

LICENSING COMMITTEE
26 JANUARY 2012

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Thursday 26 January, 2012

PRESENT: Councillor J.B. Attridge (Chairman)

Councillors: S.R. Baker, E.G. Cooke, J.E. Falshaw, M.A. Reece

ALSO PRESENT:

Councillor: D.I. Mackie

APOLOGIES:

Councillors: A.G. Diskin and E.W. Owen

IN ATTENDANCE:

Executive Member for Leisure Services and Public Protection, Solicitor (Litigation), Community Protection Manager, Community Protection Team Leader – Licensing and Committee Officer

8. DECLARATIONS OF INTEREST

Councillor H.D. Hutchinson declared a personal and prejudicial interest in the following Agenda Items:-

- Agenda Item Number 4: Amendments to the Private Hire Vehicle Specification
- Agenda Item Number 5: Private Hire/Hackney Carriage Driver Knowledge Test

Councillor E.G. Cooke declared a personal interest in Agenda Item Number 6: Licensing of a Specialised Vehicle.

9. MINUTES

The minutes of the meeting of the Committee held on 18 July, 2011 were submitted.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

10. AMENDMENTS TO THE PRIVATE HIRE VEHICLE SPECIFICATION

The Community Protection Team Leader – Licensing introduced a report for Members to consider whether it would be appropriate to remove one of the items listed in Flintshire Council's Private Hire Vehicle Specification (relating to seat-tipping).

Flintshire County Council issued licenses for vehicles to become Private Hire Vehicles and in order to become licensed a vehicle had to comply with Flintshire's Private Hire Vehicle Specification, outlined at Appendix A of the report. The Community Protection Team Leader – Licensing drew Members' attention to item number 2 of the Specification, the tipping of seats, which was included following a recommendation from the Department for Transport (DfT).

The current DfT best practice guidance, attached at Appendix B of the report, did not make reference to the tipping of seats in relation to Private Hire Vehicles. Checks carried out with neighbouring Local Authorities confirmed that most did not have this requirement included in their Specification document.

Councillor S.R. Baker supported amending item number 2 within the Private Hire Vehicle Specification to ensure a common standard across Local Authorities.

RESOLVED:

That item number 2 of the Private Hire Vehicle Specification be amended to the following wording:-

“Each passenger must have direct access to, and egress from, the vehicle without the need to climb over other seats or luggage. This would not include where a seat has to be tipped to allow access or egress”.

11. PRIVATE HIRE/HACKNEY CARRIAGE DRIVER KNOWLEDGE TEST

The Community Protection Team Leader – Licensing introduced a report for Members to determine whether it would be appropriate to have a knowledge test for new Private Hire and Hackney Carriage Drivers. Details were provided on the many checks currently carried out when applying for a Private Hire or Hackney Carriage Drivers Licence. Applicants currently did not have to show any knowledge of the Flintshire area, the Highway Code or any of the licence conditions that they had to abide by.

Flintshire was only one of two Councils within North Wales that did not have a knowledge test for new drivers. A draft knowledge test for Flintshire, including a short policy had been devised and was shown at Appendix A of the report. The test included questions on local area knowledge, private hire/hackney carriage questions relating to the conditions of a licence and a selection of questions from the Highway Code.

The Chairman asked if the introduction of knowledge tests would impact on the workload of staff within the Licensing section. The Community Protection Team Leader – Licensing explained that it was anticipated that when a new driver had made his/her application the knowledge pack would be given to them. Once all of their checks had been returned, the driver would

be offered an appointment to undertake the knowledge test, whereby, the duty officer would ask a selection of 30 questions verbally.

Councillor E.G. Cooke supported the principle of new drivers undertaking a knowledge test but asked if questions around their knowledge of rural areas in Flintshire could be included within the knowledge test. The Community Protection Team Leader – Licensing commented that during the Private Hire Operators Forum current drivers had supported the introduction of a knowledge test to ensure driver's knowledge of the Flintshire area, as there were many applications being submitted by people who lived outside of Flintshire.

Councillor S.R. Baker suggested that the Private Hire Operators Forum be asked to assist in designing the knowledge test questions.

RESOLVED:

- (a) That the Committee support the introduction of a knowledge test for new Private Hire/Hackney Carriage Driver applicants; and
- (b) That the Private Hire Operators Forum be asked to assist in designing the knowledge test questions.

12. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting for the following item as it was considered to contain exempt information by virtue of paragraphs 12 and 14 of Part 1 of Schedule 12A of the Local Government Act 1972.

13. LICENSING OF A SPECIALISED VEHICLE

The Community Protection Team Leader – Licensing introduced a report for Members to determine whether it would be safe and appropriate to make an exception to Flintshire's private hire vehicle specification in order to licence a motorised tricycle (trike).

Details on an enquiry with the Licensing Section in relation to a motorised purpose built trike becoming licensed as a private hire vehicle were provided to the Committee. Enquiries had been made with the International Vehicle Standards Division of the Department for Transport (DfT) on the safety of such a vehicle when transporting passengers. Information provided from the DfT was shown at Appendix E of the report.

The vehicle in question would need a Class III MOT. One of the Nominated Testing Stations on Flintshire Council's approved list currently undertook this class of MOT. The vehicle also complied with European Regulations.

A number of questions were raised by Members. The Community Protection Team Leader – Licensing explained that any application for a similar vehicle to be licensed as a private hire vehicle would need to be considered by the Committee.

Councillor S.R. Baker proposed an amendment to the recommendations detailed within section 4.01 (2) of the report, that the wording ‘appropriate crash helmets’ be added. This was supported by the Committee.

RESOLVED:

- (a) That the Committee support the exception to be made to the vehicle specification in relation to motorised tricycles to remove the requirement for four wheels and at least four doors, and for the vehicle to be right-hand drive; and
- (b) That the vehicle be subject to the normal private hire vehicle conditions which would be attached to a licence, modified to accommodate a three wheeled tricycle, including the following additional conditions:-
 - 1. All passenger seats to be fitted with three point seat belts which must be worn when the vehicle is in use;
 - 2. No more than two passengers to be carried on the rear seats at any one time;
 - 3. Appropriate crash helmets, which meet the European Safety Standard, must be made available to all passengers, and must be worn by the driver and passengers at all time;
 - 4. Any child under the age of 16 years should be accompanied by an adult; and
 - 5. The vehicle should be equipped with 3 road tyres but is not required to carry a spare tyre.

14. DURATION OF MEETING

The meeting commenced at 10.00 a.m. and ended at 10.30 a.m.

15. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press and public present.

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Chairman