

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON MONDAY 14 MAY 2012,
AT 2.00 PM

PRESENT: Councillor Roger Beeching (Chairman).
Councillors W Ashley and J Demonti.

ALSO PRESENT:

Councillors Mrs R Cheswright, G Jones,
M McMullen and P Ruffles.

OFFICERS IN ATTENDANCE:

Claire Langley	- Licensing Officer
Peter Mannings	- Democratic Services Officer
George Robertson	- Legal Services Manager
Paul Newman	- Interim Licensing Manager
Maria Williams	- Licensing Officer

44 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Demonti and seconded by Councillor W Ashley that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

RESOLVED – that Councillor R Beeching be appointed Chairman of the Licensing Sub-Committee for the meeting.

45 MINUTES - 6 FEBRUARY 2012

RESOLVED – that the Minutes of the Sub-Committee meeting held on 6 February 2012 be

confirmed as a correct record and signed by the Chairman.

46 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he would take the matters referred to at minute 51 after minute 50, to give the Applicant the opportunity to attend the hearing.

47 DECLARATIONS OF INTEREST

Councillor J Demonti declared a personal interest in the matter referred to at minute 50, in that she was a Member of Bishop's Stortford Town Council and the Town Council had an office located on Windhill, Bishop's Stortford.

48 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A)(4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minutes 49 – 51 on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the said Act.

49 APPLICATION FOR A PRIVATE HIRE OPERATOR'S LICENCE

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The applicant agreed that Councillors Mrs R Cheswright, G Jones, M McMullen and P Ruffles could remain in the room as observers. The applicant also agreed that two Licensing Officers in training could remain in the room.

The Interim Licensing Manager advised that on 11 April 2012, Private Hire Operator's Licence C003 had been revoked on the grounds that there had been a material change since the grant of the licence, as the licence

holder no longer held a lease of the premises.

The Licensing Sub-Committee was advised that on 26 April 2012, the applicant had made an application for an Operator's Licence at the same premises where Operator's Licence C003 had been registered. The Interim Licensing Manager summarised the events that had resulted in the applicant obtaining possession of the lease. Members were also advised of the applicant's offences that had resulted in East Herts penalty points as detailed in the report now submitted.

In response to a query from Councillor R Beeching, the applicant detailed the events that had resulted in the penalty points. He stated that his DVLA driving licence was clean and he had fully comprehensive insurance with 6 years no claims.

The Applicant commented that he was a principled individual and apologised for the delay surrounding the premises lease. Members were advised that the premises were now available for private hire operations.

The Applicant concluded that he had had no problems whilst holding a licence with Welwyn and Hatfield Council and had never been refused a licence with any other Local Authority.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub-Committee, which was that the Sub-Committee had listened to the comments of the Applicant and the Officer and had decided to approve the application for a private hire operator's licence. The Sub-Committee was satisfied that the applicant was a fit and proper person to hold the licence. Members encouraged the applicant to have

tighter procedures and systems in future.

RESOLVED – that the application for a private hire operator's licence be approved.

50 APPLICATION FOR A DECISION IN PRINCIPLE ON THE
INITIAL LOCATION OF A PRIVATE HIRE OPERATOR'S
OFFICE

The Chairman outlined the procedure to be followed. All those present for the application were introduced.

The applicant agreed that Councillors Mrs R Cheswright, G Jones, M McMullen and P Ruffles could remain in the room as observers. The applicant also agreed that two Licensing Officers in training could remain in the room.

The Interim Licensing Manager advised that the applicant had applied to licence two motorcycles as Private Hire Taxis for one passenger each, as permitted under East Herts Taxi licensing policy. Members were advised that the applicant hoped to utilise two Yamaha motorcycles and the intention was to operate them to the same standards as Virgin Limobikes, a London based passenger motorbike service.

The applicant confirmed that, once the service was operational, he hoped to operate out of premises in Windhill, Bishop's Stortford. He hoped that this would be the case within a very short space of time.

The applicant stated that he had set up a secure database whereby the Interim Licensing Manager could securely access all the information relating to the bookings records of the private hire operation. The applicant invited Officers to come and see how this database would operate to overcome any issues of operating premises outside of East Herts.

The applicant advised that if he was not able to operate from Windhill, there were operating possibilities at

Stansted Airport or Thremhall Park, which were just outside of the East Herts area. The applicant confirmed that he hoped his operation would be successful and he hoped to recruit in East Herts.

The Interim Licensing Manager stressed that private hire operators must keep legible and complete records of taxi bookings and these must be kept at the place where the company was licensed to operate. Members were advised that Officers must have access to these records on request.

The Interim Licensing Manager also stated that East Herts Council would not normally encourage applications to licence operator addresses outside of the East Herts area.

In response to a query from Councillor R Beeching, the applicant confirmed that Virgin Limobikes was a very safe operation that operated full time and was kept busy all year round. He stated that he would operate to the same high standards and passengers would be safe once provided with full protective clothing.

Councillor W Ashley commented on when the premises would be available. The applicant stated that he hoped to have them ready within 4 to 6 months and he would recruit locally.

Councillor Beeching commented on whether a 6 month trial period would put the applicant at a disadvantage. The applicant confirmed that a 6 month trial would not put him at a disadvantage.

The Interim Licensing Manager requested that, if Members resolved to approve a 6 month trial, the Sub-Committee could also resolve that the fee be pro rata for 6 months.

At the conclusion of the representations the Sub-Committee withdrew with the Legal Services Manager

and the Democratic Services Officer to consider the evidence.

Following this, they returned and the Chairman announced the decision of the Sub–Committee, which was that, having listened to all the comments made, it had decided to approve the application in principle for a 6 month trial period and the fee be pro rata, subject to the Officers being satisfied with the online arrangements.

RESOLVED – that (A) the application for the initial location of a private hire operator’s office be approved in principle for a 6 month trial period; and

(B) the fee for the application be pro rata for 6 months.

51 REQUEST FOR A DECISION IN PRINCIPLE TO LICENCE
AN ELECTRIC HYBRID VEHICLE AS A HACKNEY
CARRIAGE FOR 3 PASSENGERS

In the absence of the applicant, the Chairman invited the Interim Licensing Manager to summarise the application. The Sub–Committee was advised that the applicant had applied to licence an electric hybrid Chevrolet Volt as a Hackney Carriage for up to 3 passengers. Members were advised in detail as to how this vehicle operated as an electric hybrid.

Members were advised that the battery pack ran down the centre of the vehicle which meant that only two passengers could be accommodated in the rear of the vehicle with an additional seat being available next to the driver.

The Sub–Committee was advised that the Authority’s Taxi Licensing Policy stated that Hackney Carriages must be capable of carrying a minimum of 4 passengers, as this gave a reasonable expectation to people travelling in groups of 4 that they could travel as a single group.

The Interim Licensing Manager stated that the Policy also stated that, under environmental considerations, taxis achieved higher occupancy rates than a private car and already played their part in helping to achieve environmental improvements in East Herts.

The Policy also promoted environmentally friendly vehicles and fuels and Members needed to consider whether to waive brake horse power requirements for electric or hybrid vehicles.

Officers were of the view that licensing this vehicle as a Hackney Carriage was potentially acceptable, given that there would still be an overwhelming proportion of taxis with 4 or more seats and the benefits of supporting applications for vehicles with low emissions outweighed the lower occupancy in this case.

In the absence of the applicant, the Sub-Committee remained in the room and approved, in principle, the application to licence an electric hybrid vehicle as a Hackney Carriage.

RESOLVED – that the application to licence an electric hybrid vehicle as a Hackney Carriage be approved in principle.

The meeting closed at 3.05 pm

Chairman

Date