

LICENSING BOARD

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

Date: Wednesday, 9 October
2013

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 meeting held on 11th September 2013. (Pages 1 - 3)
6. Proprietor's request for Individual Exemption to Licensed Vehicle Conditions - Display of Plate/Licence Signage. (Pages 4 - 10)
 - Licensing Manager (Licensing Service, Housing and Neighbourhood Services, Neighbourhood and Adult Services) 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 11 - 13)
 - Licensing Manager (Licensing Service, Housing and Neighbourhood Services, Neighbourhood and Adult Services) to report.
9. Applications for the Grant/Renewal/Review of Hackney Carriage/Private Hire Drivers' Licences. (Pages 14 - 22)
 - Licensing Manager (Licensing Service, Housing and Neighbourhood

Services, Neighbourhood and Adult Services) to report.

10. Date and time of next meeting -

- Wednesday 13th November, to start at 9.30 a.m. in the Rotherham Town Hall.

**LICENSING BOARD
11th September, 2013**

Present:- Councillor Wootton (in the Chair); Councillors Andrews, Barron, Buckley, Dalton, Dodson, J. Hamilton, N. Hamilton, Havenhand, McNeely, Read, P. A. Russell, Sangster, Swift and Wootton.

Apologies for absence were received from The Mayor, Councillor Foden, and Councillors Doyle and Falvey.

Q23. DECLARATIONS OF INTEREST.

There were no Declarations of Interest to record.

Q24. MINUTES OF THE PREVIOUS MEETING OF THE BOARD HELD ON 14TH AUGUST, 2013.

The minutes of the previous meeting of the Licensing Board held on Wednesday 14th August, 2013, were considered.

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

Q25. EXCLUSION OF THE PRESS AND PUBLIC.

Resolved: - That the followings item be heard in the absence of the public and the press as being exempt under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March, 2006) (information relating to the financial or business affairs of any particular individual (including the Council)).

Q26. DETERMINATION OF LICENSING ISSUES: HOUSE TO HOUSE COLLECTIONS.

Consideration was given to the report submitted by the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) concerning the following application for the grant of a licence to carry out house-to-house collections: -

Organisation	Area	Date
Tree of Hope Charity	Whole of the Rotherham Borough area.	16 th September, 2013 to 15 th September, 2014.
Well Wish Society Charity.	Whole of the Rotherham Borough area.	28 th September, 2013 to 22 nd October, 2013.

Resolved:- (1) That the application in respect of the Tree of Hope Charity as now submitted, be refused.

(2) That the application in respect of the Well Whish Society Charity as now submitted, be approved.

Q27. APPLICATIONS FOR THE REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the report of the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) relating to applications for the review of hackney carriage / private hire drivers' licenses in respect of Messrs. J.H. and K.H..

Mr. J.H., and Mr. K. H. and his representative, attended the meeting and were interviewed by the Board.

Resolved: - That the hackney carriage / private hire drivers' licences in respect of Messrs J.H. and K.H. be suspended for a period of one month and they be issued with strongly worded final written warnings as to their future conduct.

Q28. APPLICATIONS FOR THE GRANT OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the report of the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate) relating to applications for the grant of hackney carriage / private hire drivers' licenses in respect of Messrs. A.A.S. and Q.U.Z.. (The application in respect of Mr. Q.U.Z. had been deferred from the 14th August, 2013, Licensing Board, Minute No. Q. 19 refers).

Mr. A.A.S. and his representative, and Mr. Q.U.Z attended the meeting and were interviewed by the Board.

Resolved: - (1) That the application for the grant of a private hire / hackney carriage driver's licence on behalf of Mr. A.A.S. be granted for a period of three years subject to him passing the DSA driving test and medical examination.

(2) That the application for the grant of a private hire / hackney carriage driver's licence on behalf of Mr. Q.U.Z. be approved for a period of one year subject to him passing the DSA driving test and medical examination, and he be issued with a strongly worded warning as to his future conduct.

Q29. APPLICATIONS FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES.

The Licensing Board considered the report of the Licensing Manager (Licensing Service, Neighbourhood and Adult Services Directorate)

relating to applications for the renewal of hackney carriage / private hire driver's license in respect of Mr. D.A.M..

Mr. D.A.M. attended the meeting and was interviewed by the Board.

Resolved: - That the application for the renewal of the hackney carriage / private hire driver's licence in respect of Mr. D.A.M. be renewed for a period of three-years and he be issued with a written warning as to his future conduct.

Q30. DATE AND TIME OF NEXT MEETING: -

Resolved: - That the next meeting take place on Wednesday 9th October, 2013, to start at 9.30 a.m. in the Rotherham Town Hall.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

	Meeting:	Licensing Board
a)	Date:	9 October, 2013
b)	Title:	Proprietors Request for Individual Exemption to Licensed Vehicle Conditions – Display of Plate/Licence Signage
c)	Programme Area:	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 Board consider granting the licensee an exemption to condition 3 and 5 (2) (a) on the conditions of licence for private hire vehicles.

6. Recommendations

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

7. Proposals and Details

Mr Graham Ward the owner of the Operating Company to be known as “Jagcab” private hire, and operating private hire vehicle B15AAB (Jaguar XJ8), has requested permission to not display the required licence identification plate and signage on the abovementioned licensed vehicle under the requirements of Section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976.

Mr Ward will be operating in the executive hire market including weddings; with a chauffeur style dress code including a suit and cap at all times.

If members chose to agree the exemption under Section 75 (3) of the Act, the licence identification plate and other signage would be required to be carried in the vehicle boot (or glove box) with the letter of exemption. The identification plate and the members’ letter of exemption 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. The applicant has also requested that he is able to attend the hearing.

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 Neighbourhood and Adult Services;
- (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.

BISAAB

Mr Graham Ward
 46 Church Lane
 Dinnington
 S25 2QY
 01909 564251
 30. Sept 2013

Dear Sir/Madam

I have been requested to put my case into written format for not having to place signs onto my vehicle that I am going to use for private hire. As you can see from my included business card the market I am aiming for is the executive area of the trade along with the wedding arena. I plan to have a chauffeur type dress code with suit and cap at all times for this area of the market side doors signs would not be appropriate and I therefore plan to have only a minimal sign on the back screen of the vehicle subject to your approval.

I hope this meets your requirements as I have invested a considerable amount of money into this new venture

Yours sincerely


 G WARD

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