

Time commenced : 6.00 pm
Time finished : 7.30 pm

**LICENSING AND APPEALS COMMITTEE
8 DECEMBER 2004**

Present: Councillor Jones (in the Chair)
Councillors Berry, Bolton, Dhamrait, Hird, Hussain, Jackman, Jackson,
Liversedge, MacDonald, Redfern, Rehman and Richards.

31/04 Apologies for Absence

An apology for absence was received from Councillor Brown.

32/04 Minutes of Previous Meeting

The minutes of the meeting held on 13 October 2004 and 23 November 2004 were approved as a correct record and signed by the Chair.

33/04 Late Items to be Introduced by the Chair

There were no late items.

34/04 Declarations of Interest

There were no declarations of interest.

35/04 Private Hire Vehicle Meter Testing

The Committee considered a report from the Director of Corporate Services which set out options for carrying out meter tests on private hire vehicles and addressed legal and enforcement issues.

It was reported that in February 2004 the Licensing and Appeals Committee had considered the comments from private hire vehicle proprietors who raised concerns that they were being treated differently to Hackney Carriages when the meters were tested. The Committee deferred a decision on the matter to allow officers to investigate the options available.

It was reported that since the meeting of the Committee in February 2004 two further requests for a review of private hire meter tests had been received.

It was made clear that there was a distinction between private hire and hackney carriage operators. Hackney Carriages are obligated to have a taximeter installed and calibrated in accordance with the fare table approved by the Council, however private hire operators are under no such obligation. Where meters are installed they must be tested and approved by the Council or on their behalf.

The Director of Corporate Services explained the meaning of ultra vires and the implications of it.

Resolved to recommend the Council to authorise the Assistant Director – Environmental Health and Trading Standards to appoint and authorise one

or more recognised taxi meter companies or their agents to undertake testing of hackney carriage and private hire vehicle meters on the Council's behalf, in accordance with requirements approved by the Assistant Director – Environmental Health and Trading Standards.

Councillors Hird, Jackman and Jones requested that their vote against the decision be recorded.

36/04 Gambling Bill

The Committee considered a report from the Director of Corporate Services that set out the current central Government proposals for the Gambling Bill and its implications for the Council.

It was reported that the Gambling Bill was introduced to the House of Commons on 18 October 2004 and was expected to receive Royal Assent in the spring of 2005. The Bill's proposal was to modernise the various gambling laws, take advantage of technological advancement whilst ensuring that gambling becomes acceptable as a leisure pursuit.

It was reported that the main aims of the bill were set out in three licensing objectives:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open manner
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Resolved to note the current central Government proposals and their implications for the Council.

37/04 Licensing of the new Mercedes Vito

The Committee considered a report from the Director of Corporate Services that set out a request to approve the licensing of the new Mercedes Vito as a hackney carriage. It was reported that two requests for the use of this vehicle had been received, one from a local private hire company for use as a private hire vehicle and another from a national company for use as a hackney carriage.

Dave Dowbenko considered that the Mercedes Vito resembled a previous Mercedes vehicle and considered that members needed to decide if the distinctive yellow colour of hackney carriages was enough to distinguish from private vehicles.

It was confirmed that in Derby new Hackney Carriages must be:

- Either, purpose-build, London style, taxi vehicles, or other specific vehicle types approved by the council, and
- Finished in a specific shade of yellow. All existing vehicles must have been sprayed this colour by 1 April 2006.

Resolved to defer a decision of the licensing of the new Mercedes Vito as a

hackney carriage to allow the committee to view the vehicle.

38/04 Review of Licensing Sub Committee A Guidelines

The Committee considered a report from the Director of Corporate Services that set out revised Licensing Sub Committee A guidelines for considering applications for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators Licences. It was reported that the current Licensing Sub Committee A guidelines were adopted on 13 December 1993 and had remained unaltered since that date.

Resolved to approve the revised Licensing Sub Committee A Guidelines for considering applications for Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators Licences, with an amendment of removing text written in bold and suggestion to produce a document explaining the procedures of the Committee.

39/04 Exclusion of Press and Public

A resolution was passed under Section 100a (4) of the Local Government Act 1972, to exclude the press and public from the meeting during consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Paragraph 9 of Part 1 of the Schedule 12a of the Act.

40/04 Hackney Carriage and Private Hire Vehicle Testing

The Committee considered a report from the Director of Corporate Services that set out possible applications for inclusion on the Council's Select List of Specified Testing Stations.

It was reported that the current contracts of Hackney Carriage and Private Hire Vehicle testing expired 31 December 2004 and the new testing would start from 1 January 2005 and would last for two years. Applications for testing stations were advertised for tender in the local press.

Five applications for inclusion were received, three from testing stations currently on the List and two from companies with no previous involvement in taxi testing. Of the five testing stations only three, A, D and E fully met the assessment criteria.

Testing Station C met almost all the assessment criteria, therefore making it eligible for consideration. Enforcement Officers would visit the premises regularly as part of their duties to ensure Health & Safety.

Testing Station B failed to meet 3 of the criteria and concerns were raised about the standard of management of the business.

Resolved to approve applications A, C, D and E for inclusion on the Council Select List of Specified Testing Stations.

MINUTES END