

LICENSING BOARD

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

Date: Wednesday, 12 December
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. Declarations of Interest.
5. Minutes of the previous Licensing Board held on 14th November, 2012. (Pages 1 - 3)
6. Proprietor's request for individual exemption to Licensed Vehicle Conditions - advertisements. (Pages 4 - 10)
 - Senior Licensing Officer, Licensing Service, Neighbourhood and Adult Services, to report.
7. Update on amendment to Vehicle Licensing Conditions to allow use of approved brackets. (Pages 11 - 13)
 - Licensing Manager, Licensing Service, Neighbourhood and Adult Services, to report.
8. 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).

9. Determination of Licensing issues - house to house collections. (Pages 14 - 54)
 - Senior Licensing Officer, Licensing Service, Neighbourhood and Adult

Services, to report.

10. Applications for the grant / renewal / review of Hackney Carriage / Private Hire Drivers' Licences. (Pages 55 - 68)

- Licensing Manager, Licensing Service, Neighbourhood and Adult Services, to report.

11. Date and time of next meeting: -

- Wednesday 9th January, 2013, to start at 9.30 am in the Rotherham Town Hall.

**LICENSING BOARD
14th November, 2012**

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Beck, Buckley, Dodson, Donaldson, Goulty, J. Hamilton, N. Hamilton, Havenhand, McNeely, Read and Swift.

Apologies for absence were received from Councillors Falvey, Robinson, P. A. Russell, Sangster and Wright.

Q26. DECLARATIONS OF INTEREST.

Councillor B. Dodson declared an interest in item 6 on the agenda (Proprietor's request for Individual Exemption to Licensed Vehicle Conditions – display of plate / licence signage), as potentially being known to the applicant. He withdrew from the room whilst this item was being considered and took no part in the discussion or decision.

Q27. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH OCTOBER, 2012.

The minutes of the previous meeting of the Licensing Board held on 10th October, 2012, were considered.

Resolved: - That the minutes of the previous meeting be agreed as an accurate record for signature by the Chairman.

Q28. PROPRIETOR'S REQUEST FOR INDIVIDUAL EXEMPTION TO LICENSED VEHICLE CONDITIONS - DISPLAY OF PLATE / LICENCE SIGNAGE.

Consideration was given to a report presented by the Licensing Manager concerning a request from the owner of the Operating Company "ABC" private hire to not display the required licence identification plate and signage on the licensed private hire vehicle EJO3 WCE under the requirements of Section 75 (3) of the Local Government (Miscellaneous Provisions) Act, 1976. Permission not to display such signs would constitute an exemption to Conditions 3 and 5(2)(a) of the private hire vehicle conditions of licence.

The owner of the company, Mr. Jason Dominic France, attended the Board meeting to present the reasons why he had made the application.

Resolved: - That the proprietor's request for exemption to Conditions 3 and 5(2)(a) of the private hire vehicle conditions of licence for vehicle EJO3 WCE be approved.

Q29. 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 Police Act, 1997, and Paragraphs 3 and 7 of the Part 1 of Schedule 12A to the Local Government Act, 1972 (business affairs and the prevention of crime).

Q30. DETERMINATION OF LICENSING ISSUES - HOUSE TO HOUSE COLLECTIONS.

Consideration was given to a report presented by the Licensing Manager concerning the following applications for the grant of a licence to carry out house to house collections: -

ORGANISATION	AREA	DATE
Woodlands Cancer Care	Whole of the Rotherham Borough	Twelve months from date of Board hearing.
KidsOut UK	Whole of the Rotherham Borough	1st December, 2012, to 30th November, 2013.
Yorkshire Cancer Care	Whole of the Rotherham Borough	1st January, 2013, to 31st December, 2013.
Anthony Nolan Trust	Whole of the Rotherham Borough	October, 2012, to January, 2013.
UK National Kidney Federation	Whole of the Rotherham Borough	1st January, 2013, to 31st December, 2013.

Resolved: - (1) That the applications received on behalf of Woodlands Cancer Care and KidsOut UK, as submitted, be refused.

(2) That the applications received on behalf of Yorkshire Cancer Care, the Anthony Nolan Trust and the UK National Kidney Federation, as submitted, be approved.

Q31. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the reports presented by the Licensing Manager relating to applications for the grant of hackney carriage / private hire driver's licences in respect of Messrs. M.A.P., P.M.B., I.A.K., M.H.S., R.O. and R.L..

Messrs. M.A.P., P.M.B., I.A.K., R.O. and R.L. attended the meeting and were interviewed by the Licensing Board.

Resolved: - (1) That the applications on behalf of Messrs. M.A.P. and P.M.B be granted for a period of twelve months.

(2) That the applications on behalf of Messrs. I.A.K. and R.O. be granted for a period of three-years.

(3) That the application on behalf of Messr. R.L. be refused.

(4) That the request by Messr. M.H.S. to defer consideration of his application to the December Licensing Board meeting be agreed.

Q32. DATE AND TIME OF THE NEXT MEETING: -

Resolved: - That the next meeting of the Licensing Board take place on Wednesday 12th December, 2012, to start at 9.30 am in the Rotherham Town Hall.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Licensing Board
2.	Date:	12 December, 2012
3.	Title:	Proprietor's Request for Individual Exemption to Licensed Vehicle Conditions - Advertisements
4.	Directorate:	Neighbourhood and Adult Services

5. Summary:

This report concerns a written request made to the Licensing Manager by a Licensed Operator, that Members of the Licensing 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 Majid Goni is the owner of the private hire Operating Company “MG Travel” and operates private hire vehicle LX53 MYO. 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 windows of the vehicle.

The vehicle licence conditions relating to the Proprietors 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.

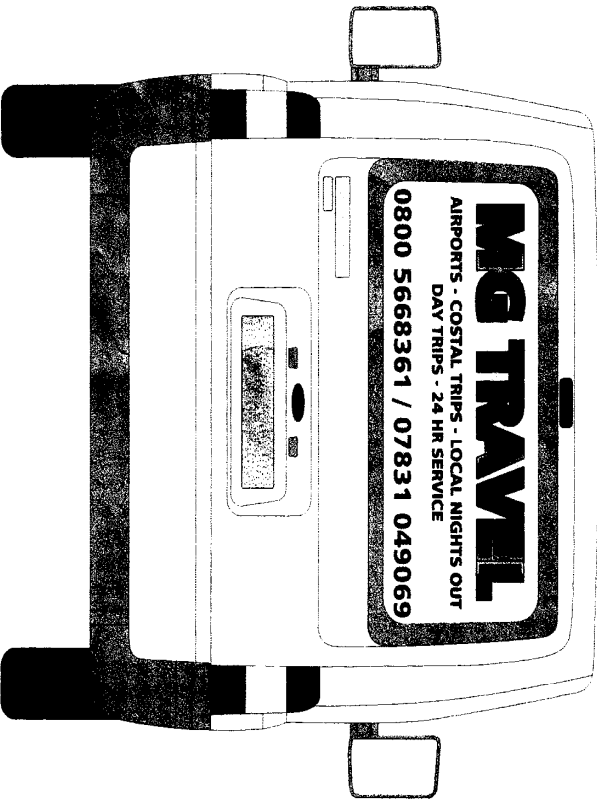
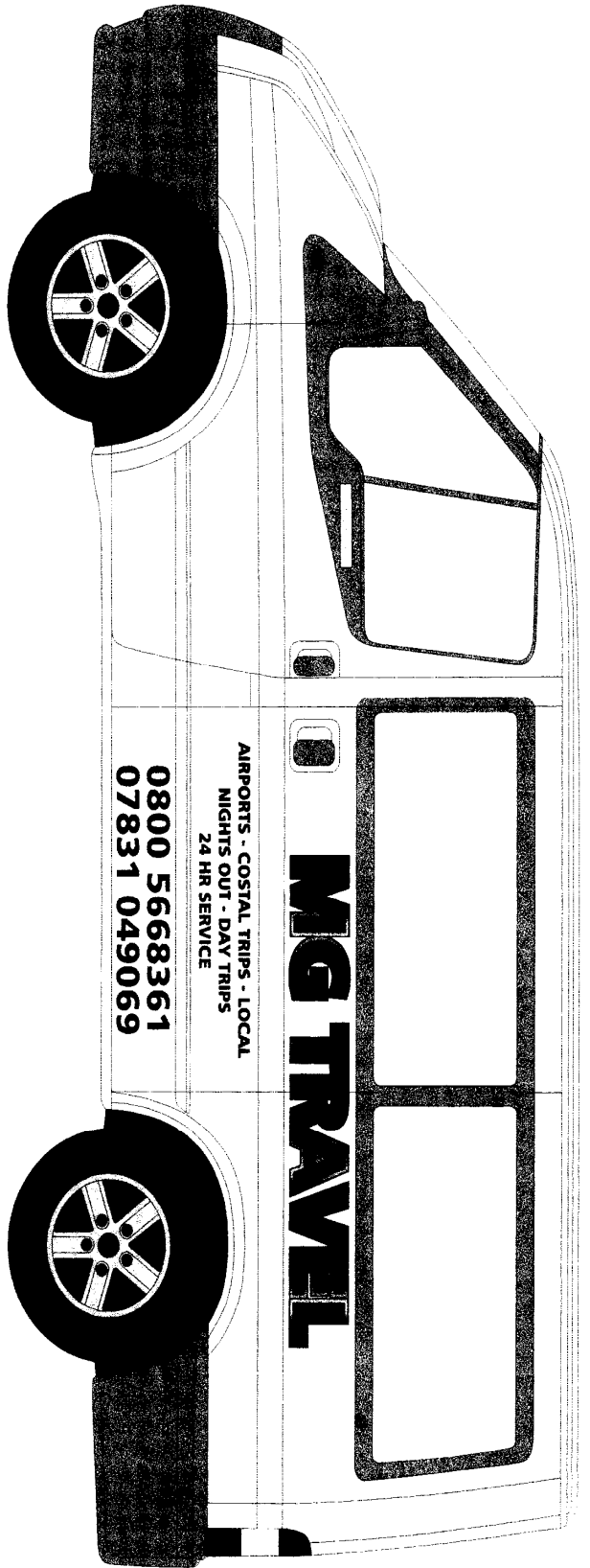
Dear Sir/Madam

Hello

I am writing to ask for permission to advertise on my vehicle for the purpose of my newly registered Taxi Company. In anticipation of your prompt decision, so that I can get this thing moving.

Thanking you.

Majid Goni



ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. Meeting:	Licensing Board
2. Date:	12 December, 2012
3. Title:	Update on amendment to Vehicle Licensing Conditions to allow use of Approved Brackets
4. Directorate:	Neighbourhood and Adult Services

5. Summary:

On 12 August, 2009, members approved an amendment to the vehicle licensing conditions to allow the use of brackets for the attachment of plates to licensed vehicles for a six month trial period.

The purpose of this report is provide members with an update on this amendment.

6. Recommendations:

- (i) That the Licensing Board note the contents of the report.

7. Proposals and Details:

On 10 March, 2009, the Licensing Manager received a written request from Rotherham Private Hire Drivers' Association to allow the use of an approved bracket for plates issued by the Licensing Authority.

The trade had experienced an increase in the number of vehicles being broken into. The request would allow the use of brackets, supplied by the Licensing Office from the supplier of the plates that were being used at the time, in addition to being able to secure the plate in line with the conditions applicable.

The proposal allowed a vehicle licence holder to either secure the plate to the rear of their vehicle with either screw fittings as per the existing conditions or allow the use of an approved bracket issued by the Licensing Office. By using a bracket it allowed the licence holder to remove the plate/bracket when the vehicle was parked up outside their home address thus reducing the likelihood of a vehicle being the subject of a criminal act.

The six month trial went well with only a handful of vehicle licence holders coming forward to purchase the bracket.

Since then the supplier of the plates and brackets has been changed and all plates are issued with a backing plate and bracket. The system allows the plate to be securely fitted to the vehicle using the backing plate only or using the bracket.

A more suitable supplier has been sourced which meets with the targets set by the Council's current Environment and Climate Change Strategy and Action Plan 2011 – 2015.

This policy dictates that with regards to procurement and resources that goods and materials should be purchased that can be disposed of in an environmentally sustainable way. It also dictates that we work in partnership with contractors and suppliers to minimise the environmental impact of their goods and services on the environment.

The plates and brackets we use are completely recyclable and the licence holder is only required to return the yellow part of the plate when it has expired. Any damaged backing plates or brackets are also completely recyclable.

As with all licence conditions licence holders do on occasion fail to comply, and where licensed vehicles are found to not be displaying the vehicle plate in the correct manner then they are required to rectify the situation immediately. An ongoing programme of random checks on vehicles and their drivers ensures that this is closely monitored.

8. Finance:

The cost of the brackets and plates is met from within the current charge of £31.00. This fee is payable on first application/when a vehicle is replaced with a different vehicle/at renewal time or when a replacement plate is required. The bracket is issued alongside these plates in the first instance. Any subsequent replacement brackets are charged at £15.50 which is the cost of the bracket from the manufacturer. If a

replacement plate and a replacement bracket are required then the fee chargeable is £31.00.

9. Risks and Uncertainties:

Using a bracket to secure the licence plate to a vehicle is now common practice throughout the Country with the supplier we use being one of the most popular brands. As a Licensing Authority we are always seeking to improve how licensed vehicles are identified by the public as well as our enforcement officers. Breaches of licence conditions are a common occurrence but rigorous enforcement ensures that this is quickly rectified and licence holders warned about the future conduct. Anyone found to be continually breaching the requirement to display their plate correctly would be brought to Licensing Board for the continued validity of their licence to be considered.

10. Policy and Performance Agenda Implications:

The relevant acts of Parliament which dictate how we licence vehicles states that once a vehicle has been issued with a licence and identification plate it remains a licensed vehicle at all times. The current condition relating to the fixing of plates to the rear of a licensed vehicle are strictly enforced. By amending the condition slightly to allow the use of an approved bracket this allows a vehicle proprietor an element of choice as to whether they use the bracket or not, however only the bracket issued by the Licensing Office will be able to be used and again this is strictly enforced.

11. Background Papers and Consultation:

Contact Name:

Deborah Bragg, Licensing Manager, 4524, deborah.bragg@rotherham.gov.uk

Document is Restricted

Document is Restricted

Document is Restricted