

LICENSING SUB-COMMITTEE

19 MARCH 2018

Minutes of the meeting of the Licensing Sub-Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Monday, 19th March 2018.

PRESENT: Councillor Tony Sharps (Chairman)

Councillors: David Cox and Adele Davies-Cooke

OFFICERS OF FLINTSHIRE COUNTY COUNCIL:

Licensing Team Leader (Gemma Potter), Solicitor (Tim Dillon) and Team Leader – Committee Services (Nicola Gittins)

Mr. Eddie Roberts - Applicant.

1. APOLOGIES

Councillor Mike Reece (Councillor Adele Davies-Cook as substitute).

2. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

None were received.

3. REQUEST TO LICENCE A VEHICLE WHICH DOES NOT MEET THE VEHICLE SPECIFICATION

The Chairman welcomed the applicant, introduced the members of the Sub-Committee and explained the procedure for the hearing.

The Licensing Team Leader introduced the report for Members to consider a request from a licensed Private Hire Operator to depart from the agreed vehicle specifications, so that a vehicle that did not meet the minimum requirements could become licensed.

The Council had a Private Hire Vehicle Specification which enabled applicants to understand what was required when applying to licence a vehicle for Private Hire and was detailed in Appendix A to the report. The specifications were a minimum requirement for vehicles and were intended to ensure the safety and comfort of passengers.

A white Renault Master was recently presented for MOT and compliance testing at one of the garages nominated by the Council to undertake testing of Private Hire and Hackney Carriage vehicles. The tester contacted the Licensing Section to advise that some of the seats did not meet the minimum size requirement of 400mm and he was therefore unable to pass the vehicle.

The vehicle had previously been used as an ambulance and the layout was as such. There were two chairs which doubled up as wheelchair anchorage points. The seat detached from the chair back, and the wheelchair user was

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anchored to the rear of the seat. Both of those points, when used as seats, did not meet the minimum requirement of 400mm. Some other fixed seating also fell slightly short of the minimum requirement.

The Operator had requested that the Licensing Sub-Committee look at the vehicle with a view to departing from the minimum requirements to allow the vehicle to be tested and licensed as a Private Hire Vehicle. His written request and photographs of the vehicle were shown as Appendices B and C to the report.

Members were requested to view the vehicle and use the seats, keeping the safety and comfort of users as their main consideration.

Mr Roberts said he appreciated the vehicle did not meet the required standards but he wanted to use the vehicle as one that could offer wheelchair access, which he felt was in short supply in the area. He undertook hospital work for BCUHB and he commented on the length of time patients waited for suitable vehicles to transport them. The primary use of the vehicle was not for evening work.

His vehicle met all of the VOSA safety requirements.

In response to a question from the Chairman, the Licensing Team Leader explained that any vehicle could only be licensed for a maximum of 8 passengers, which was a total of 9 people including the driver.

Members of the Sub-Committee went to view the vehicle and sat in all of the seats. The applicant demonstrated the wheelchair anchorage points and how they transferred to become seats.

A number of questions were asked and the applicant provided clarification on the points raised to the satisfaction of the Members.

Decision

The applicant and the Licensing Team Leader left the room during consideration of the application by the Sub-Committee. The Sub-Committee considered all of the points raised by the Licensing Team Leader and the presentation by the applicant, including the viewing of the vehicle. The Sub-Committee approved the application subject to the following conditions:

- All current markings inside and outside that indicate it might be an ambulance are removed within 14 days; and
- The applicant or persons working on his behalf who will be using the vehicle familiarise themselves with the hydraulic step/lift at the rear of the vehicle, all seats and seat belts and any relevant mechanisms that assist passengers. This should be demonstrated to a satisfactory standard to the Licensing Section at Flintshire County Council premises, no later than 21 days at a time agreed by the Licensing Section.

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The decision was taken to grant the license that although the seats referred to as Seat A and Seat B were below 400mm (seat B was only just below 400mm), the Sub-Committee took the view that the seats were still suitable, safe, comfortable and adequate for passengers and there was no compromise to the safety of passengers. Given the vehicles previous use the Sub-Committee were content with the vehicles accessibility for wheelchair users. The Licensing Team Leader and the applicant were invited back into the room and were informed of the decision.

RESOLVED:

That the application be approved subject to the following conditions:

- All current markings inside and outside that indicate it might be an ambulance are removed within 14 days; and
- The applicant or persons working on his behalf who will be using the vehicle familiarise themselves with the hydraulic step/lift at the rear of the vehicle, all seats and seat belts and any relevant mechanisms that assist passengers. This should be demonstrated to a satisfactory standard to the Licensing Section at Flintshire County Council premises, no later than 21 days at a time agreed by the Licensing Section.

4. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 10.00 am and ended at 11.40 am)

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