

## LICENSING COMMITTEE

Meeting – 21 November 2001

**Present:** Mr Dunlop (Chairman), Mr Somers (Vice-Chairman)  
Mr Adams, Mrs Barton and Mr Greer.

**Apologies for absence:** Mr Jones, Mr Lidgate and Mrs Woolveridge

### 10. PROPOSED AMENDMENT TO HACKNEY CARRIAGE/PRIVATE HIRE LICENSING CRITERIA

The Committee considered a report from the Director of Resources seeking authority for two changes to the Council's hackney carriage/private hire licensing criteria.

The Council administered a comprehensive scheme for the licensing of private hire vehicles, drivers and operators, and hackney carriages and their drivers within South Bucks. The scheme contained two elements, namely licensing criteria, governing the grant or refusal of licences; and licensing conditions, regulating the conduct of drivers and operators and the use of vehicles once licensed. The report put forward two proposed revisions to the licensing criteria.

The existing licensing criteria imposed stringent restrictions on the grant of licences to drivers and operators with any previous criminal convictions. Usually, a licence was not granted to such an applicant until after the expiry of the relevant period set out in the Rehabilitation of Offenders Act 1974. More stringent provisions were imposed in certain specified circumstances or where certain types of offence had been committed. At present, the criteria provided that any applicant with a single conviction for a drug related offence may not be granted a licence until three years after the date of the conviction. Applicants with more than one conviction were not to be granted a licence until the expiry of seven years. The criteria were drawn with offences of possession in mind. However, the range of convictions falling within the category of "drug related offences" could involve convictions for, for example, the supply of drugs. The Committee accepted that this should be reflected in a change in the criteria to the effect that the existing provisions as regards previous convictions be retained for the possession of drugs, but for applicants with other drug convictions, applications should be refused.

A second change recommended in the report referred to criteria relating to the specification of hackney carriages and private hire vehicles. A recent application for a licence had been made in respect of a vehicle with tinted windows. Where the result of this was that the interior of the vehicle could not be seen from the outside by either the travelling public or the Council's Licensing Officers this was unacceptable. The Committee favoured a change in the vehicle licensing criteria to exclude vehicles whose windows do not provide a clear view into the interior of the car, providing that an exception be allowed where no model was manufactured with clear glass windows, for example, a stretch limousine.

The Committee noted there were no resource implications arising from the report and that the proposed adjustments to the licensing criteria were both necessary and proportionate in relation to the provisions of the Human Rights Act.

**RESOLVED** that:-

1. The Council's licensing criteria for private hire drivers and operators and Hackney Carriage drivers be amended to provide that applicants for licences with previous convictions for drug offences (other than possession) shall not be granted a licence.
2. The Council's licensing criteria for Hackney Carriages and private hire vehicles be amended to provide that vehicles with tinted windows shall not be licensed, provided that an exception be allowed for specialist vehicles where there was not a model

manufactured with clear glass windows.

#### **11. PRIVATE HIRE VEHICLES – SCHEME OF EXEMPTIONS FROM REQUIREMENT TO DISPLAY VEHICLE LICENCE PLATE**

The Committee considered a report of the Director of Resources about adoption of a scheme whereby private hire drivers engaged in official or prestigious work may be exempted from the normal requirement to display plates on their private hire vehicles.

The Council's private hire vehicle licence conditions provided that the plate issued by the Council when granting the licence (which displayed the licence number, vehicle registration number, and number of passengers who may be carried) shall be fixed to the rear body-work of the vehicle throughout the term of the licence. This reflected the provision in the legislation although the Council was allowed to grant an exemption entitling a vehicle to be used for private hire purposes without the licence plate being on display.

Requests for such an exemption had been very low until recent times when some newly registered private hire firms had requested an exemption on the basis of the specialist work they carried out. Where this had arisen in other authority's areas, this had been dealt with by adoption of a specific scheme under which requests for exemptions may be considered. The Committee considered some draft guidelines for the operation of such a scheme which could be introduced in South Bucks.

The main points of the scheme were that:-

- An exemption would only be available to persons who had already obtained a private hire licence from the Council
- An exemption would only be available in cases involving "specialist private hire work", defined as exclusive corporate hire work (where the vehicle and driver are engaged predominately by a single major company), or work involving the use of prestige vehicles
- Applicants for exemptions would be required to provide details of their clientele and proportion of work considered to fall within the prestige category.
- Vehicles benefiting from an exemption would be required to permanently display a disc on their windscreens in place of the vehicle plate.
- Decisions on exemptions be made by the Director of Resources, but with a right of appeal against refusal to this Committee.

In considering the proposed change and scheme guidelines, the Committee noted that the resource implications of the marginal increase in work involved would be minimal. However, it was suggested that the question of whether to make a charge for granting an exemption be looked at when a report about fees was presented to the Committee in 2002.

#### **RESOLVED that:**

1. The guidelines for applications for dispensation to display licence plate on licensed private hire vehicles included in the report be adopted.
2. Decisions on applications for exemptions under these guidelines be delegated to the Director of Resources.
3. Officers be asked to consider whether to charge for an exemption when reporting to the Committee on a general review of the fees.

## **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Committee noted a report from the Director of Resources containing details of licences issued during the period 21 August 2001 to the present time.

### **13 PUBLIC ENTERTAINMENT/THEATRE LICENCES ISSUED AND PENDING**

The Committee noted the report from the Director of Services showing the public entertainment/theatre licences issues and pending during the period 24 August until 30 October 2001.

### **14. TERMINATION OF MEETING**

The meeting, having commenced at 10.30 a.m. terminated at 10.50 a.m