the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and prevention of crime).
8. Determination of Licensing Issues - House to House Collections. (Pages 16 - 32)
  - Senior Licensing Officer to report.
9. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences. (Pages 33 - 42)

10. Date and time of the next meeting: -

- Wednesday 14th November, 2012, to start at 9.30 am in the Rotherham Town Hall.

1Q

**LICENSING BOARD**  
**Wednesday, 12th September, 2012**

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Beck, Buckley, Dodson, Doyle, Falvey, Foden, Goulty, N. Hamilton, McNeely, Sangster and Swift.

Apologies for absence were received from Councillors J. Hamilton, Havenhand, Read, Robinson and P. A. Russell.

**Q16. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH AUGUST, 2012**

The minutes of the previous meeting of the Licensing Board, held on 15th August, 2012, were considered.

Resolved:- That the minutes of the previous meeting be agreed as a correct record.

**Q17. EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:- That the following items be considered in the absence of the press and the public as being exempt under the provisions of the Police Act 1997 and Paragraphs 3 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (business affairs and the prevention of crime).

**Q18. DETERMINATION OF LICENSING ISSUES - HOUSE TO HOUSE COLLECTIONS**

Further to Minute No. 55 of the meeting of the Licensing Board held on 21<sup>st</sup> March, 2012, consideration was given to a report submitted by the Licensing Manager concerning the following application for the grant of a licence to carry out house to house collections:-

ORGANISATION	AREA	DATE
Children's Hearts	Whole of the Rotherham Borough	1st September, 2012 to 30th August, 2013

Members expressed concerns about the lack of detail in the financial information submitted with the application.

Resolved: - That the application, as now submitted, be refused.

**Q19. APPLICATIONS FOR THE GRANT/RENEWAL/REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Licensing Board considered a report presented by the Licensing Manager relating to applications for the grant and renewal of hackney carriage / private hire drivers' licences in respect of Messrs. Z.K.I., M.Z. and S.Y.

Messrs. Z.K.I., M.Z. and S.Y. all attended the meeting and were interviewed by the Board.

Members of the Licensing Board were informed of the implications of a Court

ruling permitting hackney carriages, which were licensed in one local authority area, to be operated as private hire vehicles in other local authority areas throughout the country.

Resolved:- (1) That the application for the renewal of a driver's licence in respect of Mr. Z.K.I. be approved and he be issued with a written warning as to his future conduct.

(2) That Mr. M.Z. be granted a driver's licence for twelve months.

(3) That the application for the grant of a driver's licence in respect of Mr. S.Y. be approved and he be granted a licence for three years.

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Licensing Board</b>
<b>2.</b>	<b>Date:</b>	<b>10 October 2012</b>
<b>3.</b>	<b>Title:</b>	<b>Proprietor's Request for Individual Exemption to Licensed Vehicle Conditions – Display of Plate/Licence Signage</b>
<b>4.</b>	<b>Programme Area:</b>	<b>Neighbourhood and Adult Services</b>

**5. Summary**

This report concerns a written request made to the Licensing Manager by a Licensed Operator, that Members of the Board consider granting the licensee an exemption to condition 3 and 5 (2) (a) on the private hire vehicle conditions of licence.

**6. Recommendations**

**THAT MEMBERS CONSIDER THE REPORT AND INDICATE TO THE OFFICER IF THEY ACCEPT OR REJECT THE REQUEST.**

**7. Proposals and Details**

Mr Paul David Self the owner of the Operating Company “ASAP Executive Travel” private hire and operating private hire vehicles EX57 EXH, and YF54 MUY has requested permission to not display the required Licence identification plate and signage on the abovementioned licensed vehicles under the requirements of Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976.

The licence identification would only be removed from the vehicles when they are on specific, booked, business traveller journeys where the individual client has requested the removal of the vehicle licence details for reasons of anonymity.

If members chose to agree the exemption under Section 75 (3) of the Act, and therefore the temporary removal of licence identification from the vehicle, the licence identification plate and other signage would be required to be carried in the vehicle boot (or glove box) during the journey. The identification plate and the members’ letter of approval would also be required to be available for immediate production on the request of any licensing enforcement officer or Police Officer.

The vehicle licence conditions relating to the vehicle proprietors licence are attached at Appendix A of this report.

A letter of request from the applicant is attached as Appendix B of this report.

**8. Finance**

Any changes to an individual’s vehicle are entirely funded by the applicant including any related maintenance costs raised through vehicle inspections. There would be no reduction of licensing fees made by the authority.

**9. Risks and Uncertainties**

All matters should be treated in a fair and even handed way with due consideration being shown. Any failure to observe the terms and conditions of licence by licensees as laid out within the hackney carriage or private hire vehicle Conditions of Licence could result in the requirement for enforcement actions as appropriate.

**10. Policy and Performance Agenda Implications**

The provision of clear, relevant and informed decisions when considering matters ensures that elected Members make a decision consistent with the cross cutting priority theme of fairness. Furthermore enabling Elected Members to make informed and fair decisions supports the priority theme Rotherham safe by helping to ensure the public is protected from inappropriate or illegal activities of licensees.

**11. Background Papers and Consultation**

Conditions of licence for private hire vehicle proprietors.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**PRIVATE HIRE VEHICLE LICENCES – CONDITIONS OF LICENCE**

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

2. Alteration of Vehicle

- (a) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any conversion, modification or alteration to the vehicle which permanently allows it to carry eight or less passengers (excluding the driver) must be notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration.

3. Identification Plate

- (a) The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed by at least two mechanical fastenings directly to the rear outside of the vehicle, on a vertical part of the bodywork, in such a position that the vehicle's registration mark is not obscured, and in such a manner that the licence plate is clearly visible by daylight from the road, and also in such a manner as to be easily removable by an authorised officer of the Council or a constable. No plate may be displayed in the rear windscreen of a vehicle or on any type of bracket or fixing.
- (b) The licence plate referred to in (a) shall remain the property of the Council and shall be returned forthwith to the Head of Environmental Health, Riverside House Main Street, Rotherham, if the Proprietor no longer holds a private hire licence issued by the Council, which is in force and has been suspended, in respect of the vehicle.

4. Safety Equipment

There shall be provided and maintained in the vehicle at all times, when it is in use or available for hire, a suitable and efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 kgs. dry powder or 2.0 kgs. AFFF. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. All fire extinguishers must be fitted with a gauge.

5. Signs, Notices, etc.

- (1) There shall not be displayed on or from the vehicle:-
  - (a) any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
  - (b) any sign, notice, mark, illumination or other feature which, having regard to that time

and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

- (2) (a) The proprietor shall cause to be affixed to both front doors of a vehicle an identification sign bearing the words "Rotherham Private Hire Vehicle", and "Insured for Advance Bookings only", together with the trading name and telephone number in a form previously approved by the Council.
- (b) condition 5. (2) (a) shall not apply on any occasion upon which a notice has been issued under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (4) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.

### 6. Advertisements

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Head of Environmental Health;
- (f) That a proposed advertisement is to be submitted for approval by a licensed proprietor or operator, not individual vehicle owners;
- (g) That the licensed proprietor or operator submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved.

### 7. Unauthorised Scanning Equipment

There shall not be installed (either permanent or temporary) in the vehicle any equipment which is capable of intercepting or listening to any radio or telephone transmission.

### 8. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

### 9. Convictions

The proprietor shall within seven days disclose to the Council in writing details of ANY conviction (not just motoring convictions) imposed on him/her (or, if the proprietor is a



company or partnership, on any of the directors or partners) during the period of the licence.

### 10. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle he/she shall, before that person commences to drive the vehicle, cause the driver to deliver to him/her his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle and any other vehicle of his/hers.

### 11. Insurance

At all times the proprietor shall, during the currency of this Licence:-

- (a) keep in force in relation to the user of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

Failure to comply with this condition may result in the suspension of the vehicle licence.

### 12. Window Discs

- (a) The window disc provided by the Council, identifying the vehicle as a licensed private hire vehicle, shall be fixed to and exhibited at all times on the near side (passenger side) of the front windscreen in such a position where it is not obscured and so that all the particulars thereon are clearly visible by daylight, from the near side of the road.
- (b) The window disc shall be fixed to the front windscreen in such a manner as to be easily removable by any authorised officer of the Council or constable.

### Notes

In addition to the foregoing Conditions, the Licensee is required to comply with statutory requirements and attention is drawn in particular to Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Mr Paul David Self

Proprietor

ASAP Executive Travel

42 Sough Hall Avenue

Thorpe Hesley

Rotherham

S61 2QG

24<sup>th</sup> September 2012

**For the attention of Deborah Bragg,**

**Re Exemptions**

Dear Deborah,

I write with reference to the private hire drivers licence local government (miscellaneous) provisions act 1976.

I would like to ask the council to grant me exemption for my business known as ASAP Executive Travel and my 2 vehicles;

Mercedes E220 Saloon EX57 EXH

Mercedes Viano MPV YF54 MUY

To display exterior identification plates and door signs on any business travel occasion.

This is due to the clientele that we have using our services and the anonymity they require whilst doing so.

Examples of Companies and People that use our service;

The Right Honourable Vince Cable MP, Firth Rixson Holdings, Nikken,

B Braun Medical, Mr Melvin Roberts Racehorse Owner.

Enclosed are email from RH Vince Cables Office as evidence.

Yours Sincerely

Paul D. Self

A handwritten signature in black ink, appearing to read 'Paul D. Self', written over a large, stylized flourish.

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Licensing Board</b>
<b>2.</b>	<b>Date:</b>	<b>10 October 2012</b>
<b>3.</b>	<b>Title:</b>	<b>Proprietor's Request for Individual Exemption to Licensed Vehicle Conditions - Advertisements</b>
<b>4.</b>	<b>Programme Area:</b>	<b>Neighbourhood and Adult Services</b>

**5. Summary**

This report concerns a written request made to the Licensing Manager by a Licensed Operator, that Members of the Board consider granting the licensee an exemption to condition 6 on the private hire vehicle conditions of licence.

**6. Recommendations**

**THAT MEMBERS CONSIDER THE REPORT AND INDICATE TO THE OFFICER IF THEY ACCEPT OR REJECT THE REQUEST.**

## **7. Proposals and Details**

Mr Michael Burns is the owner of the private hire Operating Company “HRB Travel” and operates private hire vehicle NM04 LXT. He has requested permission to display an advertisement in the form of the company name and phone number, and some wording on journey information on both side door panels the boot and bonnet of the vehicle.

The vehicle licence conditions relating to the Proprietor’s Licence are attached at Appendix A of this report.

Pictures of the advertisements supplied by the applicant and his letter of explanation are attached as Appendix B of this report.

## **8. Finance**

Any changes to an individual’s vehicle are entirely funded by the applicant including any related maintenance costs raised through vehicle inspections. Should the Board choose to allow the advertisements the applicant will also be required to pay the current advertisement application fee.

## **9. Risks and Uncertainties**

All matters should be treated in a fair and even handed way with due consideration being shown. Any failure to observe the terms and conditions of licence by licensees as laid out within the hackney carriage or private hire vehicle Conditions of Licence could result in the requirement for enforcement actions as appropriate.

## **10. Policy and Performance Agenda Implications**

The provision of clear, relevant and informed decisions when considering matters ensures that elected Members make a decision consistent with the cross cutting priority theme of fairness. Furthermore enabling Elected Members to make informed and fair decisions supports the priority theme Rotherham safe by helping to ensure the public is protected from inappropriate or illegal activities of licensees.

## **11. Background Papers and Consultation**

Conditions of licence for private hire vehicle proprietors.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**PRIVATE HIRE VEHICLE LICENCES – CONDITIONS OF LICENCE**

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

2. Alteration of Vehicle

- (a) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any conversion, modification or alteration to the vehicle which permanently allows it to carry eight or less passengers (excluding the driver) must be notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration.

3. Identification Plate

- (a) The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed by at least two mechanical fastenings directly to the rear outside of the vehicle, on a vertical part of the bodywork, in such a position that the vehicle's registration mark is not obscured, and in such a manner that the licence plate is clearly visible by daylight from the road, and also in such a manner as to be easily removable by an authorised officer of the Council or a constable. No plate may be displayed in the rear windscreen of a vehicle or on any type of bracket or fixing.
- (b) The licence plate referred to in (a) shall remain the property of the Council and shall be returned forthwith to the Head of Environmental Health, Howard Building, College Lane, Rotherham, if the Proprietor no longer holds a private hire licence issued by the Council, which is in force and has been suspended, in respect of the vehicle.

4. Safety Equipment

There shall be provided and maintained in the vehicle at all times, when it is in use or available for hire, a suitable and efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 kgs. dry powder or 2.0 kgs. AFFF. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. All fire extinguishers must be fitted with a gauge.

5. Signs, Notices, etc.

- (1) There shall not be displayed on or from the vehicle:-
  - (a) any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
  - (b) any sign, notice, mark, illumination or other feature which, having regard to that time

and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

- (2) (a) The proprietor shall cause to be affixed to both front doors of a vehicle an identification sign bearing the words "Rotherham Private Hire Vehicle", and "Insured for Advance Bookings only", together with the trading name and telephone number in a form previously approved by the Council.
- (b) condition 5. (2) (a) shall not apply on any occasion upon which a notice has been issued under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (4) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.

### 6. Advertisements

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Head of Environmental Health;
- (f) That a proposed advertisement is to be submitted for approval by a licensed proprietor or operator, not individual vehicle owners;
- (g) That the licensed proprietor or operator submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved.

### 7. Unauthorised Scanning Equipment

There shall not be installed (either permanent or temporary) in the vehicle any equipment which is capable of intercepting or listening to any radio or telephone transmission.

### 8. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

### 9. Convictions

The proprietor shall within seven days disclose to the Council in writing details of ANY conviction (not just motoring convictions) imposed on him/her (or, if the proprietor is a

company or partnership, on any of the directors or partners) during the period of the licence.

### 10. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle he/she shall, before that person commences to drive the vehicle, cause the driver to deliver to him/her his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle and any other vehicle of his/hers.

### 11. Insurance

At all times the proprietor shall, during the currency of this Licence:-

- (a) keep in force in relation to the user of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

Failure to comply with this condition may result in the suspension of the vehicle licence.

### 12. Window Discs

- (a) The window disc provided by the Council, identifying the vehicle as a licensed private hire vehicle, shall be fixed to and exhibited at all times on the near side (passenger side) of the front windscreen in such a position where it is not obscured and so that all the particulars thereon are clearly visible by daylight, from the near side of the road.
- (b) The window disc shall be fixed to the front windscreen in such a manner as to be easily removable by any authorised officer of the Council or constable.

### Notes

In addition to the foregoing Conditions, the Licensee is required to comply with statutory requirements and attention is drawn in particular to Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Return address  
Michael burns  
15 Kingsley Drive  
Ravenfield  
Rotherham  
S65 4GY

Licensing Manager  
Maltby Leisure & Service Centre  
Braithwell Road  
Maltby  
Rotherham  
S66 8JE

Dear Sir/Madam

I would like to first of all apologise for not following the correct process when having signs put on my vehicle.

I was unaware that you had to have prior authorisation for signage but fully take the responsibility for the mistake as I should of double checked with the licensing office first.

Please except this letter as my request to have the attached signage remain on my Mercedes Vito Minibus. I take my Private Hire DSA driving test on the 20<sup>th</sup> September.

I have to date passed my theory test, Medical, CRB check and sent of my application for my licence.

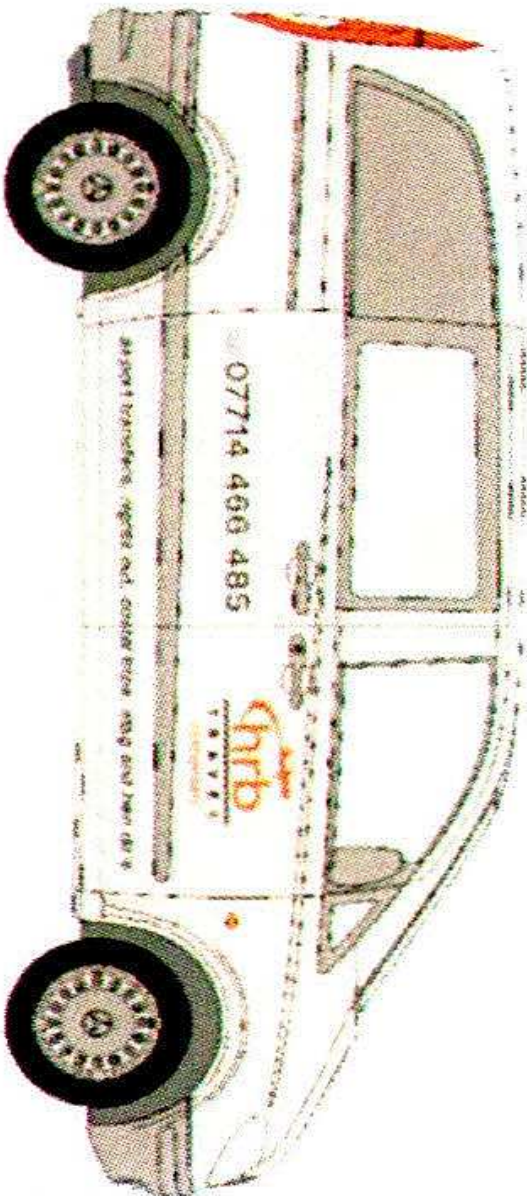
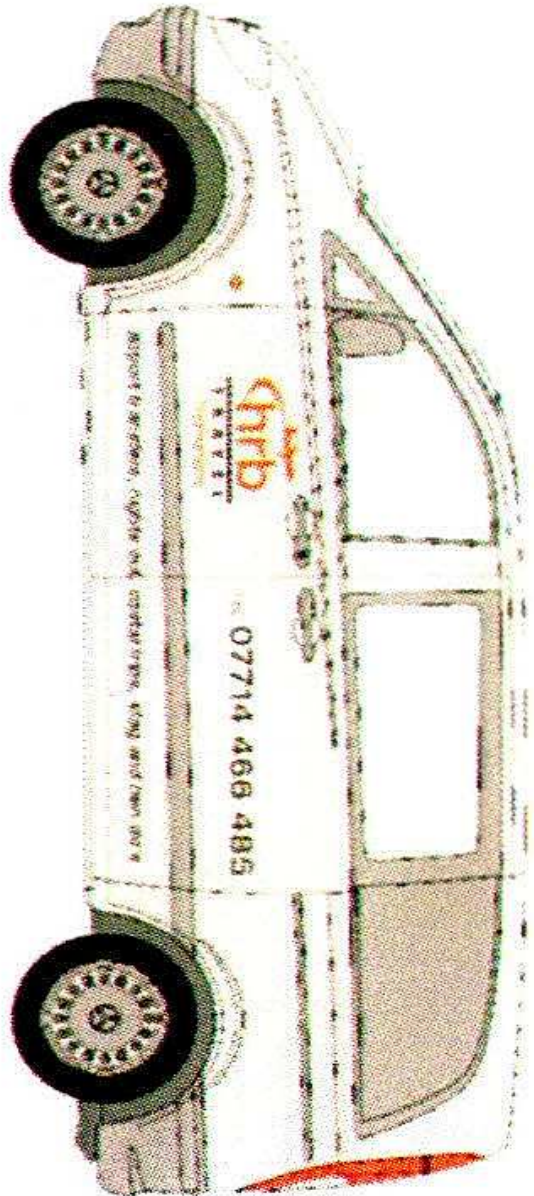
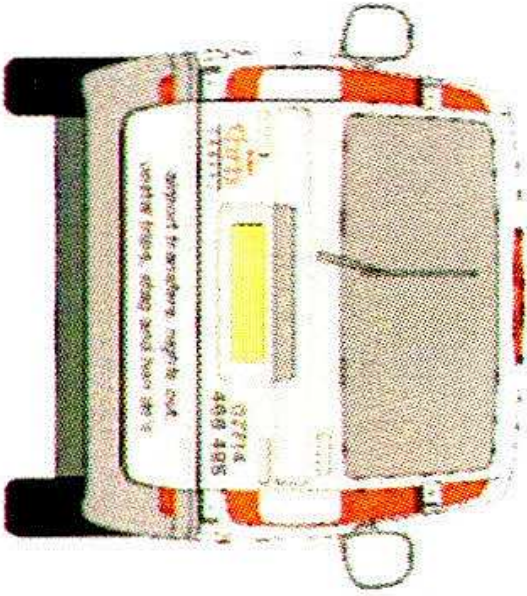
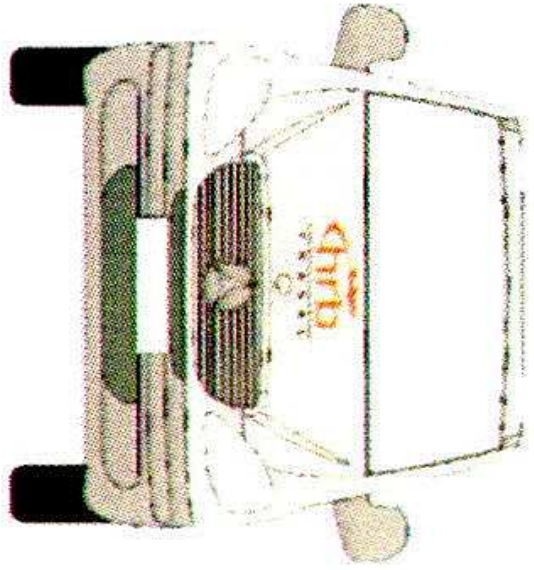
If there is any fee I have to pay please let me know.

Regards

Michael Burns







Document is Restricted

Document is Restricted

Document is Restricted