



Waverley Borough Council
Council Offices, The Burys,
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To: All Members and substitute members of
the LICENSING (GENERAL
PURPOSES) SUB-COMMITTEE
(Other Members for Information)

When calling please ask for:

Maureen Brown, Democratic Services Officer
Policy and Governance

E-mail: maureen.brown@waverley.gov.uk

Direct line: 01483 523225

Calls may be recorded for training or monitoring

Date: 7 July 2015

Membership of the Licensing (General Purposes) Sub-Committee

Cllr Simon Inchbald (Chairman)

Cllr Anna James

Cllr Patricia Ellis (Vice Chairman)

Cllr Bob Upton

Cllr Peter Isherwood

Substitutes

Cllr Maurice Byham

Cllr Carole King

Dear Councillors

A meeting of the LICENSING (GENERAL PURPOSES) SUB-COMMITTEE will be held as follows:

DATE: THURSDAY, 16 JULY 2015

TIME: 10.15 A.M. **(or at the conclusion of the Licensing and Regulatory Committee, whichever is the later)**

PLACE: COUNCIL CHAMBER

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Meeting held on 22 June 2015 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

3. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

4. **QUESTIONS BY MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

5. **APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE (REQUESTING EXEMPTION FROM VEHICLE AGE POLICY)**
(Pages 5 - 12)

The report enables the Sub-Committee to consider a request to continue to license a vehicle as a Hackney Carriage which will be more than ten years old. The Council policy states that, once licensed, a vehicle may continue to be licensed up to the 10th anniversary of first registration.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request to renew the hackney carriage vehicle licence in respect of this vehicle, plate number 191, beyond the vehicle's 10th anniversary of registration.

6. **EXCLUSION OF PRESS AND PUBLIC**

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

7. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Maureen Brown, Democratic Services Officer, on 01483 523225 or by
email at maureen.brown@waverley.gov.uk**

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WAVERLEY BOROUGH COUNCIL

LICENSING (GENERAL PURPOSES) SUB-COMMITTEE – 16 JULY 2015

Title:

APPLICATION FOR RENEWAL OF HACKNEY CARRIAGE VEHICLE LICENCE (REQUESTING EXEMPTION FROM VEHICLE AGE POLICY)

[Wards Affected: All]

Summary and Purpose

This report enables the Sub-Committee to consider a request to continue to license a vehicle as a Hackney Carriage which will be more than ten years old. The Council policy states that, once licensed, a vehicle may continue to be licensed up to the 10th anniversary of first registration.

How this report relates to the Council's Corporate Priorities:

This report relates to improving lives in the Borough.

Resource/Value for Money Implications

There are no immediate resource implications in this report.

Legal implications:

Mr Doodson has the right, under Article 6 European Convention on Human Rights, to a fair hearing. The Sub-Committee is required to give Mr Doodson the reasons for its decision in the event of a refusal to renew the licence.

There could be some legal implications if the decision of the Sub-Committee was such that Mr Doodson decided to appeal to the Magistrates' Court, as is the right of any licensee aggrieved by the Sub-Committee's decision. However, this must not fetter the Sub-Committee's duty of consideration of the matter in the interests of public safety.

Introduction

1. Authority is delegated to officers to issue Hackney Carriage and Private Hire vehicle licences for vehicles that comply with the Council's Hackney Carriage and Private Hire Licensing Policy. Vehicles that do not comply with the policy can be referred to the Sub-Committee for determination on a case-by-case basis.
2. Section 47(1) Local Government (Miscellaneous Provisions) Act 1976 states:

A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847, such conditions as the district council may consider reasonably necessary.

Section 60(1) of the Act states:

“Notwithstanding anything in the Act of 1847 or in this part of this Act, a district council may suspend or revoke, or (on application therefor under section 40 of the Act of 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds –

- a) That the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- b) Any offence under, or non-compliance with, the provisions of the Act of 1847 or of this part of this Act by the operator or driver; or
- c) Any other reasonable cause

3. Waverley Borough Council's current (July 2013) Hackney Carriage and Private Hire Licensing Policy states:

“Age of the vehicle

Subject always to the vehicle being fit for the purpose and passing its test, commencing from 20th July 2010, the maximum age of vehicles presented to be licensed for the first time shall not be more than 4 years old at first registration. This is assessed by the date in the vehicle's logbook (registration document) when it is ready for its test. The vehicle may continue to be licensed until its 10th anniversary, by which time it will need to be replaced.

When a vehicle reaches five (5) years old, it shall be required to undergo an interim vehicle test 6 months after licence renewal. Vehicles in this age bracket will be issued with six-month duration plates.”

4. Mr Doodson's current vehicle licence, issued on 18 June 2015, expires on 30 August 2015 as the vehicle will be 10 years old and officers are only able to licence the vehicle up until the vehicle's 10th birthday.
5. Mr Doodson has requested (before the vehicle is 10 years old) that the vehicle, plate number 191, be granted exemption from the ten-year age limit (see email attached at Annexe 1).
6. Mr Doodson has stated the vehicle is in very good condition, serviced when required, has a current mileage of only 205,000 miles and it has regularly passed all MOTs and Council vehicle tests. The vehicle, a Toyota Avensis Estate D4D T Spirit, was first registered with the DVLA on 01 September 2005 and has been licensed with Waverley since 18 June 2008. The vehicle was originally licensed by another licensee and sold as a licensed vehicle to Mr Doodson in August 2012. It is black in colour with a recorded mileage of 209,930 miles according to the last test inspection sheet carried out on 10 June 2015.
7. The vehicle was last tested at Guildford Borough Depot on 10 June 2015 and a pass certificate was issued having initially failed due to vehicle stability control (VSC) and traction control lights. A copy of the pass certificate regarding this inspection is attached at Annexe 2.

Community Safety Implications

8. The purpose of hackney carriage and private hire licensing is to ensure public safety.

Recommendation

It is recommended that the Sub-Committee gives consideration to the request to renew the hackney carriage vehicle licence in respect of this vehicle, plate number 191, beyond the vehicle's 10th anniversary of registration.

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

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Paul Hughes

From: dave d <
Sent: Friday 26 June 2015 15:26
To: Paul Hughes
Cc: Taxi Licensing; Nicholas Holder;
Subject: Extension to hackney carriage plate 191

Dear Mr. Hughes,

As mentioned when we last met , I would like to apply to extend the licence on my vehicle plate 191. I understand that this will have to go to the licencing committee but at the last Liason Meeting on 9.3.15 it was suggested that an extension to the 10 year age policy might be considered " in compelling circumstances especially if it occurred during the period of possible change".

I would be grateful if you would explain my circumstanced to the committee.

I am planning to retire within the next 12 months and relocating to Dorset. My house is already under offer and will probably be sold before Christmas. the current licence 191 expires on 31.8.15. It is not practical for me to replace my car in order to continue trading for what may only be a few months. An extension of 12 months would very much appreciated to see me through to my retirement.




The vehicle is a Toyota Avensis Estate D4D T Spirit , it has a current mileage of only 205,000 miles, cars of this type generally will last 300,000 miles or even more. It has regularly passed all MOTs and Council vehicle tests and is in very good condition.

Many thanks for your assistance in this matter

David Doodson

David Doodson Private Hire

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 <p>VEHICLE FAIL STAMP</p>	 <p>HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLE INSPECTION</p>	 <p>VEHICLE PASS STAMP</p>
VEHICLE REG NO: <i>RV55 NUU</i>	PLATE NO: <i>HCP11</i>	PROPRIETOR: <i>Mr Dawson</i>
MAKE AND MODEL - MIN (1575cc unless already licensed) <i>Toyota Hiensis</i>	COLOUR <i>BLACK</i>	RECORDED 1st <i>209930</i> 2nd <i>209953</i>

Note: Where an item covered by this test is also included in the ordinary DoT test, the criteria determining pass or failure will be taken from the DoT Tester's Manual (issued by HMSO under reference no. ISBN/O/11/550406/0) and the associated Guide to Operation (ISBN/O/11/550407/90). For other items, the Council's own standards, as indicated in the agreement with the Council, must be applied.

CODE	TESTABLE ITEMS	PASS	FAIL	REASON FOR FAILURE AND REMARKS
SECTION I LIGHTING EQUIPMENT				
1.	Front Lamps	/	/	<div style="text-align: center;">FAIL</div> <p>VSC & TRACTION CONTROLS LIGHTS ok ✓ Done</p> <div style="border: 1px solid blue; padding: 5px; margin: 10px auto; width: fit-content;"> <p style="text-align: center; color: blue; font-weight: bold;">RECEIVED</p> <p style="text-align: center; color: red;">18 JUN 2015</p> </div>
2.	Rear Lamps	/	/	
3.	Headlamps	/	/	
4.	Headlamp Aim	/	/	
5.	Stop Lamps	/	/	
6.	Rear Reflectors	/	/	
7.	Direction Indicators	/	/	
8.	Interior Lamp	/	/	
9.	Panel Lights	/	/	
SECTION II STEERING & SUSPENSION				
10.	Steering Controls	/	/	
11.	Steering Mechanism	/	/	
12.	Power Steering	/	/	
13.	Transmission Shafts	/	/	
14.	Stub Axle Assemblies	/	/	
15.	Wheel Bearings	/	/	
16.	Suspension	/	/	
17.	Shock Absorbers	/	/	
SECTION III BRAKING SYSTEM				
18.	Service Brake Condition	/	/	
19.	Parking Brake Condition	/	/	
20.	Service Brake Performance	/	/	
21.	Parking Brake Performance	/	/	
22.	Service Brake Balance	/	/	
SECTION IV TYRES AND WHEELS				
23.	Tyre Type	/	/	
24.	Tyre Condition	/	/	
25.	Road wheels inc spare wheel or 'get you home' and tools	/	/	
SECTION V SEAT BELTS				
26.	Security of Mountings	/	/	
27.	Condition	/	/	
28.	Operation	/	/	
SECTION VI GENERAL ITEMS				
29.	Windscreen Washers	/	/	
30.	Windscreen Wipers	/	/	
31.	Horn	/	/	
32.	Exhaust System	/	/	
33.	Silencer	/	/	
34.	Vehicle Structure	/	/	
35.	Demister and Heater	/	/	
36.	View to Front, Glass Visibility and Cracks *Light emission - Maximum 75% front/front side +70% rear/rear side if tinted	/	/	

Size: *205 55 16*

CODE	TESTABLE ITEMS	PASS	FAIL	REASON FOR FAILURE AND REMARKS
37.	All Window Winder Operations	/		
38.	Brake, Clutch and Throttle Pedal Pads	/		
39.	Battery, Wiring, Electrics, Oil Leaks	/		
40.	Fuel Tank and System for Security and Leaks	/		Fuel Type: Petrol/Diesel/LPG
41.	Smoke Emission	/		
42.	External and Internal Mirrors	/		
43.	First Aid Kit to Specification - indelibly marked with plate number	/		
44.	Fire Extinguisher with Gauge, fitted and filled (1kg Min) - indelibly marked with plate number	/		
45.	Tax Disc (Expiry Date)	/		Number of Passenger Seats: 4
46.	General Type and Condition of Vehicle	/		
47.	Access to Seating / Access Equipment	/		
48.	Width of Seats	/		
49.	Conditions of Front and Rear Seats	/		
50.	Spare Wheel (or 'get you-home wheel') and Tools	/		
51.	Window signs - Taxi and all Private Hire vehicles	/		
52.	Display of Plate or exemption letter/plate produced (Private Hire only)	/		
53.	Taxi Roof Sign to Specification	/		
54.	Taxi Roof Sign (Illumination)	/		
55.	Laminated numbered Fare Chart (if meter fitted)	/		
56.	Interior Licence (windscreen sticker) ALL	/		
57.	Smoke free sticker displayed	/		Rolling Road / Road Test
SECTION VII METER TEST				
58.	Meter Make No: <i>HALLOW</i>			PASS
59.	Measured Mile (Meter)	/		
60.	Waiting Time (Meter)	/		
SECTION VIII LPG ADAPTED VEHICLES				
61.	Certificate of conversion/annual certificate (LPG Association approved fitter only)			
62.	Fuel Tank - Ring/Cylinder type			
63.	Secure Fitting of Tank or Spare Wheel			
64.	LPG Stickers in Front and Rear Windows			

INSPECTION COMPLETED DATE: <i>10-6-15</i> TESTER: <i>[Signature]</i>	DEFECTS RECTIFIED DATE: <i>10/6/15</i> TESTER: <i>TIPPHANY</i>	G VEHICLE TEST FAIL
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NOTES ON VEHICLE TESTS AND INSPECTION SHEET

Items 53 and 54 do not apply to Private Hire Vehicles.

Items 55, 59 and 60 apply to Private Hire Vehicles only if a meter is fitted.

Items 51 and 56 do not apply to Taxis.

Items 58, 59 and 60 applicable to all Hackney Carriages and any Private Hire Vehicles fitted with meter.

A meter that charges at a rate less than the tariff on time or distance will not constitute a failure, but it should adapted to the current tariff

* I certify that the above vehicle has complied with the Waverley Borough Council's requirements as regards standards of fitness for Hackney Carriages and Private Hire Vehicles (including the full requirements of the statutory MOT test under Section 45 of the Road Traffic Act 1988)

or

* I certify that, for the reasons shown above, the vehicle has failed to comply with statutory requirements for an MOT test certificate / Waverley Borough Council requirements for Hackney Carriages and Private Hire Vehicles

* delete as appropriate