

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **REGULATION COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 25 August 2010

### PRESENT

Cllr L Birt (Chairman)

Cllrs D Bowater  
I Dalgarno  
A Fahn  
M Gibson

Cllrs K Janes  
H J Lockey  
A A J Rogers  
P F Vickers

Apologies for Absence: Cllrs T Green  
Ms J Nunn  
G Summerfield

Officers in Attendance: Mrs C Bell  
Mrs M Clampitt  
Mrs M James  
Mrs P Letting  
Mr D McBain  
Mr M Woolsey  
Team Leader Public Protection  
Democratic Services Officer  
Licensing and Enforcement Officer  
Licensing Assistant  
Licensing Enforcement Officer  
Acting Managing Solicitor

#### REG/09/14 **Chairman's Announcements**

The Chairman informed the Committee that following a number of office moves a list of locations and telephone extensions for the officers who work on Licensing and Regulation Committee will be circulated.

The Licensing and Enforcement Team were now located in Dunstable.

Claire Bell was now located in the Ground East Wing.

Mark Woolsey in the First West Wing.

Democratic Services in the Ground West Wing.

Members had received a copy of the Driver Considerations which had been dealt with under delegated authority during the last three months. Any questions about a specific case were to be forwarded to the Licensing and Enforcement Officer. Officers confirmed that this was not a higher than normal number.

#### REG/09/15 **Minutes**

### RESOLVED

**that the Minutes of the meeting of the Regulation Committee held on 19 May 2010 be confirmed and signed by the Chairman as a correct record.**

REG/09/16 **Members' Interests**

(a) **Personal Interests:-**

There were no declarations of interest made.

(b) **Personal and Prejudicial Interests:-**

There were no declarations of interest made.

REG/09/17 **Petitions**

The Chairman announced that no petitions had been referred to this meeting.

REG/09/18 **Public Participation**

No applications had been received in accordance with the Scheme of Public Participation set out in Paragraph 1 of the Scheme of Public Participation set out in Annex 1 to Part A4 of the Constitution.

REG/09/19 **Definition of a vehicle of 'Exceptional Condition'.**

The Committee considered the report of the Director of Sustainable Communities to determine the wording to be used to define a vehicle as being in "exceptional condition", for vehicles over 5 years of age.

Members were reminded that at the Regulation Committee meeting held on 19 May 2010, a request was made that a suitable criteria be adopted to enable any future decisions to be based on information provided by the applicant and officers together with an inspection on the outward appearance of the vehicle. At the meeting Cllr Nunn had suggested the following wording:- "A vehicle of 'exceptional condition' where the components i.e. mechanical, body panels, paint, interior and trim are maintained to a high standard of repair as supported by the relevant certification and exceed those normally associated with the age of the vehicle".

The Officers also provided the following guidelines for each application:-

- (a) The vehicle must pass the Council's vehicle inspection.
- (b) The bodywork should be in near perfect condition with no signs of age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
- (c) The general paint condition should not show signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
- (d) The interior trim, panels, seating and carpets should be in excellent condition clean, free of damage and discolouration.

- (e) The vehicle service record can be used as supporting evidence of exceptional condition in that the vehicle would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.
- (f) An independent vehicle data check can be used as supporting evidence of the vehicle's history.

The Committee accepted the wording supplied by Cllr Nunn and the guidelines as set out. In addition, it was agreed that the Committee would view the vehicle prior to any decisions being made.

### **RESOLVED**

- 1. that the definition of 'exceptional condition' be approved as set out in the preamble above.**
- 2. that the guidelines for determination of 'exceptional condition' be approved as set out in the preamble above.**

#### **REG/09/20 Exclusion of the Press and Public**

The Committee resolved to exclude the press and public from the remainder of the meeting under Section 100A of the Local Government Act 1972 on the grounds that the consideration of the items of business would involve the disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

#### **REG/09/21 Application for a Private Hire Vehicle Licence**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning an application for a private hire vehicle licence in respect of Turnpike Executive Cars (2009) in view of the age of the vehicle.

A copy of the application form and supporting documents were attached as an appendix for Members' information.

The applicant attended the meeting and made representations in support of the application. The Committee were invited to view the vehicle, which was in the car park.

In accordance with the procedures for hearings held in private, the applicant, Team Leader Public Protection and Licensing Officers were asked to withdraw whilst the Committee made their decision. The Committee's deliberation and visual inspection of the vehicle along with the service history and its appearance aided the decision process. Following which all who had withdrawn were recalled to hear the decision.

**RESOLVED**

**that the application for a Private Hire Vehicle Licence for Turnpike Executive Cars (2009) be granted in this case, subject to the applicant being reminded of his responsibilities to comply with the conditions of the Licence and that the Council has powers under the Local Government (Miscellaneous Provisions) Act 1976 to revoke the licence at any time.**

**The applicant was also reminded that the licence was subject to the vehicle passing all required mechanical test.**

REG/09/22 **Application for a Hackney Carriage Licence**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning an application for a hackney carriage licence in respect of Mr M Shazad in view of the age of the vehicle.

A copy of the application form and supporting documents were attached as an appendix for Members' information.

The applicant attended the meeting and made representations in support of the application. The Committee were invited to view the vehicle, which was in the car park.

In accordance with the procedures for hearings held in private, the applicant, Team Leader Public Protection and Licensing Officers were asked to withdraw whilst the Committee made their decision. The Committee's deliberation and visual inspection of the vehicle along with the service history and its appearance aided the decision process. Following which all who had withdrawn were recalled to hear the decision.

**RESOLVED**

**that the application for a Hackney Carriage Licence for Mr M Shazad be granted in this case, subject to the applicant being reminded of his responsibilities to comply with the conditions of the Licence and that the Council has powers under the Local Government (Miscellaneous Provisions) Act 1976 to revoke the licence at any time.**

**The applicant was also reminded that the licence was subject to the vehicle passing all required mechanical test.**

REG/09/23 **Driving Disqualification and Suspension of Hackney Carriage / Private Hire Driver**

The Committee received and considered the report of the Licensing and Enforcement Officer concerning the driving disqualification and suspension of a Hackney Carriage /Private Hire Driver.

A copy of the application form and supporting documents were attached as an appendix for Members information.

The applicant attended the meeting and made representations in support of his entitlement to continue to be licensed. The applicant confirmed, in response to a question, that he had not provided a medical certificate and would not be doing so before Christmas.

In accordance with the procedures for hearings held in private, the applicant and Officers were asked to withdraw whilst the Committee made their decision. Following which all who had withdrawn were recalled to hear the decision.

## **RESOLVED**

- 1. that Mr Watts Hackney Carriage / Private Hire Driver's Licence be revoked in this case under Paragraph 59 of the Local Government (Miscellaneous Provisions) Act 1976, as the Committee does not consider the Applicant to be a "fit and proper" person to hold such a licence on the information provided during the meeting.**
- 2. that the applicant be informed in writing of his rights to appeal against this decision to the Magistrates Court and that the appeal must be made within 21 days of written notification of this decision.**

### **REG/09/24 Requirements for drivers of Stretch Limousines to pass a Driving Standards Test**

The Committee received and considered the report of the Licensing and Enforcement Officer which requested a decision be made as to whether or not drivers of Special Events Vehicles (Stretch Limousines) should be exempt from the requirement to pass a Driving Standards test.

The Committee noted that the need to licence stretch limousines as private hire vehicles was introduced in January 2008. Reminders were issued to Companies who provided this service to register their vehicles and drivers with the local authority. Three stretch limousines were currently registered as Private Hire (Special Events) vehicles in Central Bedfordshire.

It was noted that a particular Special Events Vehicles (Stretch Limousines) Company has not registered any of its vehicles or drivers. The Company was of the opinion that drivers of such vehicles should not have to take the DSA tests because the test is not taken in a stretch limousine.

The Committee were asked to determine if it was reasonable to expect the drivers of stretch limousines to take a DSA test or its equivalent. Members asked for confirmation of the current procedures and requirements for stretch limousine drivers and vehicles. Officers confirmed that there was only one inspection centre in Luton which had the specialist equipment to test stretch limousines. It was confirmed that a policy was in place and that all other companies were in compliance without objection. Officers confirmed that they would be happy to accept the Driver CPC, which is a qualification for drivers of larger vehicles, as an equivalent to the DSA test.

Members were in support of the Officers recommendations.

### **RESOLVED**

**that the necessity for drivers of Private Hire Special Events (Stretch Limousines) to obtain a pass certificate (or its equivalent) from the Driving Standards Agency (DSA), be retained.**

REG/09/25 **Re-Admittance of the Press and Public**

### **RESOLVED**

**that the Press and Public be re-admitted to the remainder of the meeting.**

REG/09/26 **Notification to Members of Intention to Adopt Provisions of the Local Government (Miscellaneous Provisions) Act 1982**

The Committee received and considered the report of the Assistant Director Public Protection which provided an update to Members in relation to the process and intention to adopt relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sexual Entertainment Venues and Street Trading.

The Committee would be receiving reports seeking approval of the adoption of the Local Government Miscellaneous Provision Act, Schedule 3 – Control of Sexual Entertainment Venues and Schedule 4 – Street Trading.

Schedule 3 would enable the Council to control the licensing of sex establishments i.e. the number and locations of lap/pole/table dancing clubs, strip/peep shows, live sex shows and similar venues.

Schedule 4 would enable the Council to control the numbers and quality of street traders in the area. Street Trading was defined as “the selling or exposing or offering for sale of any article (including a living thing) in a street”.

The policies and procedures would be brought before the Committee at 17 November 2010 meeting for approval and forwarding to Council for adoption.

**RESOLVED**

**that the intention to adopt provisions of the Local Government (Miscellaneous Provisions) Act 1982, be noted.**

(Note: The meeting commenced at 9.30 a.m. and concluded at 12.00 p.m..)

Chairman .....

Dated .....